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## Senate

### SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002

(Continued)

AMENDMENT NO. 3729

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the amendment introduced by Senators DURBIN and SPECTER with cosponsorship by several colleagues and myself. The amendment would increase the amount of money in this emergency appropriations bill for several purposes related to combating the most pernicious infectious diseases confronting humankind today.

The amendment would raise the U.S. contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria, increase the resources of our Centers for Disease Control for prevention, treatment, control of, and research on HIV/AIDS, and provide funds for child survival, maternal health, and other programs to combat tuberculosis and to address the consequences of the HIV/AIDS pandemic.

The United States of America contributed last year to the Global Fund and correctly urges other developed countries to participate actively and generously in that global initiative. Nevertheless, I feel we can and must do more to overcome the debilitating effects of these diseases on societies that are struggling.

The dimensions of the global HIV/AIDS crisis are overwhelming. At current rates of infection, it is estimated that 100 million people will have had HIV/AIDS by 2005. More than 36 million people are currently infected with the virus and 22 million people have already died from it, more than the number of soldiers killed in all major wars of the twentieth century. Thirteen million children worldwide have lost one or both parents to AIDS, and that number is expected to triple to 42 million by 2010. In 10 African countries life expectancy has dropped by more than 20 years, which is almost entirely as a result of AIDS deaths. In China, the

number of people with HIV increased by 69 percent in 1999 and another 37 percent in 2000, according to official statistics, and nearly 80 percent of those testing positive for infection are between 20 and 40 years of age. In Russia, Ukraine and throughout the Commonwealth of Independent States, HIV increased five times between 1997 and 1998; in 1999, the region recorded the highest increase in HIV infection in the world.

The AIDS pandemic is having a disastrous impact on economic growth rates, public services and private companies, impoverishing millions of families and orphaning children and rolling back hard-won social gains in human development, including life expectancy, income and education. It is unprecedented in its destructive impact on regional development, because it kills so many adults in the prime of their working and parenting lives, it decimates the workforce, fractures and impoverishes families, orphans millions, and shreds the fabric of communities. In its wake it leaves desperation—one of the greatest threats to peace within and between peoples and nations.

In the face of this challenge, the United States should not treat the major global initiative against infectious disease as a bargaining table at which to challenge other governments' commitment and generosity. We should lead by example. It is in our national interest and consistent with the humanitarian values of America that we contribute substantially to the global fight against infectious disease. I hope all my colleagues will vote to do so by adopting this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, have other Senators spoken on this amendment?

The PRESIDING OFFICER. All other Senators have spoken on the amendment.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Senator from Illinois, Mr. DURBIN, has offered this amendment, and I think he has spoken for a good cause. He is a very highly respected member of the Appropriations Committee, the committee that I chair.

I salute him for speaking out on this matter. I have listened to the poignant cases that he has referred to of persons who have been infected with AIDS. There is no question but that the cause for which he speaks is one which the world should be greatly concerned about.

But there is a limit, in the first place, to our ability as a nation to fund even the good causes. We can only do so much. And regardless of how much we might appropriate today for this purpose, we can never appropriate enough. There will never be enough money in the U.S. Treasury that we can utilize for this purpose. There will never be enough to fully deal with this pandemic.

So, Mr. President, I salute the distinguished Senator from Illinois for his determination, for his humanitarianism, and for the appeal that he has made in this matter. But I have to oppose the amendment. We have a bill here that has been carefully worked out on a bipartisan basis. The ranking member and I, and all the members on his side of the aisle and the members on my side of the aisle—including the distinguished Senator from Illinois—have worked laboriously to produce a bill that will bring the necessary appropriations for the protection of the homeland.

The President made a request, and based on the very thorough hearings that were conducted by my full Committee on Appropriations, we have enlarged over and above the President's request. But we think we are acting judiciously and based on the hearings of the people at the local level: the firemen, the policemen, the health service, the medical personnel. And we have listened to the Governors and the mayors

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



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and seven of the Cabinet officers of this executive branch, and the Director of FEMA.

It has been a long and tenuous ordeal as far as I am concerned. I have been working on this bill for months. I think it is important we get it to conference, and that we get it on the President's desk.

Now, the President sent word to this committee last year that he did not need the additional moneys this committee was proposing for homeland defense. And Mr. Tom Ridge wrote me a letter saying they did not need the money, did not need more money. But we appropriated \$4 billion more for homeland security last year, and the President signed that bill. And that money has been well spent. It is producing results. And it is making a difference.

We think we have acted judiciously and very carefully in this instance. So we are adding moneys this year over and above the President's request. But we have a responsibility, as elected Members of this body, elected by the American people, elected by the people of our States, to use our judgment; that is what we are doing. No President sends any Senator here—no President, whether he be Democrat or Republican. I would say this if we had a Democratic President. We have only our own judgment. And we do the best we can to represent the people.

How much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair.

I have to oppose the amendment. And so I will make a point of order. I hope Senators will support the point of order and will oppose any motion to waive.

Section 205 of H. Con. Res. 290, the fiscal year 2001 concurrent resolution on the budget, created a point of order against an emergency designation on nondefense spending.

Now, I was against the kind of vote that is required to support that. But that is what we have. And I am going to use it. I am going to use that point of order. It is the same point of order I used against an equally good cause when Senator KENNEDY had his amendment before the Senate with respect to summer schools.

The amendment contains nondefense spending with an emergency designation.

Pursuant to section 205 of H. Con. Res. 290, the fiscal year 2001 concurrent resolution on the budget, I make a point of order against the emergency designation contained in the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. DURBIN. Yes, I will.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that immediately fol-

lowing the next vote, if Senator DURBIN's amendment is not agreed to, Senator FRIST be recognized to offer his amendment No. 3725; that he be permitted to modify it with the changes that I now send to the desk—they are at the desk—that there be 5 minutes for debate, equally divided, between Senator FRIST and Senator BYRD, and 5 minutes under the control of Senator DEWINE; and that at the conclusion of that time the Senate vote, without any intervening action or debate, in relation to the Frist amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, and I will not object, I would like to add to the unanimous consent request that I be given 2 minutes in response.

Mr. REID. That is appropriate.

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. BYRD. Reserving the right to object, if the emergency designation falls on this point of order, there still has to be another point of order which should be immediate. And I hope the distinguished whip will take that into consideration in his request.

Mr. REID. I would accept the suggestion of the Senator from West Virginia that that be part of the unanimous consent agreement.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, pursuant to the point of order raised by the Senator from West Virginia, I move to waive section 205 of H. Con. Res. 290, the concurrent resolution on the budget for fiscal year 2001, for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The 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) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—46

Akaka	Cleland	Dorgan
Baucus	Clinton	Durbin
Bayh	Collins	Edwards
Biden	Conrad	Feingold
Boxer	Corzine	Feinstein
Cantwell	DeWine	Graham
Carnahan	Dodd	Harkin

Hatch	Lieberman	Schumer
Inouye	Lincoln	Smith (OR)
Jeffords	Mikulski	Specter
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Torricelli
Kohl	Reed	Wellstone
Landrieu	Reid	Wyden
Leahy	Rockefeller	
Levin	Sarbanes	

NAYS—49

Allard	Fitzgerald	Murkowski
Allen	Frist	Nelson (NE)
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hollings	Shelby
Burns	Hutchinson	Smith (NH)
Byrd	Hutchison	Snowe
Carper	Inhofe	Stevens
Chafee	Johnson	Thomas
Cochran	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
Domenici	McCain	Warner
Ensign	McConnell	
Enzi	Miller	

NOT VOTING—5

Bingaman	Daschle	Helms
Campbell	Dayton	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from West Virginia.

Mr. BYRD. Mr. President, it remains necessary to make a point of order against the amendment under section 302(f) of the Congressional Budget Act. Section 302(f) is the point of order against spending in excess of the relevant 302(b) allocation, and there is no general purpose discretionary headroom in the allocation of any subcommittee.

Therefore, I make the point of order under section 302(f) of the Budget Act, as amended, that the amendment provides spending in excess of the relevant subcommittees' 302(b) allocation.

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

The Senator from Tennessee.

AMENDMENT NO. 3725, AS MODIFIED

Mr. FRIST. Mr. President, under the order, I now call up amendment No. 3725, with a modification now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. HELMS, for himself and Mr. FRIST, proposes an amendment numbered 3725, as modified.

Mr. FRIST. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase the amount provided for the Child Survival and Health Programs Fund, and to impose conditions)

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the "Child Survival and Health Programs Fund", \$200,000,000, to remain available until expended: *Provided*, That such funds shall be

made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS: *Provided further*, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission: *Provided further*, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: *Provided further*, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: *Provided further*, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: *Provided further*, That funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Mr. FRIST. I ask for a clarification. In terms of the time agreement, just so our colleagues will know what has been agreed to, I understand I have 2½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. And then the opponents have 2½ minutes and then 5 minutes for Senator DEWINE.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Then Senator DURBIN has 2 minutes after that.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, Senator JESSE HELMS wrote me a letter yesterday regarding the Helms-Frist amendment. In that letter he said:

You and I know the stunning facts: Nearly one million children are infected by HIV each year from their mothers during labor, delivery, or breast feeding. Our amendment will prevent hundreds of thousands of innocent young people from being infected in this manner.

I wish you and the rest of our colleagues all the best as you deliberate on this important matter.

Again, that was Senator HELMS in a letter to me yesterday that was entered into the RECORD earlier tonight.

For my colleagues, our amendment very simply strikes, on page 55, lines 10 through 19, and replaces that section with \$200 million, \$100 million more than in the underlying bill, to add to the U.S. effort to combat the ravages of global HIV/AIDS.

The amendment does three things:

No. 1, it requires that the new funds be focused on reducing mother-to-child transmission of HIV/AIDS, a problem we know how to respond to, thereby greatly reducing the ravages of HIV/AIDS in innocent newborns.

No. 2, it grants flexible authority to the President in spending the money so as to optimize the impact of the AIDS-fighting efforts of our Government.

No. 3, it requires that this money be leveraged through funds matched by sources other than the U.S. Government in order to maximize their impact.

Mr. President, this is a straightforward amendment that recognizes the travesty, the tragedy, and indeed the challenge we have before us in combating HIV/AIDS globally. Every 10 seconds, one person dies. Every 10 seconds, there are two new infections. Globally we are losing this battle.

Finally, in the next several days, the President will introduce a major initiative addressing global HIV/AIDS that will be devoting increased resources with a strategic plan to combat HIV/AIDS.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding I have 2 minutes under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, I will not use the full 2 minutes.

Clearly, I believed very strongly that \$500 million was the right number. It was the number Senator FRIST and Senator HELMS proposed. It was a number I compromised to offer to the Senate, but it was not accepted. I am disappointed, but I urge all of my colleagues, Democrats and Republicans, to join in supporting the Frist amendment. It will add another \$100 million. We need every penny we can get.

Senator FRIST believes, and he has told me, the administration is going to come through with even more money on their own. I sincerely hope he is right, and I hope we can all stand and applaud the administration for doing that.

I urge all of my colleagues now to join in supporting the Frist amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today in support of increasing funds to respond to the HIV/AIDS pandemic. I cannot think of a more pressing humanitarian and health emergency than this global crisis. That is why Senator FRIST, I, and others have worked with Senator HELMS to propose this amendment to significantly increase the U.S. contribution to the global AIDS fight.

At the end of the day, all of us are working for the same objective: To substantially increase our overall funding

level and to work towards alleviating the continued suffering caused by this epidemic. Quite simply, we have a moral obligation to do so.

Many of my colleagues have already come to the Chamber and painted the very disturbing and realistic picture of the impact this disease is having worldwide, particularly on children. In the year 2000, the U.S. Agency for International Development released a study which concluded that over 34 million children worldwide have lost one or both parents to AIDS or related causes.

USAID further estimated this number will increase to 44 million children—44 million—by the year 2010. Yet as alarming as these numbers are, they hardly begin to tell the whole story. Today, nearly 3 million children are infected with the virus. Last year, over 800,000 children contracted HIV/AIDS, primarily from mother-to-child transmission.

While the problem is especially profound in sub-Saharan Africa, many children who are contracting the disease are living right in our own backyard in the Caribbean, in nations such as Haiti and Guyana. I have seen firsthand, as have many of my colleagues, the devastation this disease causes. I have seen it in Haiti, a nation with the second highest prevalence of HIV/AIDS in the world, second only to sub-Saharan Africa.

In the year 2000, an estimated 250,000 Haitians, out of a population of only 8 million, are estimated to be currently living with AIDS. According to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year. That is at least 4,000 more than the number expected in the United States, a nation with a population nearly 35 times larger.

In Haiti, HIV/AIDS already has orphaned 163,000 children, a number expected to skyrocket to between 323,000 to 393,000 over the next 10 years. Haiti also continues to suffer from an unbelievably high HIV transmission rate from mother to child, and, of course, 65 percent of the infants born with the disease, we know, will die within the first year.

This truly is a tragedy because we know that the transmission of HIV from mother to child can be substantially reduced with proper counseling and proper medication. The reality is that millions of children are dying, and we can do something about it. We must do something about this.

Now is the time to work to end the human tragedy caused by preventable, treatable diseases around the world. We have a moral obligation to fight HIV/AIDS, and I believe we must show the leadership today by tackling the problem in our backyard and around the world.

I thank all of my colleagues who have come to this Chamber to talk about this issue and show support for dealing with this problem. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. BYRD. Mr. President, who has the time?

The PRESIDING OFFICER. The Senator from West Virginia has 2½ minutes.

Mr. BYRD. How much time is remaining?

The PRESIDING OFFICER. The Senators from Illinois and Ohio have 1 minute each. The Senator from West Virginia has 2½ minutes remaining.

Mr. DEWINE. Mr. President, I yield back my time, unless someone wants the time.

Mr. BYRD. Does any other Senator have time? I have 2½ minutes. Does any other Senator have time?

The PRESIDING OFFICER. The Senator from Illinois still retains 1 minute.

Mr. DEWINE. I yield to my colleague my minute.

Mr. BYRD. Where does that leave us, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. BYRD. Has the Senator yielded me the time?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois yields back his time. The Senator from West Virginia has 4½ minutes.

Mr. BYRD. Mr. President, I do not need 4½ minutes.

The distinguished Senator from Illinois has made a very generous suggestion in asking all of his colleagues to support the amendment. He has made an excellent case for his amendment. He was not successful in this instance, but he has been very generous, very gracious, and I want to, in particular, thank him for the fine example he sets in this regard.

I am willing to accept the amendment on this side of the aisle, and I hope my counterpart will do the same on the other side. I think Senator STEVENS will do that.

Mr. FRIST. Mr. President, we will request a rollcall vote.

Mr. BYRD. The Senator wants a rollcall?

Mr. FRIST. Yes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might be recognized for the purpose of making a point of order.

Mr. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. Is there an objection?

Mr. BYRD. Mr. President, is the Senator going to make a point of order?

Mr. GRAMM. I have asked unanimous consent to make a point of order.

Mr. BYRD. On this amendment?

Mr. GRAMM. Yes.

Mr. BYRD. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not yet been ordered.

Mr. BYRD. I understand the Senator from Tennessee wants the yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. BYRD. I yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 3725, as modified. 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), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. LIEBERMAN) would vote "aye."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

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

The result was announced—yeas 79, nays 14, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—79

Akaka	Durbin	Murkowski
Baucus	Edwards	Murray
Bayh	Ensign	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Nickles
Bond	Fitzgerald	Reed
Boxer	Frist	Reid
Breaux	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Byrd	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carmahan	Inouye	Shelby
Carper	Jeffords	Smith (OR)
Chafee	Johnson	Snowe
Cleland	Kennedy	Specter
Clinton	Kerry	Stabenow
Cochran	Kohl	Stevens
Collins	Landrieu	Thompson
Conrad	Leahy	Thurmond
Corzine	Levin	Torricelli
Crapo	Lincoln	Warner
DeWine	Lugar	Wellstone
Dodd	McConnell	Wyden
Domenici	Mikulski	
Dorgan	Miller	

NAYS—14

Allard	Gregg	McCain
Allen	Hagel	Smith (NH)
Craig	Hutchison	Thomas
Enzi	Inhofe	Voinovich
Gramm	Kyl	

NOT VOTING—7

Bingaman	Dayton	Lott
Campbell	Helms	
Daschle	Lieberman	

The amendment (No. 3725), as modified, was agreed to.

AMENDMENT NO. 3569

Mr. GRAHAM. 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 Florida [Mr. GRAHAM], for himself and Mr. DEWINE, Mr. MCCAIN, Mr. MILLER, Mr. THOMPSON, Mr. SESSIONS, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. NELSON of Nebraska, and Mr. ALLARD, proposes an amendment numbered 3569.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia)

At the end of chapter 3 of title I, add the following:

SEC. 307. (a) AVAILABILITY OF FUNDS FOR ASSISTANCE FOR COLOMBIA.—In fiscal year 2002, funds described in subsection (b) shall be available for the following purposes:

(1) To support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) To take actions to protect human health and welfare in emergency circumstances, including rescue operations.

(b) FUNDS.—The funds described in this subsection are as follows:

(1) Funds available to the Department of Defense in this Act for assistance to the Government of Colombia.

(2) Funds available to the Department of Defense in appropriations Acts enacted before the date of the enactment of this Act for assistance to the Government of Colombia that remain available for obligation.

(c) CONSTRUCTION.—The authority in subsection (a) is in addition to any other authority under law regarding the availability of assistance to the Government of Colombia.

Mr. GRAHAM. Mr. President, on behalf of my colleagues, Senators DEWINE, MCCAIN, MILLER, THOMPSON, SESSIONS, ROCKEFELLER, BAYH, NELSON of Florida, NELSON of Nebraska, and ALLARD, I rise today to offer an amendment to provide the Department of Defense the authority necessary to support Colombia's war against narcotics trafficking and terrorist activities.

September 11 served as a horrible moment in history—a moment that revealed the evils, the hatred, and the degree to which those who wish to do us harm are prepared to go. Unfortunately, this reality is not limited to North America. It is not limited to the Middle East or to central Asia. It is a global phenomenon.

The United States, at home and around the world, must do better with our intelligence, law enforcement, and foreign policy efforts. We must do more as well to work with our allies.

In Latin America, the evil hand of terror has been an everyday reality for too long, a fact which I believe most Americans of the United States will find stunning, but not to Americans

who live in other parts of the Western Hemisphere.

In the year 2000, over 44 percent of all of the worldwide incidents of terrorism against U.S. citizens and U.S. interests were committed in one country. That country was Colombia. Three groups that were responsible for these atrocities are all on the U.S. Department of State's list of foreign terrorist organizations. These attacks pose a threat to the democratic institutions of Colombia, to the stability of Latin America, and to the security of the Western Hemisphere.

The Taliban and al-Qaida networks derived much of their funds from the illegal narcotics trade—heroin, primarily. But the linkage is no more pervasive anywhere in the world between illegal narcotics and terrorism than it is in Colombia where former guerrillas have evolved into drug trafficking terrorists.

That is why a large number of our colleagues and I are offering this amendment that would allow the Department of Defense to use its appropriated funds to provide additional equipment, training, and intelligence to Colombia to combat both narcotics trafficking and terrorism.

Current law allows the U.S. equipment and funds from the Department of Defense to be used solely for counterdrug operations.

In Colombia, the reality is that the line between narcotics and terrorism is extremely thin. It is virtually mythical.

The House of Representatives has already passed an authorization bill as part of the legislation that we consider this evening, and these authorities to expand the use of defense funds to combat the twin evils of narcotics and terrorism are provided in the House bill; these authorities are being aggressively sought by the President of the United States.

The administration seeks more explicit legal authority to support "Colombia's unified campaign against narcotics trafficking and terrorist activities."

This provides greater flexibility to counter the threat from groups using narcotics trafficking to fund both terrorist and criminal activities.

I assure our colleagues that I am not proposing any changes to previous requirements in human rights, certifications, and limits on personnel—civilian and military. And in no way am I suggesting the Department of Defense deploy U.S. troops to a combat role.

The Government of Colombia, both under its current President, President Pastrana, and under its newly elected President, Alvaro Uribe, has stated its intention to carry the war to the terrorist drug traffickers.

What we are being asked to do is to allow equipment that has been procured in part with funds from the U.S. Department of Defense to be used in both wars, terrorism and narcotics.

These counterterrorism efforts will not hurt our counternarcotics pro-

gram. In fact, they will be of great assistance to our counternarcotics program.

The Department of Defense has assured me that it remains committed to a robust counternarcotics program in Colombia, and it will bear that in mind as the details are developed regarding the use of defense-funded equipment, training, and intelligence for counterterrorist missions.

I am also pleased, despite the rampant violence in Colombia on May 26 of this year, that the citizens and Government of Colombia carried out democratic elections which were deemed by international standards and observers to be free, fair, and the expression of the will of the Colombian people.

When the United States first authorized Plan Colombia in 2000, we made a commitment. The commitment was to help our Colombian neighbors in their long struggle against the drug trade and the violence it causes. Anything less than that would not only be a violation of our promise to be good neighbors but a neglected front on the war against terrorism.

I ask my colleagues to support Colombia, an important democratic and hemispheric ally by supporting this amendment.

Thank you, Mr. President.

Mr. MCCAIN. Mr. President, at a time of bipartisan agreement that the Colombian government must pursue a unified campaign against the narco-trafficking and terrorist threat to Colombia's democracy, the Senate Appropriations Committee has chosen to deny the Administration's request for the authority to support our Colombian ally.

As my colleagues know, our assistance to Colombia is channeled through both the State and Defense Departments. To the President's credit, American policy has dispensed with the illusion that the Colombian government is fighting two separate wars, one against drug trafficking and another against domestic terrorists. The democratic government of Colombia has long insisted that it is the nexus of terrorists involved in the drug trade that threatens Colombian society. American policy now recognizes that reality, and abandons any fictional distinctions between counter-narcotic and counter-insurgency operations.

Our government properly allies itself with the Colombian people against the narco-terrorists who threaten the government they elected, and the system of government that rejects the violent and absolutist aims of those who would overthrow it by force of arms. We in the United States have a considerable stake in the Colombian government's success, for the narcoterrorist state the enemies of the Colombian government would establish would present a compelling national security threat to the United States in our own hemisphere.

Congress has shown an admirable commitment to supporting the Colom-

bian government's campaign to bring basic security to its people. But America's commitment has been limited to providing training and assistance to combat drug production and trafficking. The Administration has requested not new money but new authority to use appropriated funds to combat narco-terrorism. Yet this Supplemental Appropriations bill grants that authority only to the Department of State, and places overly restrictive and burdensome constraints on that authority.

Our amendment would provide the Administration the authority it has requested, in consultation with the Congress, to use appropriated funds to support a unified campaign by the Colombian government against drug trafficking and terrorist insurgency. The House-passed version of this bill provides both the departments of State and Defense with this authority for the current fiscal year. The Senate bill would leave in place existing restrictions prohibiting use of Department of Defense assistance in the war against the FARC and the ELN. Our amendment mirrors the President's request to provide the Department of Defense the authority to use funds already appropriated for this purpose to support our Colombian ally. I hope the conference committee to this bill will provide the Administration with this authority.

In a presidential election last month, the Colombian people gave their leadership a clear mandate to defeat narco-terrorism by electing Alvaro Uribe as President. President-elect Uribe campaigned on a platform of decisively defeating the FARC terrorists, who have shown little interest in a negotiated, peaceful solution to the war they have been waging against Colombia's government for four decades.

This is not an authoritarian regime located in a far-off corner of Central Asia. This is a democratic government, one of the longest-standing in our hemisphere, that has allied itself with the United States in order to defeat the threat to our common values posed by the FARC and the ELN terrorists, as well as by AUC paramilitary forces whose abysmal human rights record rivals that of their opponents.

Under existing law, human rights conditionality and restrictions on the American military presence in Colombia remain in effect on all U.S. assistance to that country. Our amendment would ensure that existing American funds appropriated to support American policy in Colombia reflect the reality that the Colombian government is not simply fighting a drug war.

It is estimated that one million would-be voters in Colombia could not express their preference at the ballot box last month due to FARC violence and intimidation. The number of political candidates who have been intimidated, abducted, or murdered for their ambition to serve their people is staggering. One presidential candidate, Ingrid Betancourt, remains a hostage to

the FARC, who abducted her on the way to a campaign rally in February.

On May 2, 2002, a rocket fired by FARC guerrillas killed 117 civilians taking refuge in a small church. Forty of the dead were children. Colombian officials call it the worst single loss of civilian life in the nation's 38-year civil war.

President-elect Uribe has been given a clear mandate by his people to give them back their country. Our values and our interests require us to support our ally. There is an important role for the United States, not only to provide assistance and technical support to the Colombian police and armed forces, but also to exercise our influence to ensure that our values triumph over both terrorist violence and paramilitary brutality.

These values are worth fighting for. We should stand proudly with the people of Colombia in their struggle.

To reiterate Mr. President, the situation in our own hemisphere in regard to Colombia is a very serious one. We are understandably worried about events between Pakistan and India, Afghanistan, et cetera. The situation in our own hemisphere as regards Colombia is of the utmost seriousness because that is where the drugs come from that destroy the minds and bodies of our children.

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I understand the reluctance of Members of this body to relax certain restrictions that are associated with our assistance to Colombia. I hope all of my colleagues will review the situation as it exists today—a direct threat to the security of the United States of America—if Colombia collapsed in a civil war between different parties.

There is the ELN, the paramilitary, the FARC, and there is the Government. They are all fighting amongst one another, and the FARC recently being rejected from the sanctuary they were granted, I believe, is a mistaken policy on the part of the Colombian Government.

We now have a new President, Alvaro Uribe, who is committed to using whatever sources and means necessary to bring peace and stability back to its country.

Again, I don't want to take the time of the Senate at this late hour. It is in

our national security interests to see some kind of Government peace and stability restored to Colombia because that is where the drugs are coming from that are killing our kids.

I hope in the days ahead we will devote some of our attention to the country of Colombia and see what the United States can do not only to help these people who are literally afraid to leave their own homes, but to try to combat the great threat of narcoterrorism and the flow of narcotics, which is another aspect of our war on terrorism that we need to do whatever is necessary to combat.

I thank Senator GRAHAM not only for his amendment but for his continued involvement in the affairs of our hemisphere.

Mr. President, I yield the floor.

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

Mr. DOMENICI. Mr. President, I will speak for a couple minutes.

I say to Senator GRAHAM, I rise to congratulate him, and not only for the amendment. And whatever happens to it tonight, its destiny is already determined. We have already waited too long. It is time that some of us, especially those of us who come from States that are not too far from the other hemisphere, where mostly Hispanic Americans live and work—to have that hemisphere as if it were not really our friend and we should not be concerned about it is truly one of the giant mistakes we make. And every year that passes we say something about doing better.

But I believe the situations are going to get even worse, and sooner or later—let's hope sooner—the United States will do something while we are still acceptable down there and while we can still be of some significant positive impact.

I say to Senator MCCAIN, I heard his remarks. And I have heard them before. I think it is time, with real vigor and enthusiasm, with resources and leadership, we consider this hemisphere to be a big part of America's foreign involvement. Why so far away when we have problems in abundance so close? Why neighbors thousands of miles away and no acts of friendliness to those who are really our neighbors?

With that, I ask unanimous consent for 1 minute to introduce a bill.

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

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2599 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first, I note to my friend from Ohio, I am going to call up an amendment shortly.

Does the Senator wish to make a comment on the last amendment?

Mr. DEWINE. Just a couple comments on the amendment.

Mr. NICKLES. Mr. President, I defer to my colleague from Ohio so he can make comments on that amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank my colleague.

Mr. President, I congratulate my colleague from the State of Florida for his leadership on this amendment. Once again, he is correct. Once again, he is a leader on issues having to do with this hemisphere, having to do with the drug problem.

We have a lot at stake in Colombia. Colombia is our neighbor. We do a lot of trade with Colombia. This is, I believe, the second oldest democracy in this hemisphere. It is a country that obviously borders the Panama Canal. It is a democracy, though, that is in peril. It is a democracy that has at least three very tough groups gnawing at it, trying to overthrow the Government, trying to grab pieces of the land of Colombia. These are three very tough, tough groups: the FARC, the ELN, and the paramilitary.

So a lot is at stake in Colombia. Colombia is important to us because this is one of the countries that is a major supplier of drugs into the United States. So what happens down there is important.

We have seen something develop in Colombia in the last few years that I do not know we have seen anywhere in the world; that is this very close relationship, over now an extended period of time, between the drug dealers and the terrorists. They are working literally hand in glove in a synergistic relationship.

Unfortunately, as we try to help our friends in Colombia, we have created an artificial barrier in our law. That barrier creates a distinction between the use of our money to help to deal with terrorist problems or our use of the money to deal with narcotics problems. It says, in effect, we can use it for one but we cannot use it for the other. That makes absolutely no sense.

It is time we take that artificial barrier down because really the problem is one and the same. And they are the same people. It is time we recognize that and that we stop handcuffing the use of our aid, handcuffing the Government of Colombia as it literally fights for its survival.

So I congratulate my colleague on this amendment. It is time, frankly, that we face up to the reality of what is really going on in Colombia and help this ally of the United States to try to preserve democracy.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I would like to make some remarks on the Colombia amendment.

Mr. NICKLES. That is fine. I inform my colleagues, we only have a couple more amendments that will require votes. Mine is one of them. We will try to do that in the very near future. Certainly, if my colleague from Alabama wants to make remarks, go ahead.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be very brief. This is a very important

matter. Colombia is a longtime ally of the United States. It is the second oldest democracy in the Western Hemisphere. Its former President, President Pastrana—a wonderful person—worked exceedingly hard to try to build a peace process that would work. After everything he tried, he could not make that occur.

The new President has been elected. President Pastrana—before he left office—admitted that they had to fight to preserve their democracy. Democracies frequently have to do that.

We have a \$9.5 billion trading relationship with Colombia. It is an important ally, an important democracy. It is key to South America. We must do what we can to assist them as they now wage a life-and-death struggle to preserve their democracy and their economy.

Mr. President, just 10 days ago the people of Colombia overwhelmingly expressed their desire to fight the scourges of terrorism and narcotics trafficking, that have killed tens of thousands of their countrymen over the past forty years, by electing Alvaro Uribe as their new President. President-elect Uribe has stated that he intends to double the size of the Colombian Army and the Colombian National Police and to call up thousands of reservists to fight the terrorists. This is exactly what the United States has been asking the Colombians to do for many years now.

Included as part of this Supplemental request is proposed legislation that would remove the “counter-narcotics only” restriction on the use of helicopters and other military equipment and assistance that the United States provides to Colombia.

The pending Amendment provides authority to the Department of Defense, as well as the Department of State, to provide assistance to the government of Colombia as they fight their war against terrorism.

The Department of State has designated the Revolutionary Armed Forces of Colombia—FARC—the National Liberation Army of Colombia—ELN—and the United Self-Defense Forces of Colombia—AUC—as foreign terrorist organizations and has specifically identified the FARC as “the most dangerous international terrorist group based in the Western Hemisphere.” On March 18, 2002, Attorney General John Ashcroft announced the indictment of three leaders of FARC with conspiracy to import cocaine into the United States and to manufacture and distribute cocaine in Colombia with the intent of exporting it to the United States. To all of these actions I say “Amen”.

Transnational terrorism is a threat to freedom throughout the world. Many of these groups have been working together for years to share the lessons of terror and mayhem. They have searched for new sources of income and have become inextricably involved with transnational criminal syndicates

who traffic in weapons and drugs and provide resources for extortion and money laundering.

This is a global phenomenon and must be fought on a global scale. One country that has been fighting this war against terrorism for the past few decades is Colombia. Colombia is one of our closest Allies and we must come to her aid. They need our help in terms of intelligence sharing, equipment and training.

Why should the United States help Colombia? The answer to this lies not only in the fact that it is the source for prodigious quantities of cocaine, heroin, and marijuana, but Colombia is the second oldest democracy in the Western Hemisphere, next to our great country. Colombia is a friend and ally of the United States who has been fighting for its very survival against a variety of threats, ranging from drug cartels, terrorist organizations and Marxist insurgents for over forty years. It is a nation of 40 million people and is a source of significant trade with the US. The United States is Colombia’s principal trading partner with over \$9.5 billion in annual trade between our two nations. When we help Colombia secure its own territory from the threat of overthrow from the Marxist narco-terrorists, we will also help stabilize the neighboring countries in the Andean region from spillover effects of the drug trade and insurgency.

There are more acts of terrorism committed in Colombia every day than in all the other countries of the world combined. And make no mistake about it, the forces that are acting to overthrow the democratically elected government of Colombia are terrorists. While their organizations did have their genesis as a “people’s revolution” with Marxist ties they are now no more than terrorists. General Fernando Tapias, Commander of the Colombian Armed Forces, stated recently that while the Army in the 1960s and 1970s used to find the writings of Marx and Lenin in the documents captured during raids on FARC hideouts now all they find are receipts and documentation of the smuggling of drugs, precursor chemicals used to process cocaine and weapons shipments.

The FARC, ELN and AUC get the vast majority of their funding from narcotics trafficking. All three of these groups also obtains large amounts of money from the terrorist tactics of kidnapping and extortion. FARC has extensive ties with international terrorist and criminal organizations. Right now there are three members of the Irish Republican Army in the custody of the government of Colombia after they were arrested for providing training to the FARC on bombmaking and other terrorist tactics.

Colombian President Andres Pastrana was elected in 1998 on a platform that called for making peace with the Marxist guerrillas that have operated in his country since the 1960s. He has engaged in negotiations with the

FARC and the ELN since before he took office. In fact, President Pastrana, in an act of good faith, gave total control of a piece of central Colombia the size of Switzerland, which was supposed to remain demilitarized, to the FARC as an enticement for continuing negotiations. In the four years since President Pastrana opened negotiations the FARC has continued to engage in narcotics trafficking and terrorist activities. In fact, in the past few months they have engaged in countless terrorist attacks throughout the country that have killed hundreds of people. The FARC is responsible for the kidnapping of Colombian presidential candidate Ingrid Betancourt, who they still hold hostage. They tortured and murdered Colombian Senator Martha Daniels who was attempting to negotiate the release of two kidnapping victims. And just a few months ago, they attempted to assassinate President-elect Alvaro Uribe with a car bomb that killed three civilian bystanders. In the face of these acts of terrorism, President Pastrana declared an end to peace negotiations and reclaimed the demilitarized zone that he ceded to the FARC. When the Colombian Armed Forces re-captured this territory they found that terrorists had been using the territory for all kinds of illegal activity. The Colombian Army found 27 new airstrips that were used for drug and weapons transports, numerous drug laboratories and storage areas for precursor drug processing chemicals, several training bases for terrorist activities that were used by international terrorist organizations, and evidence that 14 new guerrilla units had been established and trained in this “demilitarized” zone. This was also the area where the FARC had landed several hijacked aircraft and drastically increased the production of coca. So it is now undoubtedly clear that the FARC is not interested in serious negotiations and does not want peace. They are only interested in maintaining and expanding their narcotics funded terrorist activities.

The United States must do the right thing and support our friends and allies in Colombia. The government of Colombia has categorically stated that they do not want US troops to come and fight their war for them. They are willing and able to destroy this threat to their country and the world. I am glad that the Administration has made the decision to request the removal of the counter-narcotics restrictions on our aid to Colombia. Colombia is looking into the abyss and this threatens the entire Andean region.

Congress needs to pass this legislation so that we can keep up the pressure on terrorists within our own hemisphere and across the globe.

I thank the Senator from Florida for his leadership. I am pleased to join with him and stress this is an exceedingly important matter for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, everyone has spoken on one side.

I ask for 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, one other perspective: For the record, the FARC and ELN are involved in narcotrafficking up to their eyeballs. For the record, the paramilitary and the AUC are involved in narcotrafficking up to their eyeballs. For the record, two-thirds of the extrajudicial killings last year were by the AUC and the paramilitary. And for the record, there is one documented case after another after another about the military and the paramilitary being all too connected.

So before we provide direct military assistance and weapons that can be used in counterinsurgency by the military, we ought to take a real close look at what is going on in Colombia. I wanted to say that tonight. We will have debate later.

I yield the floor.

AMENDMENT NO. 3569 WITHDRAWN

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, offering this amendment was for the purpose of affording our colleagues an opportunity to express their strong opinions and to indicate to the American people the great importance of the relationship between our Nation and the peoples of Colombia for our mutual well-being. As our colleague from Minnesota has just said, this is an issue that deserves full debate.

Given the hour of the night, given the fact that it is my hope that when this matter reaches conference, the Senate conferees will look carefully at the proposals that our House colleagues have already adopted to allow the use of Department of Defense-funded equipment in the war against terrorism as well as the counternarcotics war, I will ask to withdraw the amendment and hope we will have an opportunity at a future date to have a full debate on the United States relationship with Colombia.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are getting closer to finalizing this bill. To my knowledge, there are possibly two additional amendments that will require rollcall votes. I also think the time for debate on both of those can be fairly brief. We will have a managers' amendment, and I guess we will have a vote on final passage.

I don't think we would have come this far had it not been for the very competent and capable leadership of Senators BYRD and STEVENS as well as my colleague and friend, Senator REID. To finish this bill, frankly, for this many amendments and for the most part with votes taken in one day is pretty remarkable.

I make one editorial comment. I thank the managers for supporting an

amendment offered by Senator INHOFE and myself dealing with \$12 million for restoration of the I-40 bridge in Oklahoma which was hit by barge traffic. It caused 14 fatalities, the largest number of fatalities of any bridge accident in U.S. history. It also shut down east-west traffic into our State. This is one of our major east-west corridors. It is a major inconvenience not just for our State but for the entire country. We have some money, as requested by the Department of Transportation, in this bill. I thank my colleagues for their assistance in that proposal. Also, I particularly thank my colleague, Senator INHOFE, who is on the authorizing committee and worked very hard to make that happen. I compliment him for it.

AMENDMENT NO. 3588

Mr. NICKLES. Mr. President, I ask that amendment No. 3588 be called up. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3588.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restore the discretion of the President to agree with Congressionally-designated emergency spending)

Strike section 2002 of the bill.

Mr. NICKLES. Mr. President, this amendment is very straightforward. It would strike section 2002 that is on page 116 of the bill. Section 2002 deals with the emergency provisions in the bill.

I have been in the Senate for 22 years. We have never done this. Ever since we have had emergency provisions in the bill, we have never done it. The impact of the amendment is that it prohibits the President from spending any money, any nondefense emergency spending in the bill unless he spends it all. That is not the way we have done emergencies under the Clinton administration. That is not the way we have handled emergencies under President Bush's administration since 1990.

I will read the language in the bill on page 116:

Any amount appropriated in this Act that is designated by Congress as emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.

What that means is, for nondefense, there are some sections in this bill and in the President's requirements calling for emergency designations. This says if he spends any of it, he has to spend it all. We have never done this before. We didn't do that in the Clinton administration. The Clinton administration

had emergency requests every year. We granted almost all of them plus some.

This President requested the emergency designation. He came to Congress and actually requested \$24.47 billion in emergency assistance, emergency appropriations, and an additional 2.7 under contingency emergency appropriations. He requested that. We are getting ready to give him more.

What has happened is, the House has already passed a bill. They passed a bill at \$29 billion. The President's total was 27. The House came back and said: We will give you the \$27 billion you requested, and we will do an additional \$1.5 billion for defense. But the additional \$1.5 billion for defense was under contingency. If the President declared it an emergency, he could spend it. But if he didn't, he wouldn't. So the President is basically saying: He still is getting his \$27.3 billion of emergency assistance. He doesn't have to spend that additional \$1.5 billion. That is the way we have done it.

In other words, when we go into emergency spending, the special designation means it doesn't count. We have budgets every year. Until this year, we have passed budgets. Those budgets have had targets. But when we have an emergency, we say it doesn't count towards the caps; we are going to waive it because there is a special emergency. Maybe we have had an earthquake, a fire, a flood, serious damage, so we call that an emergency. They were not budgeted, they were not planned, they were not expected, such as the World Trade Center incident of 9-11. We had a very significant, as a matter of fact, \$40 billion emergency that we paid for last year. But it was with the concurrence of the President and the Congress.

Now in this case we are saying: Mr. President, that is fine, we will take your emergency, but you have to take all of our emergencies or you don't get any of yours on nondefense. We have never done that before, to my knowledge.

I used to be on the Appropriations Committee. I happen to still be on the Budget Committee. The Budget Committee should be outraged by this. Every once in a while one committee kind of exceeds jurisdiction or goes into the jurisdiction of another committee. That is what we are doing right here. We have never had a supplemental appropriations bill, to my knowledge, that had language like this.

Incidentally, this has the attention of the administration. The administration's position basically states that they will veto the bill if this is in there. I will read from the administration's statement of policy dated June 4, the first page:

In addition, the bill severely constrains the President's ability to fund emergency homeland requirements by compelling him to release nonemergency money provided in the bill. If the supplemental appropriation bill were presented to the President in its current form, his senior advisors would recommend that he veto the bill.



That is on the first page. On the third page of the statement of administration policy it says:

The Senate version of the bill also unduly restricts the President's prerogatives in numerous areas. First, it requires the President to designate all or none of the nondefense funding contained in the bill as an emergency. The Budget Enforcement Act provides that the President retain control over the release of emergency funds added by Congress to ensure that the funds respond to critical emergency needs. By contravening in this long established budget enforcement mechanism, the Senate would require the President to waste taxpayers' dollars on low priority, nonemergency items in order to access vital, high priority homeland security recovery funding.

It is very clear, the administration is adamantly opposed to this provision. This is as direct a veto threat as we have had from this administration in their time in office. It is reversing a precedent we have followed on emergency spending for the last 13 years.

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

Mr. NICKLES. I am happy to yield.

Mr. McCAIN. Can he give an example, to those of us who are not experts on the budgetary process, of what the President might not decide to spend and then would be forced to spend?

Mr. NICKLES. To give an example—I appreciate the question—there are a lot of things in this bill. My friend from Arizona pointed out a couple of them earlier today. There is one where the President said, some of these provisions don't relate to homeland security, including \$11 million to the National Oceanic and Atmospheric Administration, NOAA, for economic assistance to New England fishing and fishing communities; \$26.8 million for the USGS survey for urban mapping activities. The administration said that is not urgent; it wasn't requested.

If section 2002 is not stricken, those things will have to be funded or you don't get funding for New York City. You don't get funding for homeland security needs that are requested. There is billions of dollars in here that the President did request that we are putting in jeopardy because of this bill's "all or nothing" approach.

We do that on normal appropriations. We don't do it on emergency bills. The reason we don't do it on emergency bills is that the emergency bills are outside the budget. They are special. They are figures over and above set spending levels. We have agreed to a budget. We have agreed to caps. We shake hands. That is what we are going to abide by. But when it comes to emergencies, we say we are going to waive the budget. The budget no longer applies. Therefore, caps no longer apply.

This is the national emergency. That is what we passed, the \$40 billion following the World Trade Center. It is a national emergency. We agreed to do it. Usually, we do it with overwhelming majorities, if it is truly an emergency. This is saying, well, before you get part

of that emergency, you have to take the entire thing.

All I am saying is that previous Presidents have always said we have to concur. When we made the budget deal—and this goes back, I tell my colleagues to Andrews Air Force Base in 1990. That basically said if you are going to have caps, cases in which we have an emergency might pose a problem. So we put in emergency provisions, and you can waive the caps if there is truly an emergency, and that could be designated if it is agreed upon by both Congress and the administration.

Now we are saying if Congress has it in there, Mr. President, you have to take it all, or you don't get a dime. I think that is an infringement on the budget process.

I think the emergency process all together is a big waiver of the budget, a big way to get around budgets, one of the reasons why spending can grow astronomically. It has grown dramatically over the last few years. If we allow this provision, I think we are opening up the door to greater abuse of the emergency provisions.

Very quickly and briefly I urge colleagues to strike section 2002 and keep the emergency provisions we have had for the last 13 years at least the same as they are. Let's not change them. We have a new President. Why should we curtail his authority, vis-a-vis his predecessors? I think that would open the door to a lot of spending and abuse of the emergency process. I urge my colleagues to strike section 2002.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me try to set this in historical context. In 1990, in the so-called budget summit agreement, a decision was made to allow the Congress and the President, acting jointly, to declare items emergency items and, therefore, allow the spending on that item to operate outside the budget process. In other words, where the President and the Congress agreed that something was an emergency, then the budget process did not apply. But what was required to make it an emergency was two things: The President said it was an emergency and Congress said it was an emergency, and the combination of the two triggered the exemption.

Now, I have been here a long time, and my memory fades, but I don't believe that we have ever had a provision such as the one in this bill because in this bill we have a situation where there is \$14 billion of funding that the President did not say was an emergency. Congress says it is an emergency and, therefore, by the definition of the emergency waiver that was written into permanent law in 1990, this \$14 billion would not qualify. It would not qualify because it only has half of the action that is required to provide the emergency. It has Congress saying it is an emergency, but the President says it is not an emergency.

This bill gets around that 1990 permanent law provision by saying the President has a choice. He can take the whole bill as a deemed emergency or he cannot spend any part of it as an emergency. In other words, it overrides the President's prerogative in this process by saying to him that under the law you had to say it was an emergency and Congress had to say it was an emergency, and you had to be talking about the same thing. But now we want to spend \$14 billion that you say is not an emergency. We have \$18 billion in the bill that you say is an emergency and we say is an emergency. But we are not going to let you spend that \$18 billion unless you spend our \$14 billion and say it is an emergency. So this is a complete perversion of that emergency waiver.

Now, I have to say that the waiver has been probably the most misused part of every budget that has been adopted since 1990. If I had known then at Andrews Air Force Base what I know today, I would have never agreed to this waiver because it has been abused over and over again. But it has never been abused—at least to the best of my knowledge—the way it is being abused today because the President is being forced to make this an emergency, even though he did not designate it, in order to get the genuine emergency money which he designated and Congress approved. I think this really perverts the process, and I really believe this amendment ought to be adopted.

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

Mr. GRAMM. Yes.

Mr. McCAIN. How long has the Senator been involved in budgetary issues?

Mr. GRAMM. For 24 years.

Mr. McCAIN. And the Senator has never seen anything like this in those 24 years?

Mr. GRAMM. Not that I can recall. So many things have gone by my old eyes; there may have been something, but I don't remember it.

Mr. McCAIN. As the Senator knows, we will not have a budget this year.

Mr. GRAMM. It sure enough looks like we are not going to have one.

Mr. McCAIN. With this new wrinkle, or new provision, in the appropriations bill, that really does give all power to the Appropriations Committee, even overriding any authority that the President might have, doesn't it?

Mr. GRAMM. In one sense it does, and in one sense it doesn't. In all fairness, this doesn't make the President spend a single penny of this money. But he cannot spend a penny of it unless he designates all of it in an emergency. The way this is being used, it doesn't make the President spend the money, but it says that if the President is going to spend the \$18 billion that Congress and the President agree on as being an emergency, he cannot spend a penny of that unless he also designates this \$14 billion that he says

is not an emergency. The Appropriations Committee says it is an emergency and, obviously, if Congress passes it, we will say that. So the President has to spend it as an emergency if he is to get a penny of the \$18 billion. But he could, theoretically, under this, sign the bill and then not spend any of it. But, obviously, it puts him in the position that he cannot get this \$18 billion of homeland security funds unless he takes this \$14 billion he doesn't want and counts it as an emergency so it doesn't come under the budget process, and that is the perversion of the system I was talking about.

Mr. McCAIN. I don't like to drag out the debate, but I ask the Senator this. This seems to me like it is almost a constitutional issue.

Mr. GRAMM. Well, there is certainly a separation of powers issue. Whether it gets to the constitutional level or not, I don't know. The point is, this is taking away the President's role in the emergency designation by changing the system so that he cannot get any of the money, even the amount we agree is a genuine emergency, when the President says so and we say so. Therefore, by law, that makes it an emergency. He cannot get a penny of that money unless he takes the \$14 billion that he says is not an emergency, but he has to say it is an emergency to get the other \$18 billion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the distinguished Senator from Texas and other Senators—I believe the distinguished Senator from Oklahoma made the same statement—say that this is a precedent. Am I correct?

Mr. GRAMM. As far as I am aware, it is a precedent. As I said, I haven't gone back and researched it, but I don't remember one.

Mr. BYRD. Let me state to the Senate the real precedent. It was enacted by this Congress when it was under the control of the Republican Party—both Houses—in 2001. It was in title I of the bill making appropriations for Kosovo and other national security matters.

Here is what the provision said at that time:

Section 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(B)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all—

Not just part—

unless all such amounts are designated by the President upon enactment of this Act as emergency requirements pursuant to such section.

That was the precedent, and I voted for it, and the Senator from Texas voted for it.

Mr. GRAMM. Are you sure I voted for it?

Mr. BYRD. I voted for it then, and I am for it now.

Mr. GRAMM. If the Senator will yield.

Mr. BYRD. Oh, I will be glad to yield.

Mr. GRAMM. I do not know if I voted for it or not, but it was a bad precedent.

(Laughter.)

Mr. BYRD. I have been to many a revival meeting, and when the altar call came, the Senators hit the sawdust trail. The Senator remembers Billy Sunday, that great evangelist. So that is a time for admitting one's errors. Maybe I was in error then, but I voted with the Republican-controlled Congress and against my own President in that instance.

What we are doing here tonight is certainly not a precedent. We are just following in the wake. It was that language that gave us the idea. That was the precedent. Without that, we might not have thought of this.

Mr. President, I rise in opposition to the amendment to strike section 2002 of the bill. Congress should be proud of the lead it has taken in funding homeland defense programs that will help prevent, detect, and respond to potential terrorist attacks.

Last year, we acted on a bipartisan basis to provide \$10 billion for homeland defense programs. Last year, in the face of a veto threat from the President, this Congress, this Appropriations Committee added \$4 billion more than what was requested by the President. That money is being well spent, and it is making a difference. The veto was threatened then. So we have heard that before.

We have a responsibility to use our own judgment in behalf of the American people, in behalf of the security of this homeland. We should make our own judgment. No President sends any Senator here. Calling him the Commander in Chief, if you will—that is what the Constitution says he is, but I do not think that has a thing to do with this bill.

I have heard that term thrown around here today, the "Commander in Chief." No Commander in Chief sends me here. No Commander in Chief sends the Senator from Vermont here. No Commander in Chief sends the Senator from Louisiana here. No Commander in Chief sends the distinguished Senator from Texas here. He comes here by virtue of the wisdom and good judgment of the good people of Texas. Thank God. We are not made or unmade by any President. I have served not under but certainly with, I believe, 10 or 11 Presidents. None of them sent me here, Democrats and Republicans.

I have stood by the principles that I see as being important principles in upholding the prerogatives of this institution and the Constitution, and I have stood against; I have opposed the wishes of Democrat Presidents in this regard, and I opposed those Republican Presidents. It does not make any difference to me who is President. He puts on his trousers just like I put mine on, two legs at a time, two legs at a time. Some say you cannot do that, but you can.

(Laughter.)

I have tried it. You can. If you do not believe it, just sit down in a chair and pull them on both legs.

(Laughter.)

I like this man from Texas. He will smile, he will yield, and he is not only a good Senator, but he is a good sport.

Mr. President, I have seen Presidents come and go. I have never bowed and scraped to any of them. I do not expect the people to bow and scrape to me, and I do not expect to do that to any President. I am for using ROBERT BYRD's judgment, as far as my votes are concerned. PAUL SARBANES will use his own judgment.

We are not here at the beck and call of any President, even if he is the Commander in Chief. We have our own judgments on this. This committee, on a bipartisan basis, supported by the Republicans, 14 of them, and 15 Democrats, reported out this bill. We had hearings. Those hearings were attended by Republicans and Democrats to ask questions. We heard people from the local level. I have said this before but should say it again. We heard the firefighters. We heard the policemen. We heard the health personnel. We heard mayors. We heard Governors. We heard county commissioners. We heard seven Department heads in the executive branch. We heard the Director of FEMA. And based on those hearings, this committee, in its considered judgment, elected to increase the amount by \$3 billion.

We increased the amount by \$4 billion last year. That money has made a difference. I have stated already what is being done with that money, \$4 billion more than the President requested. This year it is \$3 billion more.

Let's use our own judgment. Let's not be here at the beck and call of any President. I am here because the people of West Virginia sent me here, and so is every other Senator here because of the people of their State.

I hear all this business about Commander in Chief. I get a little tired of hearing Commander in Chief, Commander in Chief. Under the English history, there were commanders in chief all over the continent, all over the islands. So they were called commanders in chief. So what, Commander in Chief.

The Constitution says the Congress will enact the laws. It will have all power herein provided to enact laws. It says that the Congress will make the appropriations of moneys. So let's use our own judgment.

Mr. President, I will not be much longer. I emphasized in my opening remarks on this bill that Congress came together on a bipartisan basis to increase funding for homeland defense programs, and that funding is now making a difference.

I do not understand why my friend from Oklahoma, who offers this amendment, would want to give the President what would essentially be a line-item veto. In other words, he can pick and choose. No, when it comes to defense,

there will be emergencies, but when it comes to homeland defense, nondefense spending, then he can pick and choose. He does not have to call that an emergency.

What do Senators think will happen? The President, in my judgment, will certainly support the making of an emergency on defense moneys, but when it comes to homeland defense, he may or he may not. So why should we give him that authority to pick and choose? The Supreme Court turned down the line-item veto which I opposed on this floor and which several Senators here—Mr. SARBANES and Mr. REID and others—opposed. Now we have it in a different form. This is a kind of line-item veto. The President can pick and choose. I am not for that.

Which programs would the President choose not to make available? The firefighter equipment and training funds? The port security grants? The money for the Coast Guard? The money for the Customs Service to inspect cargo containers overseas when we currently inspect only 2 percent of our imports? Or how about the money for making sure our first responders, our police, our fire and emergency medical care personnel have communications equipment that is interoperable?

The one thing we do know is that the President has already designated as an emergency \$1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for \$1.6 billion of foreign aid but not require him to designate the homeland defense fund as an emergency?

This amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release \$275 million for veterans' medical care. How about that? It would allow him not to release the \$80 million for the Sierra Grande fire victims. How about that? It would allow him not to release \$1 billion for the Pell grant shortfall. How about that? Do we want to give the President that kind of authority? No, not I.

I want to assure all Senators that there is precedent for this language, as I indicated at the beginning of my remarks. I urge all Senators to stand by their priorities, stand by their people back home, and oppose this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. STEVENS. Madam President, the Senator from West Virginia, our chairman, is correct. I was chairman of the committee at the time we imposed the same requirement on the past President. I have further memories of some of the bills we have passed in which we said the President could not spend specific monies until he had obligated others. We have had ways through our career in appropriations of making certain that the congressional priorities were met as the President executed his powers under the Constitution.

I have another reason for supporting the provisions in the bill. I do say parenthetically I know the House of Representatives has the same feelings as expressed by the Senator from Oklahoma and the Senator from Texas. We are probably going to have to work out some sort of a compromise before the bill is through.

I want a bill that will be signed by the President, but my problem is this: After the disasters of September 11, the President requested funds from the Congress, and he requested \$10 billion—no hearings, no strings attached, just \$10 billion, no accounting whatsoever to the Congress. We granted that. He then also wanted another \$10 billion, and this time we said we would like to know how he was going to spend it, so we agreed that we would get an accounting for those monies after they were spent, which is entirely contrary to existing law and our procedures.

Following that, he asked for more money. As the Senator from West Virginia said, we added \$4 billion to the monies he requested, and that money was in accordance with the normal procedures. Every dime the President asked for was appropriated.

When we look at what we have done this year, we have labored hard over the debate on homeland security. I am delighted to hear the President's proposal tonight about the creation of a new Department of Homeland Security. I think most of us have wanted that from the very beginning. In any event, we have also had some priorities that have come to us from our various States and from people who have been involved in security in the United States for a long time, and they have pointed out a great many things.

One, for instance, is the incompatibility of our communications systems. Our communications systems are not national. As a matter of fact, if we think about it, every function of government—Federal, State and local—in the United States awards the contracts to the lowest bidder. There is no requirement that when they buy radios or any kind of communications equipment, they be able to communicate with the people in the next county, let alone the next State or let alone nationally. We found that out in New York when so many of the fire trucks and ambulances that came into New York could not be used because they could not answer the dispatcher. No one could tell them where to go or what to do.

In hearings, we have discovered from FEMA, the Federal Emergency Management Agency, the horrendous burden we have now of trying to make first responders capable of interacting with anybody who comes to help them. That is something that has not been done so far. We have some money in the bill to start that process.

My point is this: We are entitled to have some say in what is spent now to prevent further emergencies and to deal with those as they come up, God

forbid, when they do come up. I believe we are entitled to say to the President, we have worked with you, we have tried to work with you, but we have some priorities we ask you to recognize and to concur in. If it were not for the fact that we have the necessity of going to an emergency because the existing budget does not allow us any further funds—by that I mean we had a budget for this year, we have fulfilled that budget—any amounts in addition to that now must be by virtue of an emergency. The President himself requested these monies on the basis of an emergency or they were offset partially.

What we are saying in this bill is, after these hearings, after the long debates we have had, both last year and now on this subject, we have some priorities. We want the President to recognize those, and we will allocate the monies we believe should be allocated before we agree to this additional money that he wants.

I know the OMB does not like that. They do not like it any more than I like it every time when we make a change in an appropriations bill, that is called a congressional add-on. That request is something made by an elected representative to the Congress and not made by request from some unknown bureaucratic and the millions of people who work for the Departments. Anything they want comes through, and no one challenges it. No one challenges it at all.

The appropriations process affects about 3 percent of the total budget. Our budget now is about \$700 billion for this year. We change less than 3 percent. In terms of the total budget of the United States, total expenditures, \$1.7 billion, if one looks at it, we do not even control half of that in terms of the appropriations process anymore. The entitlement created by the Finance Committee, the Ways and Means Committee, spent \$1.1 billion this year. We will spend about \$700 billion through the total process of the appropriations, but we are going to change less than 3 percent.

On this bill, we have changed a little less than \$4 billion. Last year, we changed \$4 billion in the bills that were signed.

Now, what is all the hullabaloo about? Are we entitled to have any role in setting the priorities for spending for homeland defense? Are we allowed to have any priorities in terms of spending of the balance of the monies that are available to us through offsets in this year?

I would like to work it out with the bureau of the budget, and I would like to have some accommodation of views. One of the accommodations I want is that if we make a recommendation pursuant to our constitutional powers to spend specific money in a specific way, it is not going to be put aside because it is a congressional add-on but everything that has been requested by

some agency of the Federal Government is going to be spent without any further review.

Of all the monies that come through this Congress, the monies in the supplemental appropriations bill get more attention than anything else. We pass 13 bills, and we pass them usually very quickly. They are pretty well debated among us. But in terms of the items in them, they do not get the attention that the supplemental bills do. The supplemental bills, of necessity, are additions to the current year. We have authorized expenditures and appropriated expenditures for this year. This adds to that amount.

I think the Senator from West Virginia deserves a lot of credit for having stood for the proposition that we should not enlarge this bill beyond the scope that the President will approve. We have had to vote against things that each one of us agrees with. Twice today we voted against things on a point of order that we would like to see approved, but because of our roles we must hold the line and try to get a bill the President will approve.

When we get to conference, we will try to get a bill the President will approve. I know he wants this bill. I know the Nation needs this bill. I regret that it does not have the debt ceiling change in it. I regret that we do not have a provision that establishes some mechanism for handling the 13 bills we have yet to handle in this Congress. We do not have a budget yet. Before we start the process for appropriations, I hope we have it. I hope the Senate will let us take this to conference.

I have said to my friend from West Virginia, the chairman of our committee, I know we want to get the President to sign it and currently his people say he is objecting to this very much.

But in the final analysis, maybe we can select out of this whole bill some of the things that will be available and go back to the old provision we used to use. In other words, he cannot get the money he wants until we obligate the money we want. I did that as chairman several times with a President of a different party.

What is wrong with doing it now when the roles are changed? My friend, as chairman today, has accorded himself with great distinction as chairman of the Appropriations Committee in facing up to the problems we have had today. I intend to stay with him and make a motion to table this amendment.

First, I want to give time to anyone who wants a chance for a rebuttal.

Mr. GRAMM. I don't want to make a rebuttal but try to save the Senate a little time. The only thing I know that remains to be done is a point of order against the bill. I don't think it will change a single vote. If we could agree to let me make the point of order and then have these two votes back to back, we could save people some time—if we wanted to do that.

Mr. STEVENS. That is above my pay grade.

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

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

Mr. STEVENS. Madam President, I move to table.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mr. STEVENS. Yes.

Mr. GRAMM. I ask unanimous consent that I be able to make a point of order against the bill and that, when that point of order is made, the Senator from Alaska be immediately recognized to move to table the pending amendment, and that those two votes occur back to back, with the vote on the motion to table to occur first and then the motion to waive this point of order to occur second. By doing it that way we save people some time. Given that it is 9:30, that would probably be welcome.

Mr. BYRD. How much time did we have for making some comments?

Mr. GRAMM. I don't need to make any. If you want to make some comments, you have all the time you need.

Mr. BYRD. I will want to move to waive the Gramm point of order for nondefense emergency in the bill.

Mr. GRAMM. If that unanimous consent request is agreed to, I would go ahead and then make a point of order and the Senator can move to waive it.

Mr. BYRD. Is the Senator going to make any remarks in support of his point?

Mr. GRAMM. I would say we have spoken all day. I think people know what the issue is. This really questions whether everything in the bill is an emergency. It is that simple. As provided in section 205(b) of House Con. Res. 290, I raise a point of order against the emergency designation on the non-defense spending items.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I move to waive the Gramm point of order.

Mr. BYRD. Mr. President, I am in opposition to the amendment to strike section 2002 of the bill. Congress should be proud of the lead that it has taken in funding homeland defense programs that will help prevent, detect and respond to potential terrorist attacks. Last year, we acted together on a bipartisan basis and provided \$10 billion for homeland defense programs, \$4 billion more than was requested by the President.

Last December, President Bush threatened to veto the Defense Appropriations bill if it contained funding for homeland defense programs that he regarded as excessive. Last November, Homeland Security Director Tom

Ridge wrote me and said, "no additional resources beyond what the President has already requested are needed at this time."

Yet, as I emphasized in my opening remarks on this bill, the Congress came together on a bi-partisan basis to increase funding for homeland defense programs and that funding is now making a difference. Over 2,200 more INS border agents and Customs inspectors are being hired. The INS is now implementing a system for tracking foreign students in this country. Our police, fire and medical personnel are getting better training and equipment for detecting and responding to potential biological, chemical or nuclear attacks. The FBI is hiring hundreds of new agents. 750 more food inspectors and investigators are being hired. The number of ports with Food and Drug Administration investigators is being doubled. 324 additional protective personnel are being hired to protect our nuclear weapons complex, and additional resources are being spent on efforts to destroy or secure nuclear materials overseas.

I do not understand why the Senator offering this amendment would want to give the President what would essentially be line item veto authority over the homeland defense funds contained in this bill. If this amendment is adopted, the President would be able to completely disregard the priorities contained in this bill.

Which programs would the President choose not to make available, the firefighter equipment and training funds, the port security grants, the money for the Coast Guard, the money for the Customs Service to inspect cargo containers overseas when we currently inspect only 2 percent of our imports, or how about the money for making sure that our first responders, our police, fire and emergency medical care personnel have communications equipment that are interoperable?

One thing we do know is that the President has already designated as an emergency \$1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for \$1.6 billion of foreign aid but not require him to designate the homeland defense funds as an emergency?

And this amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release \$275 million for Veterans Medical Care. It would allow him to not release the \$80 million for the Cerro Grande fire victims. It would allow him to not release \$1 billion for the Pell grant shortfall.

Finally, Mr. President, I want to assure all Senators that there is precedent for this language. In fact, two years ago, the Republican House and the Republican Senate approved substantially the same language on a fiscal year 2000 supplemental appropriations bill for President Clinton. I supported that bill, when the conference

report passed the Senate on a voice vote.

I urge all Senators to stand by their priorities and oppose this amendment.

Mr. STEVENS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The 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), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

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

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—58

Akaka	Edwards	Nelson (FL)
Allen	Feinstein	Nelson (NE)
Baucus	Graham	Reed
Biden	Harkin	Reid
Boxer	Hollings	Roberts
Breaux	Inouye	Rockefeller
Burns	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Cantwell	Kennedy	Shelby
Carnahan	Kerry	Smith (OR)
Carper	Kohl	Snowe
Cleland	Landrieu	Specter
Clinton	Leahy	Stabenow
Cochran	Levin	Stevens
Collins	Lieberman	Torricelli
Conrad	Lincoln	Warner
Corzine	Mikulski	Wellstone
Dodd	Miller	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—36

Allard	Enzi	Kyl
Bayh	Feingold	Lott
Bennett	Fitzgerald	Lugar
Bond	Frist	McCain
Brownback	Gramm	McConnell
Bunning	Grassley	Nickles
Chafee	Gregg	Santorum
Craig	Hagel	Sessions
Crapo	Hatch	Smith (NH)
DeWine	Hutchinson	Thomas
Domenici	Hutchison	Thompson
Ensign	Inhofe	Voivovich

NOT VOTING—6

Bingaman	Daschle	Helms
Campbell	Dayton	Thurmond

The motion was agreed to.

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

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the motion to waive the emergency designation point of order.

Mr. REID. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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.

Mr. STEVENS. Parliamentary inquiry: Should this point of order be agreed to, what is the impact on the bill?

The PRESIDING OFFICER. It will be open to a budget point of order.

Mr. GRAMM. Mr. President, parliamentary inquiry: If the point of order should be sustained, would there be a vote on final passage on the bill tonight requiring us to stay here to cast it?

(Laughter.)

The PRESIDING OFFICER. That is probably not an inquiry for the Chair.

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

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, will the Chair state the question for the RECORD so that all who read it may understand on what we are voting?

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the emergency designation point of order.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered, and 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), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

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

The yeas and nays resulted—yeas 69, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—69

Akaka	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Edwards	Murkowski
Bennett	Feinstein	Murray
Biden	Graham	Nelson (FL)
Bond	Gregg	Nelson (NE)
Boxer	Harkin	Reed
Breaux	Hatch	Reid
Burns	Hollings	Roberts
Byrd	Hutchinson	Rockefeller
Cantwell	Hutchison	Sarbanes
Carnahan	Inouye	Schumer
Carper	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Leahy	Torricelli
Craig	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden

NAYS—25

Allard	Frist	Nickles
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Chafee	Hagel	Smith (NH)
Crapo	Inhofe	Thomas
Ensign	Kyl	Thompson
Enzi	Lott	Voivovich
Feingold	Lugar	
Fitzgerald	McCain	

NOT VOTING—6

Bingaman	Daschle	Helms
Campbell	Dayton	Thurmond

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to, and the point of order fails.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I yield the floor, without losing my right to the floor, to the Senator from Utah for the purpose of withdrawing an amendment.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized.

AMENDMENT NO. 3759

Mr. HATCH. Mr. President, I ask unanimous consent that Senate amendment No. 3759 relating to resources for the Food and Drug Administration be recalled.

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

Mr. HATCH. Mr. President, for many years now, it has been abundantly clear to many of us that one of the most important Federal agencies, the Food and Drug Administration, FDA, is woefully underfunded. It was for that reason that I reluctantly agreed to pharmaceutical user fees in 1992, even though I preferred that safety and efficacy review of new drugs remain a government function.

Integrally related to the operations of the FDA are the agency's facility needs. Studies dating back to 1976 have cited serious deficiencies in FDA's facilities. For example, one 1976 FDA study found that the condition of agency laboratories at five of nine locations were "unacceptable." Another two labs were found to be "marginal," and the remaining two were cited as "generally suitable" with some marginal deficiencies. Many of these deficiencies remain today.

As long ago as 1988, the Labor and Human Resources Committee recognized this fact by approving legislation I authored, S. 2468, the Food and Drug Administration Revitalization Act. Enacted in 1990 as Public Law 101-635, this

law improved FDA's resources in a number of areas, including, most importantly, granting the Secretary and the General Services Administration enhanced authority to modernize and improve FDA's real property needs.

I still recall the motivation for that legislation as if it were today, the shocking reports we read about FDA facilities being scattered across far-flung locations. I remember hearing of renowned scientists literally working in converted chicken coops. More recently, in 1996, one FDA official testified before that Congress that FDA was scattered in more than 40 buildings, many with outdated and unacceptable laboratories, in more than 18 different locations. For an agency that is responsible for one-quarter of every consumer dollar, for an agency that makes decisions that are literally life and death, that was—and is—simply unacceptable.

A number of us, including Senator MIKULSKI and Senator KENNEDY, and on the House side, Representative CONNIE MORELLA, have been working to accomplish a consolidation of the FDA headquarters in one location. It is our belief that this enhanced, state-of-the-art facility will enable the agency to operate more efficiently. In short, we will be enabling agency personnel to do the job that the American people expect of them.

Through the Base Realignment and Closure Act process, the Naval Surface Warfare Center in White Oak, Maryland, was transferred to the General Services Administration (GSA). This property will be used pursuant to the FDA Revitalization Act to consolidate new laboratories, office buildings, and support facilities of FDA's most important functions: the Office of the Commissioner; the Office of Regulatory Affairs; the Center for Drug Evaluation and Research; the Center for Devices and Radiological Health; and the Center for Biologics Evaluation and Research. If there were a dietary supplement center, I feel certain it would go there as well. I was encouraged to learn that, under the most recent plan, 6,235 headquarters personnel would be located in over 2.3 million square feet of office and laboratory space.

Unfortunately, though, our history of financial support for the consolidation is not as promising. For example, by 1994, a total of \$325 million had been provided for the project, but \$228 million of that was rescinded in FY 1995 based on concerns about the scope of the project as well as its location. The current budget only proposes \$5.5 million for FY 2003, delaying the project by an estimated year and resulting in almost \$23 million in increased costs due to commercial lease extensions, delays in design and construction, and the impact on management and inspection of the project.

This delay would have the most adverse effect on the Center for Devices and Radiological Health, CDRH, which occupies seven leased buildings in

Rockville. Efficient operations of CDRH are critically important for my home state of Utah, which is proud to be the home base for literally dozens of thriving medical device manufacturers. They need to be able to count on FDA to maintain its gold standard review of devices to assure the public of their safety and efficacy. This is increasingly hard for FDA personnel to do, given that one of the two device labs is about 40 years old and in need of considerable attention. In fact, I am advised by the GSA that this CDRH lab is in "extensive disrepair". The ventilation system is old and at risk of failure, and the owner has blocked even temporary repairs.

The unfortunate events of September 11 have made this consolidation even more crucial. Many FDA facilities are currently leased and physical security varies by building. The new complex will improve security dramatically, both for current employees, and for the 128 additional headquarters personnel funded by the counter-terrorism appropriation.

In short, I remain discouraged by our lack of progress on this project over the last 15 years or so. I recognize that resources are constrained, but providing the FDA with necessary resources to assure public health and safety is a very important government function that needs to be funded.

In an effort to provide new funds for this project, and to reassure the thousands of FDA employees that we are behind them and their important work, earlier this week Senators MIKULSKI, KENNEDY and I proposed that the record \$500 million settlement resolving quality-control problems at four Schering-Plough factories be devoted to the FDA consolidated headquarters. We believe it is entirely fitting that this pharmaceutical money be used to improve the operations of the FDA, rather than being dispersed into the general receipts of the Treasury.

Unfortunately, it now appears that a budget point of order would be lodged against our amendment, despite its important purpose. Therefore, deferring to the guidance of our colleagues on the Appropriations Committee, and recognizing the administration's serious concerns about the overall costs of the bill, I am reluctantly recalling this amendment. However, I am encouraged that the subcommittee chairman and ranking Republican member have indicated their willingness to work with us during formulation of the FY 2003 Treasury-Postal bill, and we intend to work closely with them to provide this necessary funding in the weeks to come.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The Senator from Nevada objects.

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

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I am sorry; I did not hear.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I asked unanimous consent the call of the quorum be terminated.

Mr. GRAMM. Fine.

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

Mr. REID. Mr. President, we are going to try to work our way through this in various stages. The first stage is a group of amendments that everyone has agreed to—good guys, bad guys, those in between.

I send this list of amendments to the desk and ask the clerk to read them individually, report them individually.

The PRESIDING OFFICER. The clerk will report the amendments.

AMENDMENT NO. 3676, AS MODIFIED

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3676, as modified.

Mr. REID. I waive further reading of the amendments.

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

The amendment is as follows:

On page 67, line 19, strike "established" and insert in lieu thereof "committed, in writing, to establish".

AMENDMENT NO. 3677

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3677.

The amendment is as follows:

On page 67, line 17, strike "inaugurated" and insert in lieu thereof "elected".

AMENDMENT NO. 3678

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3678.

The amendment is as follows:

On page 67, line 15, strike "certify" and insert in lieu thereof "report."

AMENDMENT NO. 3679

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3679.

The amendment is as follows:

On page 68, line 12, after "or" insert "United States".

AMENDMENT NO. 3680, AS MODIFIED

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3680, as modified.

The amendment is as follows:

On page 68, line 6, strike "dedicated" and insert in lieu thereof "committed, in writing, to support".

AMENDMENT NO. 3696

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3696.

The amendment is as follows:

On page 63, line 15, strike "or subsequent Acts".

AMENDMENT NO. 3697

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3697.

The amendment is as follows:

On page 60, line 4, strike "and equipment" and insert in lieu thereof "equipment and related assistance".

AMENDMENT NO. 3698

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3698.

The amendment is as follows:

On page 63, line 19, strike "may" and everything that follows through "Initiative" on line 20, and insert in lieu thereof "shall be made available for any of the programs and activities identified in clause (i) to improve the lives of the Colombian people".

AMENDMENT NO. 3715

The legislative clerk read as follows:

The Senator from Nevada, [Mr. REID], for Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3715.

The amendment is as follows:

On page 63, line 12, strike "ownership share of" and insert in lieu thereof "financial interest in".

Mr. REID. Mr. President, I would say to all the Members, these amendments are offered on behalf of Senator LEAHY. I think without exception they have been cosponsored by Senator MCCONNELL.

Mr. LOTT. That is correct.

Mr. STEVENS. That is right.

Mr. REID. As I indicated to the Senators, the two managers approve these amendments, and they have been through the cleansing operation. These amendments have been available for people to look at. One I looked at changes the word "election" to "inauguration," dealing with the matters in Central or South America.

So I think it would be to everyone's best interests—I don't think we need to go through each one of these and debate them. That is because we also know then we are going to ask consent that a list of the managers' amendments on which we have not had general agreement, that we will ask that be sent to the desk after we get this accepted, and then there will be rulings on the germaneness of a number of these that have not been approved.

Ms. LANDRIEU. Mr. President, I have an inquiry.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I wanted to inquire if the Senator would consider amendment No. 3581, to which I believe there is no objection. Although it may not be technically germane, I do not believe there is objection to No. 3581, to add to that list.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to my friend from Louisiana, we have been told by the Parliamentarian that is not germane. We would have to pass that and we might have trouble doing that at this time.

Ms. LANDRIEU. I understand that, just as long as we have had opportunity to consider it, is my question.

Mr. REID. I say to my friend, let us adopt a group of amendments. We are going to get to a number of amendments like yours that are nongermane. These have been approved.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. If the Senator will yield, I would say your amendment No. 3581 is on a list that would be given an opportunity to be considered, or acted on in some way, once we get this non-controversial list that was offered agreed to. We are trying to move forward on the process.

Ms. LANDRIEU. I thank the Senator from Mississippi. I understand it has no objection, so I wanted to make sure it would have a chance to come up.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent the amendments that have just been sent to the desk be adopted en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are adopted en bloc.

The amendments (Nos. 3676, as modified, through 3680, as modified, 3696, 3697, 3698, and 3715) were agreed to en bloc.

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

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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 dispensed with.

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

Mr. REID. Mr. President, I would say to all Members, this is a very important bill. We know that or we would not be working going on the midnight hour. There has been a tremendous amount of work done by staff and by the two managers of the bill. We are now at a stage where the end is in

sight. Just because that is the case, it doesn't necessarily mean we are going to get to the end.

I ask the cooperation of all Members to work with us here a little bit. If there is something we feel strongly about, we will explain to them why the managers, or the subcommittee chairs, other Members did not accept their particular amendment. Of course, the Chair is the one who rules on whether or not they are germane.

So I ask we move through these as rapidly as possible. I yield to my friend, the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. I know the hour is late and Members would like to try to find a way to bring this to conclusion. I know this is not the ideal way to proceed. But I ask Senators at this point to be cooperative.

Many of us might have an amendment or amendments we would like to have included. If they are not germane or they have been objected to one way or the other, there will be other bills. This is not the last opportunity.

I hope we will cooperate at this point with Senator REID and the Members who are involved on both sides and bring this bill to a conclusion. If any Senator starts objecting and insists on votes, the horse is out of the barn and we will never end it.

This is an important bill. We have done good work. It is time to bring it to a conclusion. I hope all Senators will wait for another opportunity if they didn't get their nongermane amendments on this bill.

Mr. REID. Mr. President, this is not normal Senate procedure. Normally in the Senate there is an indefinite time. We have a definite time. This bill is going to end either tonight or at 5:30 tomorrow afternoon. We are going to finish the bill. It is not a question of being able to hold up this bill because this bill is going forward. The President wants it. The two managers worked hard. The House is waiting for it to be brought to conference.

The list of amendments commonly referred to as "the managers' amendment" I know causes people's hair to bristle at the back of their neck. But that is what this is. The managers worked on this for about 7 hours. Senator MCCAIN and Senator GRAMM have been going through it for about 3 hours. The staff has worked. We now have this list that has been culled.

We would like to go through these. There are some to which the respective parties have agreed. Some will fall because they are not germane.

I ask for the cooperation of the two managers of the bill. Senator STEVENS is ready, it is my understanding, to move through these. He has a list of those that have been accepted. He has a list of those that are nongermane.

I ask if the Senator from Alaska is ready to move through this package. Senator BYRD and I have spoken to the ranking member. He has worked with Senators GRAMM and MCCAIN.

Mr. STEVENS. Mr. President, in order to facilitate this, I send to the desk a list of the items that the Parliamentarian has ruled are not germane. I ask the Parliamentarian to examine that and confer. These have been ruled as not germane. There are eight of them.

Parliamentary inquiry: Has the Parliamentarian confirmed that those have been ruled to be not germane?

The PRESIDING OFFICER. That is correct.

AMENDMENTS NOS. 3558, 3581, 3584, 3604, 3625, 3740, 3744, AND 3745, RECALLED EN BLOC

Mr. STEVENS. Mr. President, I will read the list so Senators know what is on the list: amendment No. 3558 by Senator MURRAY; amendment No. 3581 by Senator LANDRIEU; amendment No. 3584 by Senator STABENOW; amendment No. 3604 by Senator HOLLINGS; amendment No. 3625 by Senator COCHRAN; amendment No. 3740 by Senator HOLLINGS; amendment No. 3744 by Senator DURBIN; and amendment No. 3745 by Senator SARBANES. Those are the eight that have been ruled to be nongermane.

It is my understanding that if those amendments were called up and objection was made the Parliamentarian would rule them not be germane and not in order to be considered at this time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask if any Senator objects if I ask those amendments be withdrawn at this time?

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

Is the Senator proposing these amendments? Is there objection?

Mr. STEVENS. Parliamentary inquiry: Is Senator LANDRIEU's amendment, No. 3581, the \$2.5 million requested to eliminate the need to recover funds from States under the Developmental Disabilities Assistance and Bill of Rights Act? Is that the right amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. It is my understanding that the Senator from Texas and the Senator from Arizona object to that. Is that correct?

Mr. GRAMM. That is correct. I object.

The PRESIDING OFFICER. Has the Senator from Alaska offered that amendment?

Mr. STEVENS. Mr. President, I am prepared to offer a request that all of those amendments be withdrawn as they would be knocked down if called up.

I recall those amendments.

The PRESIDING OFFICER. The Senator has asked that those amendments be recalled.

Mr. STEVENS. All eight en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NOS. 3559, 3568, 3591, 3593, 3598, 3602, 3607, 3614, AS MODIFIED; 3615, 3616, 3624, AS MODIFIED; 3631, 3632, 3653, 3656, AS MODIFIED; 3657, 3658, 3665, 3666, 3667, 3669, 3682, 3702, 3716, 3754, AS MODIFIED; AND 3766, AS MODIFIED, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk the list. There is a list of amendments that were proposed by Senators and that were examined by the majority and minority of the Appropriations Committee and which they agreed to accept. Those that sought to review the list had no objection to the amendments on this list. I ask that these amendments be called up and considered en bloc and adopted en bloc.

I am pleased to read the list, in case anyone has any question of what is on it: amendment No. 3559 by Senator HUTCHISON; amendment No. 3568 by Senator NELSON of Florida; amendment No. 3591 by Senator BIDEN; amendment No. 3593 by Senator MCCONNELL; amendment No. 3598 by Senator CLINTON; amendment No. 3602 by Senator TORRICELLI; amendment No. 3607 by Senator BUNNING; amendment No. 3614 by Senator WYDEN; amendment No. 3615 by Senator DASCHLE; amendment No. 3616 by Senator BYRD; amendment No. 3624 by Senator WELLSTONE; amendment No. 3631 by Senator KYL; amendment No. 3632 by Senator KYL; amendment No. 3653 by Senator SESSIONS; amendment No. 3656 by Senator MCCONNELL; amendment No. 3657 by Senator KOHL; amendment No. 3658 by Senator HARKIN; amendment No. 3665, my own amendment, amendment No. 3666; my amendment, No. 3667; my amendment, amendment No. 3669 by Senator KERRY; amendment No. 3682 by Senator KOHL; amendment No. 3702, another amendment that I offered; amendment No. 3716 by Senator LEAHY; amendment No. 3754 by Senator HUTCHINSON; and amendment No. 3766 by Senator CRAIG.

Those are the amendments that have been agreed to. No objection has been raised to date by any Senator.

I ask that this list of amendments, together with modifications that have been filed with the list, and the statements made on each of the amendments by Senators involved be printed in the RECORD. I ask unanimous consent that these amendments be called up en bloc and agreed to en bloc.

Mr. REID. Mr. President, reserving the right to object, there are some amendments on this list that have not been included. As soon as we complete this, we will discuss those, if necessary, one by one.

Mr. STEVENS. There are other amendments that are in sort of an uncertain category.

Mr. LEVIN. Mr. President, reserving the right to object, I have an inquiry of my friend from Alaska. It is my understanding that amendment No. 3657 is not in a dubious category, is germane, and is supported by both managers.

Mr. STEVENS. What is the number?

Mr. LEVIN. Amendment No. 3627. It has to do with flood damage repairs for

six States that both managers have supported—and it is germane—including Missouri, Kentucky, West Virginia, Virginia, Illinois, and Michigan.

Mr. STEVENS. What is the amendment number?

Mr. LEVIN. No. 3627.

Mr. STEVENS. No. 3627, unfortunately, was objected to by two Senators who wish to be heard on it.

Mr. LEVIN. I understand it is a germane amendment which the managers have supported; is that correct?

Mr. STEVENS. It is on another list. It is supported by both managers. And it is germane.

Mr. LEVIN. I thank the Senator.

Mr. STEVENS. But there is an objection to be heard.

Mr. LEVIN. There will be then another list offered?

Mr. STEVENS. There is another list right behind this one. But this is the agreed-to list that we submitted to those who wished to review the managers' package. The managers' package was composed of amendments that had been referred to the subcommittees involved, checked, on a bipartisan basis, by the subcommittees, reviewed by Senator BYRD's staff, my staff, and by the two of us personally, submitted to those who wished to review it, and this is the agreed-to package with no objection to be raised to date to any one of them.

The PRESIDING OFFICER. Is there objection to the amendments?

Mr. GRAHAM. Reserving the right to object for purposes of inquiry.

The PRESIDING OFFICER. The Senator from Florida reserves the right to object.

Mr. GRAHAM. Amendment No. 3747, which has been ruled germane, relates to an emergency for additional U.S. marshals.

Mr. STEVENS. Yes, that is germane. It has the approval of the managers in the subcommittees. There are two Senators who wish to object. That would be subject to debate. It is in that undecided package.

The PRESIDING OFFICER. Is there objection to the package of the Senator from Alaska?

Without objection, it is so ordered. The amendments are adopted.

The amendments (Nos. 3559; 3568; 3591; 3593; 3598; 3602; 3607; 3614, as modified; 3615; 3616; 3624, as modified; 3631; 3632; 3653; 3656, as modified; 3657; 3658; 3665; 3666; 3667; 3669; 3682; 3702; 3716; 3754, as modified; and 3766, as modified) were agreed to, as follows:

AMENDMENT NO. 3559

(Purpose: Technical change)

On pages 6 and 7, strike section 101 and insert the following:

**SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.**

(a) IN GENERAL.—The Secretary of Agriculture shall use \$10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in



the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3568

(Purpose: To express the sense of the Senate regarding the reorganization of the Federal Bureau of Investigation to conduct counter terrorism activities)

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) The Senate finds that—

(1) the Federal Bureau of Investigation is the principle investigative arm of the Department of Justice;

(2) the Federal Bureau of Investigation has the authority and responsibility to investigate specific crimes assigned to it, including violations concerning organized crime and drugs, civil rights, violent crimes, financial crimes, counterterrorism, and foreign counterintelligence; and

(3) the mission of the Federal Bureau of Investigation is—

(A) to uphold the law through the investigation of violations of Federal criminal law;

(B) to protect the United States from foreign intelligence and terrorist activities;

(C) provide leadership and law enforcement assistance to Federal, State, local, and international agencies; and

(D) to perform these responsibilities in a manner that is responsive to the needs of the public and is faithful to the Constitution of the United States.

(b) It is the sense of the Senate that—

(1) the reorganization of the Federal Bureau of Investigation is a positive and important response to challenges posed by the increased threat of terrorism and that continued constructive dialog between FBI Director Robert Mueller and Congress will help make the reorganization a success;

(2) the Federal Bureau of Investigation shall continue to allocate adequate resources for the purpose of investigating all crimes under its jurisdiction;

(3) the reallocation of agents and resources to counterterrorism investigations should not hamper the ability of the Federal Bureau of Investigation to investigate crimes involving drugs; and

(4) sufficient homeland security resources should be made available to State and local law enforcement and public safety officials to enable them to meet their responsibilities as the Nation's first responders.

AMENDMENT NO. 3591

(Purpose: To make funds available for the preservation of a commercial manufacturing capability for defense grade nitrocellulose)

At the end of chapter 3 of title I, add the following:

SEC. 307. The Secretary of the Army shall obligate and expend the \$2,000,000 appropriated for the Army by Public Law 107-117 for procurement of smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to preserve a commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge System and to preserve competition in that manufacturing capability.

AMENDMENT NO. 3593

(Purpose: To transfer, and merge, Economic Support Fund assistance for Israel with funds appropriated by this Act for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for activities relating to combating international terrorism)

On page 58, line 10, after "Israel" insert the following: ", all or a portion of which may be transferred to, and merged with, funds appropriated by this Act under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for defensive, non-lethal anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961".

AMENDMENT NO. 3598

(Purpose: To provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are in excess of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965)

On page 89, between lines 3 and 4, insert the following:

SEC. 807. LOCAL EDUCATIONAL AGENCY SERVING NEW YORK CITY.

Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

AMENDMENT NO. 3602

(Purpose: To require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport)

On page 101, after line 23, insert the following:

SEC. 1008. Not later than 30 days after the date of enactment of this Act, the Adminis-

trator of the Federal Aviation Administration shall submit to Congress a report—

(1) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and

(B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

AMENDMENT NO. 3607

(Purpose: To redirect previously appropriated funds for safe and reliable water services to residents in Kentucky)

On page 111, after line 2 insert the following:

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking everything after "\$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project (\$500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project (\$400,000), Grant County Williamstown Lake Expansion Study (\$50,000), and Pendleton County Williamstown Lake Expansion Study (\$50,000)".

AMENDMENT NO. 3614, AS MODIFIED

(Purpose: To provide \$500,000 to carry out a West Coast groundfish fishing capacity reduction program)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 210. Of the amounts appropriated in Public Law 107-77, under the heading "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities", for Oregon groundfish cooperative research, \$500,000 shall be for the cost of a reduction loan of \$50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1871a(b)).

AMENDMENT NO. 3615

On page 71, at the end of line 23, strike the "." and insert the following: ". Provided, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include actions for protection of resources and communities from fire."

AMENDMENT NO. 3616

(Purpose: To express the sense of the Senate regarding avian influenza)

On page 7, after line 12, insert the following:

"SEC. . SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA.

It is the sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other states which have resulted in the destruction of poultry flocks in order to contain this disease."

## AMENDMENT NO. 3624, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children)

At the appropriate place, insert:

“SEC. 102. Whereas of the 40 million people living with HIV/AIDS, nearly 2.7 million are children under 15, and 11.8 million are young people aged 15-24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 per cent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economical and efficient means to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals;

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growing adolescents and pregnant women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children.

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector.

Whereas the United States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching \$1 billion, and storage costs are \$1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three years when it must be sold for a salvage value of only a few cents per pound;

Whereas the impacts of breast-feeding on mother to child transmission remain controversial and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Secretary of Agriculture should—

(A) utilize the existing 416(b) authority of the Agricultural Act of 1949 to dispose of dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic;

(B) Make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture, and expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project expenses;

(C) Give careful consideration to the local market conditions before dairy products are

donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector; and

(D) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

(Purpose: To require the transfer of funds to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service)

On page 26, between lines 4 and 5, insert the following:

SEC. 210. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107-77, transfer to, and merge with, the appropriations account for the Immigration and Naturalization Service entitled “Salaries and Expenses” the following amounts for the following purposes:

(1) \$4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332; and

(2) \$3,800,000 to cover an increase in pay for all immigration inspectors who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332.

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77; 115 Stat. 798).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

## AMENDMENT NO. 3632

(Purpose: To make available funds for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics)

On page 14, line 19, before the period insert the following: “: *Provided*, That of the amount appropriated under this heading, \$500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an ap-

plication profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of The USA PATRIOT Act (Public Law 107-56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107-173), and the amendments made by those provisions”.

## AMENDMENT NO. 3653

(Purpose: To make available funds to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.)

On page 69, after line 23, add the following: SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, \$300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

## AMENDMENT NO. 3656, AS MODIFIED

(Purpose: To provide a substitute for section 503 (relating to a contract for the construction of a facility for the disposition of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio)

Strike section 503 and insert the following: SEC. 503. Section 1 of Public Law 105-204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking “until the date” and all that follows and inserting “until the date that is 30 days after the date on which the Secretary of Energy awards a contract under subsection (c), and no such amounts shall be available for any purpose except to implement the contract.”; and

(2) by striking subsection (c) and inserting the following:

“(c) CONTRACTING REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code), the Secretary of Energy shall—

“(A) not later than 10 days after the date of enactment of this paragraph, request offerors whose proposals in response to Request for Proposals No. DE-RP05-010R22717 (‘Acquisition of Facilities and Services for Depleted Uranium Hexafluoride (DUF6) Conversion Project’) were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offerors to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph; and

“(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under subparagraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of—

“(i) a facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

“(ii) a facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

“(2) CONTRACT TERMS.—Notwithstanding any other provision of law (except section 1341 of title 31, United States Code) the Secretary of Energy shall negotiate with the

awardee to modify the contract awarded under paragraph (1) to—

“(A) require, as a mandatory item, that groundbreaking for construction occur not later than July 31, 2004, and that construction proceed expeditiously thereafter;

“(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K-25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

“(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

“(3) CERTIFICATION OF GROUNDBREAKING.—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

“(e) FUNDING.—

“(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.”

AMENDMENT NO. 3657

(Purpose: To provide for international food assistance)

On page 7 after line 12, insert the following:

SEC. . (a) RESCISSION.—The unobligated balance of authority available under section 2108(a) of Public Law 107-20 is rescinded as of the date of the enactment of this Act.

(a) APPROPRIATION.—There is appropriated to the Secretary of Agriculture an amount equal to the unobligated balance rescinded by subsection (a) for expenses through fiscal year 2003 under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721-1726a) for commodities supplied in connection with disposition abroad pursuant to title II of said Act.”

AMENDMENT NO. 3658

(Purpose: To enhance support for international food assistance programs)

On page 7 after line 12, insert the following:

“SEC. . Section 416(b)(7)(D)(iv) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iv)) is amended by striking “subsection.” and inserting in lieu thereof the following “subsection, or to otherwise carry out the purposes of this subsection.”

AMENDMENT NO. 3665

Strike section 806 and inserting in lieu thereof the following new section:

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.

AMENDMENT NO. 3666

On page 89, at the end of line 3, add a new section as follows:

SEC. . In the statement of the managers of the committee of conference accompanying the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106-554; House Report 106-1033),

the provision specifying \$464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: “for the Alaska CHAR vocational training program, \$100,000 and \$364,000 for the Yuut Eliitnavriat People’s Learning Center in Bethel, Alaska for vocational training for Alaska Natives”.

AMENDMENT NO. 3667

Amend title II by adding a new section as follows:

SEC. . In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of P.L. 107-117—

(a) subparagraph (B) is amended by—  
(1) striking “subsection (e)(2)” and inserting in lieu thereof “subsections (e)(1) or (e)(2)”; and

(2) striking “obligations under section 7 of P.L. 87-305” and inserting in lieu thereof “small or small disadvantaged business subcontracting goals under section 502 of P.L. 100-656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit”; and

(b) subparagraph (C) is amended by striking “subsection (e)(2)” and inserting “subsection (e)(1) or (e)(2)”.

AMENDMENT NO. 3669

(Purpose: To provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107-77 shall remain available until expended)

At the end of chapter 2 of title I, add the following:

SEC. 210. Amounts appropriated by title V of Public Law 107-77 under the heading “NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION” (115 Stat. 795) shall remain available until expended.

AMENDMENT NO. 3682

(Purpose: To allow the closing of certain accounts relating to the Food Safety and Inspection Service)

On page 7, after line 12, insert the following:

“SEC. . Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed \$12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2001 (Public Law 106-387) to liquidate over-obligations and over-expenditures of the Food Safety and Inspection Service incurred during previous fiscal years, approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.”

AMENDMENT NO. 3702

At the appropriate place in the bill insert the text of S. 1713 as ordered favorably reported by the Committee on Governmental Affairs of the United States Senate on May 22, 2002.

AMENDMENT NO. 3716

(Purpose: To require a report setting forth a strategy for meeting the security needs of Afghanistan)

On page 69, after line 23, add the following:

SEC. 605. Not later than 45 days after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Rep-

resentatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a report setting forth a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

AMENDMENT NO. 3754, AS MODIFIED

(Purpose: To restore funding provided for the DEA)

On page 10, strike lines 20 through 24.

On page 19, line 18, strike “\$35,000,000” and insert “\$48,000,000”.

AMENDMENT NO. 3766, AS MODIFIED

At the appropriate place in Chapter 10, insert:

SEC. . The \$300,000 made available to the State of Idaho under the matter under the heading “JOB ACCESS AND REVERSE COMMUTE GRANTS” under the heading “FEDERAL TRANSIT ADMINISTRATION” in title I of the Department of Transportation and Related Agencies Appropriations Act, 2002 (Public Law 107-87; 115 Stat. 852), shall be deemed to have been made available to the State of Idaho to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I wish to make a couple remarks about the process we are going through right now as we are finishing up. We should not be doing this. This is a managers’ amendment. A managers’ amendment is intended for technical amendments. Now the Senator from Texas and I are causing heartburn for everybody around the Senate who has an amendment they think is worthy.

The amendment should have been brought up and voted on and put in the normal process. Instead, because of the egregious practice that has been going on, I pointed out many times last year, when I said, What is in the managers’ amendment? Nobody knew. There were 32 specific earmarked projects in an appropriations bill.

The Senator from Texas and I decided we wanted to see what was in the managers’ amendment. I have forgotten how many there were—90 to start with, somewhere around 90 amendments to start with. Some of them were \$10 million; some, \$20 million; some, \$50 million; some were \$120 million out of the highway trust fund—all in “managers’ amendments.”

I don't like staying here late at night any more than any of my colleagues do. Why don't we try going through the normal process? An amendment that is worth \$120 million is worthy of debate and voting on, on the floor of the Senate, and not to be included in a managers' package. Then we have to get our staff, the Senator from Texas and I, and make everybody mad because we object to them.

If these amendments had been brought up in the normal procedure, nobody would have been angry because then we would have voted these amendments up or down. Instead, we have now a practice where there is a managers' amendment which in anybody's definition includes technical amendments to the bill where there are huge changes, and many of them policy changes.

I am sympathetic to the Senator from Oregon who wants to keep the search and rescue in the State of Oregon. It is an important issue to him. Where is it? It is in the managers' package, a policy change where we are going to dictate to the U.S. Air Force.

What I hope my colleagues have learned from this, at 20 minutes to midnight on a Thursday night, is that we would go through the normal process, have the amendments considered, vote up or down, the managers' package being purely technical amendments as they are intended, and we wouldn't have this problem that we are in today.

There is enormous heartburn here on the part of some of my colleagues. I understand that. These are important issues to them.

I say to the Senator that this is an important issue, whether search and rescue is available in the State of Oregon at Mount Hood where a disaster took place. Instead, we are supposed to decide the situation on the basis of germane or nongermane. We should not be doing this. I hope the lesson is that we take up amendments and vote on them up or down, and not in a managers' package from now on, which is how it is supposed to be.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I think the Senator from Arizona makes good points, and he has made his points throughout the debate. Are we now prepared to complete action on this last list of amendments so we can get to final passage? He has made his point, and is right, but now we have to bring this to a reasonable and quick conclusion. Are we ready to do that?

Mr. GRAMM. Yes.

Mr. STEVENS. I am ready for the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. At the end of the last supplemental, by a clerical error, one of the amendments that was offered by the Senator from New Mexico was clerically left off. We did not discover

that until the next morning. We told the Senator that we would accept that amendment and be sure it was on the next supplemental. Now, we have done that and it has now been ruled not germane. It is amendment No. 3718, and it was arguably not germane. There is an indication now that it is not germane.

I ask the Senate to allow us to keep our commitment to Senator DOMENICI. It would have become law in the last supplemental but for a clerical error.

I ask unanimous consent that we take up amendment No. 3718 and that it be before the Senate for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, the amendment is clearly not germane. I don't know what kind of deals were made among the members of the Appropriations Committee. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, is there any way to appeal that?

Mr. LOTT. If the Senator will yield, one way is to appeal to the Senator from Arizona. I ask the Senator to reconsider. We have a senior Senator here who is in this position not because of his own fault. He had a commitment made to him by senior members on both sides of the aisle. They are trying to keep that commitment. We should honor that, whether it is Republican or Democrat, no matter where you are from or who it is. I urge the Senator not to object to that request under these conditions. I would be here defending or keeping a commitment to the Senator from Arizona if he were the one involved. I don't know what the subject is, but I ask the Senator to reconsider. I make the request again that it be accepted by unanimous consent, and I make that appeal to the Senator.

Mr. MCCAIN. I object.

Mrs. FEINSTEIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The Republican leader has the floor.

Mr. LOTT. I yield the floor.

Mr. STEVENS. Mr. President, I had a parliamentary inquiry. Was that matter subject to appeal?

Mr. REID. If the Senator will yield, it is my understanding that post—

The PRESIDING OFFICER. There is no appeal of the objection to the unanimous consent request.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to make a proposal that I think is reasonable. The Parliamentarian has now ruled on the remaining amendments, as to whether they are germane or whether they are subject to a point of order, which would bring them down, and that is only true in the case of one of Senator BYRD's amendments.

I want to propose that all those that are germane we accept by unanimous

consent and that all those that are not germane fall. They could bring them up, we could raise germaneness. The Chair already ruled they would be struck down. We will have wasted 2 hours of time, and we would end up with exactly the same result. I am not sure if we voted on some of these germane ones they would pass. But it is almost midnight. I want to propose that all of the items on the list that are germane be adopted by unanimous consent or as modified—in the form that the Chair has it—that we adopt them, and those that are not germane we drop, and we would finish our business.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a list of amendments. We have all gone to the Parliamentarian and gone over them individually. They have looked at these several times to determine whether or not they are germane. I will call up each individual amendment, ask whether or not it is germane, and that will leave some, as the Chair already ruled, and the others will fall.

I ask if amendment No. 3595 offered by the Senator from Rhode Island, Mr. REED, is germane.

Mr. STEVENS. Is the Senator asking consent?

Mr. REID. No.

The PRESIDING OFFICER. That amendment would not be germane.

Mr. REID. That amendment falls; is that right, Mr. President?

The PRESIDING OFFICER. If the amendment were called up, the Chair would rule that it is not germane.

Mr. REID. I make the point of order that it is not germane.

The PRESIDING OFFICER. The amendment is not pending. If the amendment were called up and pending, the Chair would rule that it is not germane.

AMENDMENT NO. 3595

Mr. REID. Mr. President, I call up amendment No. 3595 by Senator REED of Rhode Island.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. There is no objection in order to calling up an amendment. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3595.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To provide funds to enhance security for public transportation operations)

On page 94, line 19, after "Commerce" insert "Provided further, That, not later than 30 days after the date of enactment of this Act, the Under Secretary for Transportation Security shall report to Congress (1) the amount of Transportation Security Administration funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, and (3) a plan for improving the security of our Nation's public transportation systems".

Mr. REID. Will the Chair rule on the germaneness of that amendment?

The PRESIDING OFFICER. The amendment is not germane.

Mr. DOMENICI. Mr. President, I want to ask my friend a question.

Mr. REID. Mr. President, I will be glad to yield to my friend for a question, without losing my right to the floor.

Mr. DOMENICI. Mr. President, I cannot follow this process. Whatever you say about germaneness or not, I want to bring my amendment up to be discussed. We can take 2 minutes, and then you can do with it what you want. I am not going to stand here and have my amendment possibly disposed of while the process for proceeding is not clear. I have the floor now and—

Mr. REID. You do not have the floor.

Mr. DOMENICI. Can I borrow it from you?

Mr. REID. I have the floor. I know that is tough, but that the rule here.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Nevada yielded for a question.

Mr. REID. I yielded with my right to retain the floor. Nothing unusual is happening. We have a list that we are going to go through with amendments that have been deemed to be non-germane. That will leave those that are germane that we will deal with.

Mr. DOMENICI. My two are not germane. One of them would have been adopted by the Senate but for a clerical error. Are you going to let the Senate listen to that statement?

Mr. REID. I will say that we have heard statements by Senator STEVENS, not only publicly here on the floor, but before the Parliamentarian and a number of other Senators. I believe Senator DOMENICI's cause is just, but the rules of the Senate are going to knock this out.

Mr. DOMENICI. I ask if you would give me 2 minutes right now, and I will not talk anymore.

Mr. REID. I would be happy to yield to my friend, and I will retain the floor following that 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. I want to say to all of you that what happened to me should not happen to any of you. I have been here almost 30 years. If some of you were here 60 years, I hope it

doesn't happen to you. I don't care why a Senator leaves the floor at the end of a bill, or whether Senator JOHN MCCAIN, who is objecting now, had some reason to leave the floor, or if he didn't like the process and he stomped out of here mad like he does sometimes.

The truth is that a managers' amendment with 20 or 30 managers' amendments in it, with my name on the list, and Senator BINGAMAN, incidentally—Senator BINGAMAN was sitting right over there, and we did not catch it, as the manager read it. We thought it was included in the long list.

We get up the next day and to our surprise, something that we had accomplished, that we thought was very important, was not in the bill and did not get attached, and the conferees said they could not consider it. But they said the next appropriations bill that comes, we will help you.

I could not get help because we entered into an early-on cloture, which we do not do. I should have expected it, but it never happens that early. It happened, and all of us got shut out, and we were urged by our leadership to help with that. I thought we should not. I thought we should wait 2 or 3 days. But the leader asked me, and I said: OK, let's close it down early.

I got closed down, and now I have a Senator or two, because they do not like my amendment, sitting here telling you they do not believe me—that is what they are saying—or they do not believe TED STEVENS who believed me.

Is that what they are saying? I hope they are not saying that. And you can smile if you like, but there is nothing to smile about. It is very serious, and you get a frown on your face like me more frequently than I do.

Excuse me for violating the rules for addressing him in the singular. I should say the senior Senator from Arizona, and I am sorry about that.

The Democratic part of this team from New Mexico could not be here today, or he would stand before you and even tell you he is more in awe than I, when the next day or day after we talked and we said, well, it would get done. No, it is not there. Somebody forgot to put it in. It was all ready. I suggest there ought to be some way to fix this.

I am going to tell you as my time expires, for those who are going to object like this, they better get up early in the morning. They better get here when the appropriations bill comes up because amendments I have in the future are not going to wait around to the end. You are not going to have all this power.

This approach has given you power beyond anything you have, and you are complaining about the processes we have that are inordinate and wrong. It is not right to have one or two Senators who would have had one or two votes but for cloture. That is all they would have had and could not have denied my amendment the way they are

doing tonight with the help of a Parliamentarian who takes the facts not into consideration because he could not. He cannot listen to me. I never said one thing to the Parliamentarian tonight. Your ruling is right or wrong, but I am telling the Senators, it is not right.

I am not going to lose, so you just wake up because the next appropriations bill that comes through here we are going to vote on the Domenici amendment. And I hope you have a lot of people thinking like you do because you are going to lose.

It is going to be a matter of 1 month or 2 months, and this amendment is going to be adopted. And I am going to go to the conference, and it is going to stay in. I thank you for listening and sorry I bothered you. Good night.

Mr. MCCAIN. Point of parliamentary personal privilege since my name was used.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I say to my friend from New Mexico, I have worked most of my entire career in the Senate shoulder to shoulder with the Senator. We had good fortune to be chairmen and ranking members of the Energy and Water Appropriations Subcommittee, and the Senator from New Mexico has always treated Democrats and Republicans very fairly.

I am disappointed. I understand the reason the Senator from Arizona is objecting. I do not agree. Senator DOMENICI, the senior Senator from New Mexico, I can say from a personal perspective, has always been very fair. I can say this personally. If this happened to someone else—

Mr. MCCAIN. I ask the Senator from Nevada if I can have a point of personal privilege to respond to my name being used?

Mr. REID. He would have gone to the wall. I am disappointed that Senator DOMENICI is not going to be given an opportunity. I will be happy to work with him in the future. I think as well as everybody in the Senate.

I do not think there was anything said that in any way diminished the stature of the Senator from Arizona. I think Senator DOMENICI had a right to object. I ask if we can—

Mr. MCCAIN. Is it your decision to make whether I can respond to statements made about me?

Mr. REID. I will be happy to yield to the Senator from Arizona for 2 minutes without losing the floor.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I guess there is no point in me responding as to whether I should smile or not smile. The reason why I objected to this amendment was not because of frivolous reasons. This amendment was going to expand the eligibility of the airline loan guarantee program to include the manufacturers of small jet

turbo fan aircraft. I am proud to be a member of the Commerce Committee and proud to have worked with Senator HOLLINGS as we, working with the administration and the airline industry, came up with the airline and airport security bill, which was an important piece of legislation, a very vital piece of legislation following September 11.

We considered extending the small airline guarantee program to include manufacturers of small jet turbo fan aircraft at the time of the consideration and the hearings in the authorizing committee, and we rejected that idea. So I certainly objected because we had gone through scrutiny of this issue in the proper authorizing process.

I objected to an expansion of the program without authorization or without a hearing, and I will continue to object to changes in authorizing legislation on which we worked very hard in the committee of jurisdiction. That is the reason why I objected to an expansion of the program which was unwarranted by the legislation that was passed by this body by a vote of 98 to 0. It has nothing to do with my feelings toward Senator DOMENICI or any other Senator in this body.

If I have offended Senator DOMENICI, obviously I deeply regret that. I do have a higher obligation to do what I can to make sure the people I represent are adequately represented and according to my best judgment.

I thank the Chair and Senator REID for allowing me to respond.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are now at the point in the proceedings where I think we have a good offer from the Senators from Texas and Arizona. There are certain amendments in this list that have been ruled germane tentatively by the Parliamentarian, and the Chair would rule that way. There are some ruled nongermane.

The proposal is that those amendments that have been ruled germane will in effect be accepted upon voice vote. Those not germane will fall. They will fall anyway. There is nothing we can do if the Parliamentarian rules them nongermane. Then they are gone. There is no need to go through that process.

I ask everyone's patience and cooperation that we accept by unanimous consent the proposal made by the Senator from Texas.

May I have the attention of the Senator from Texas? I would like the attention of the Senator from Texas. It is my understanding the Senator from Texas has said those amendments the Parliamentarian has tentatively ruled as being germane would be accepted; those that are nongermane would fall.

Mr. GRAMM. That is right.

Mr. REID. I ask my friend, on amendment No. 3691, what is the pleasure of the Senator?

Mr. GRAMM. No. 3691: That amendment is, as far as I know, germane.

Mr. REID. It is germane.

AMENDMENTS NOS. 3585, AS MODIFIED; 3596, AS MODIFIED; 3613, AS MODIFIED; 3627, AS MODIFIED; 3691, AS MODIFIED; 3733, 3747, AS MODIFIED; EN BLOC

Mr. REID. Mr. President, I ask that amendments Nos. 3585, as modified; 3596, as modified; 3613, as modified; 3627, as modified; 3691, as modified; 3733, and 3747, as modified, be called up en bloc as being germane amendments.

Mr. STEVENS. As modified.

Mr. REID. As modified.

The PRESIDING OFFICER. Is there objection? Is there objection to the consideration of these amendments en bloc and their adoption?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, was 3581 included in that?

The PRESIDING OFFICER. No. 3581 was not included.

Mr. REID. It is not on the list at all.

The PRESIDING OFFICER. Is there objection to consideration and adoption of the en bloc amendments that have been listed by the Senator from Nevada?

Without objection, it is so ordered.

The amendments (Nos. 3585, as modified, 3596, as modified, 3613, as modified, 3627, as modified, 3691, as modified, 3733 and 3747, as modified) were agreed to as follows:

AMENDMENT NO. 3585, AS MODIFIED

(Purpose: To provide that certain funds appropriated for the United States Customs Bureau Service be used to reimburse State and local law enforcement agencies that have provided Federal assistance to personnel along the Northern Border)

On page 102, line 15, after "amended" insert: "Provided further, That \$10,000,000 is authorized for reimbursing State and local law enforcement agencies that have provided necessary Federal assistance to personnel of the United States Customs Service, along the Northern Border of the United States".

AMENDMENT NO. 3596, AS MODIFIED

On page 79, after line 6 insert the following new proviso:

CENTERS FOR MEDICARE AND MEDICAID SERVICES

PROGRAM MANAGEMENT

"Provided further, That of the funds made available under this heading in Public Law 107-116, \$3,000,000 shall be awarded to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease".

AMENDMENT NO. 3613, AS MODIFIED

(Purpose: To provide for the transition of the naval base on Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park)

On page 37, between lines 2 and 3, insert the following:

SEC. 307. Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall obligate, from funds made available in title II of division A of Public Law 107-117 under the heading "Operation and Maintenance, Defense-Wide" (115 Stat. 2233), \$4,000,000 for a grant to support the conversion of the Naval Security Group,

Winter Harbor (the naval base on Schoodic Peninsula), Maine, to utilization as a research and education center for Acadia National Park, Maine, including the preparation of a plan for the reutilization of the naval base for such purpose that will benefit communities in the vicinity of the naval base and visitors to Acadia National Park and will stimulate important research and educational activities.

AMENDMENT NO. 3627, AS MODIFIED

Strike page 48, line 18, through page 49, line 6 and insert in lieu thereof:

"For an additional amount for "Operation and Maintenance General", \$32,000,000, to remain available until expended: *Provided*, That using the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers: *Provided further*, That \$10,000,000 of the funds provided shall be for Southern West Virginia, Eastern Kentucky, and Southwestern Virginia: *Provided further*, That the remaining \$22,000,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these additional funds shall be available for Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan."

AMENDMENT NO. 3691, AS MODIFIED

(Purpose: To provide an additional amount for Emergency Relief Highways)

On page 97, line 19, strike "\$200,000,000 are rescinded." and insert:

\$320,000,000 are rescinded.

FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)

For an additional amount for the "Emergency Relief Program", as authorized by 23 U.S.C. 125, \$120,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the amount made available under this paragraph shall be used solely for eligible but uncompensated applications pending as of May 28, 2002, including \$13,411,000 for projects in the State of Washington stemming from the Nisqually earthquake and other disasters, and up to \$12,000,000 for emergency expenses to respond to the May 26, 2002 Interstate 40 bridge collapse over the Arkansas River in Oklahoma.

AMENDMENT NO. 3733

(Purpose: To set aside funds for certain National Guard activities)

On page 37, between lines 2 and 3, insert in the following:

SEC. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, \$2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

AMENDMENT NO. 3747, AS MODIFIED

(Purpose: To provide funding for the United States Marshals Service to provide Deputy United States Marshals for Federal districts with critical courtroom and prisoner security needs)

At the appropriate place in the bill insert the following:

SEC. 210. Of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries, and Expenses" in title III of Public Law 107-77, 37,900,000 shall be transferred to, and merged with, funds available for "Salaries and Expenses, United States Marshals Service" in title I of Public Law 107-77, to be available until expended only for hiring 200 additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs.

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

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I ask whether the remaining amendments fall? I ask the Republican leader, is there any need to do more? I think we should move to third reading.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. The point is being made that the remaining amendments have been ruled to be nongermane. Therefore, they automatically would fall. There is no appeal or vote on that, and therefore we should proceed to third reading and pass the bill.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. NICKLES. I ask my colleagues from—

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. LOTT. Mr. President, I do know that Senator GORDON SMITH and Senator WYDEN of Oregon have an amendment they were concerned about. Their amendment would fall as nongermane, but if they would like to make a point at this time I think we would have to give them that opportunity.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. LOTT. I yield.

Mr. NICKLES. They would have the right to ask unanimous consent for the amendment to pass. If there is no objection, the amendment would be adopted. If someone raises a point of order on germaneness, their amendment would fall.

Mr. REID. Would the Republican leader yield?

Mr. LOTT. I would be happy to yield.

Mr. REID. Senator ENZI also wishes to make a statement. It is midnight and tomorrow is another day. People can prepare statements and put them in the RECORD and say whatever they want to say. I have been pretty nonchalant throughout the last several days, but I will tell everybody that I am going to object personally to any other amendments at this stage, and I think there are a lot of people who will join with me.

We are through with this legislation. Let us get to third reading and get it over with.

Mr. GRAMM. Will the Senator yield?

Mr. REID. I would—

Mr. LOTT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. LOTT. I will yield.

Mr. GRAMM. I was going to ask, is what we agreed to that we were going to take all the germane ones and drop the nongermane ones?

Mr. LOTT. That is what we have done.

Mr. REID. That is right.

Mr. LOTT. Mr. President, I will yield the floor so others can be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, parliamentary inquiry: If we go to third reading, are we not still under cloture? Could Members not make statements up to their eligible time before the bill is called up for actually a final vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. My suggestion is we go to third reading and let people talk and find out when you want to have the final vote.

Mr. REID. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. REID. Tomorrow is another day. We will pass the bill and people can come and talk all day tomorrow if they want.

Mr. STEVENS. Either way. I think Members are still entitled to their time on cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to make a very brief point. If my colleague from Arizona, Senator MCCAIN, would listen, I say to the Senator, a while back he talked about a managers' amendment should be purely technical amendments. I wanted to make a point. The arbitrary distinction of nongermaneness at this late hour is something I think is going to throw away some amendments that should have been adopted. An amendment, for example, that I offered, 3689, was offered prior to cloture. It is purely technical, has no money attached to it, is out of previously appropriated funds that deals with two transmission studies. It corrects an error that existed in prior legislation. So it is purely technical and no one would argue it is not technical. Creating an arbitrary distinction of saying those things that are nongermane shall not be considered means that those small issues I have offered previously, for example, in this amendment, that was approved by both the minority and the majority, they said to me, yes, this is fine, we accept the amendment, this kind of an amendment that is purely technical now falls because of an arbitrary distinction that we say nongermane amendments are gone.

I only want to make the point to my friend from Arizona, I agree with him on a lot of issues but this clearly is technical; it is clearly something that

should be a part of the managers' package and was agreed to by both the majority and minority and now is going to fall under this arbitrary distinction at midnight. I do not think that is fair.

Mr. MCCAIN. I am in sympathy with the Senator. I voted against cloture. It was your leader who filed cloture and we voted on it long before I wanted cloture to be invoked. You would not have that problem if it had not been for your leadership that filed cloture at the earliest I have ever seen on an appropriations bill.

I am in sympathy and would like to work with the Senator to get this worthwhile technical amendment approved.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, to try to assist Senator REID in bringing this to a conclusion—

Mr. DORGAN. Mr. President, I thought I yielded to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from North Dakota still has the floor.

Mr. DORGAN. I understand the point the Senator made. I was only making the point if, in fact, the managers' amendment is for technical amendments, really purely technical amendments, and I offered this prior to cloture, was told by the majority and the minority, yes, we accept it, there is no problem, this is not spending money, it is spending previously appropriated money, a total of \$400,000, and deals with an error when, in fact, the distinction on the nonreimbursable portion of it should be in bill language, or the managers' language, which is where it was, this corrects that. It is exactly what, in my judgment, the Senator said ought to be in the managers' package. I hope the Senator will reconsider at least on 3689 and allow this to be put in the managers' package this evening or allow it to be approved this evening.

Mr. President, I would make that request to ask if my two colleagues would agree to that—I know they have reviewed it. The majority and minority have reviewed it and have approved it. It is not spending a dime. It simply corrects an error. I would hope very much that they would agree to approve this amendment.

My point is this, an arbitrary distinction of nongermane at this point is unfair to those who offered their amendments prior to cloture. I understand the point my friend from Arizona made about cloture, but I hope he understands that those of us who came prior to cloture, offered our amendments and were told by the Republican and the Democratic leaders on the floor, yes, we accept it, it is a good amendment, we approve it, at that point I would have expected that this amendment would be approved and not now at midnight be objected to by someone on the floor of the Senate.

So I again ask if we might have some cooperation at least on an amendment

that was approved previously by everyone in the Senate, to my knowledge prior to cloture?

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Will the Senator yield the floor?

Mr. DORGAN. Well, I am asking consent if my colleagues might not agree to include 3689. The Republicans and the Democrats have previously accepted it. It does not spend a dime. Can we not, with respect to this distinction, agree to accept this amendment?

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Yes, I am going to have to object. The point is the way we got—

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The way we got—

Mr. DORGAN. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from North Dakota retains the floor.

Mr. REID. The objection has been heard. Is that right?

Mr. DORGAN. I understand objection has been heard. I still have the floor.

The PRESIDING OFFICER. Objection has been heard.

Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Again, let me make the point that coming to this point in time and saying that the amendments that the Parliamentarian says are not germane represents some distinction that has relevance when we have offered these prior to cloture, I understand technically why this is being done but substantively it is unfair, in my judgment.

The Senator talks about the unfairness of coming to the end of this process and having a managers' package that has a bushel of paper attached to it. There is another unfairness that exists as well, and that unfairness is being perpetrated by those who come to the floor and create artificial distinctions at the twelfth hour and they say, oh, now, by the way, something that has previously been approved to we object to, especially in circumstances where we thought this amendment had already been approved. I think we can get by with this once, but it will not happen again, in my judgment, because there are other ways to deal with it.

I say to my colleague from Texas, I think it is unfair. He has a right to object, of course, but I think it is unfair, and I hope he will not ask similar consideration some day.

Mr. GRAMM. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. GRAMM. The way we were able to draw the delineation at the end of business tonight was the decision that we would take all the germane amendments and we would drop all the non-germane amendments. The problem is, when we take that delineation and

start making exceptions, then everybody gets unhappy.

Mr. DORGAN. Yes. Mr. President, exceptions will require some judgment I agree, but the migraine headache around here for a number of people has been that managers' packages include things other than technical amendments. My point is, this amendment is technical, has been agreed to by everybody, was offered precloture. I understand it would require some judgment, amendment by amendment, to deal with these, but it seems to me that is why we are here. But if the objection stands, I guess I accept that. We will be back, and I guess we will pass it at some point in the future.

I will make the final point. I do not think we ought to be here again on some future bill having just a couple of people deciding what they are going to accept, even in circumstances where purely technical amendments which have been approved previously by Republicans and Democrats in the Senate are going to fall.

I yield the floor.

Mr. LOTT. In an effort to try to facilitate what needs to be done to bring this to a conclusion, I will yield 1 minute to two or three Senators who feel a need to say a few words, but I retain the floor. Then we will move to a third reading immediately after that.

Without losing my recognition on the floor, I yield to the Senator from Oregon 1 minute.

Mr. SMITH of Oregon. I thank Senator LOTT.

Mr. President, a lot of Members went the route of the managers' amendment because we like to accommodate the requests of our appropriators, and to be accommodating to them we did not bring it up. Frankly, I have just learned a lesson here: I have to force a vote during the course of this bill. I have relied upon the good faith of TED STEVENS—and his faith is good. He stood by me the whole time.

RON WYDEN and I are talking about a national emergency that we think exists in our area. You saw on national TV an Air Force Reserve helicopter crash trying to save nine people, all but three of whom lost their lives. The day before, they saved a person on Mount Rainier. This is almost a daily occurrence. The Air Force proposes to move away from the Northwest. We need it there. We need it there. When we have the chance to bring this issue up again in another context, I hope you will remember us. It is one of the few military assets the State of Oregon has at all.

Mr. LOTT. Without yielding the floor, I yield 1 minute to Senator WYDEN.

Mr. WYDEN. Two points. First, the position Senator SMITH and I have tried to convey will cost the taxpayers no money, but what Senator MCCAIN is talking about will cost taxpayers money. Second, there are no objective criteria for the project. There would be if the Smith-Wyden proposal went for-

ward because we laid out basic criteria for dealing with life in Oregon. These people are saving lives. That is what people all over this country saw on national TV.

Now, without any objective criteria and in a way that will cost taxpayers money, we are not even having a chance to debate a bipartisan amendment. That is regrettable. We ought to be following the example that Chairman BYRD and Senator STEVENS have followed. That is what Senator SMITH and I have tried to be a part of. We will be back on this floor again and again and again. Let us put the Senate on notice. We are going to stay here all the way through this session until this gets done.

Mr. LOTT. I propose to recognize the Senator from Wyoming for 1 minute and then the Senator from Louisiana for 1 minute, and then I am prepared to yield the floor for third reading.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. ENZI. I thank the Parliamentarian for spending a couple of hours today helping me understand the difference between nongermaneness under cloture and nongermaneness on bills that are not under cloture. It is a very difficult distinction, and I can appreciate the work done.

I have been trying to get livestock assistance for all the people in the third year of drought in the West. It is extremely critical.

Mr. President, I wish to discuss the Enzi-Grassley-Hagel amendment No. 3737 to H.R. 4775, the supplemental appropriations bill. This effort seriously acknowledges the plight of our farmers, ranchers and works to ensure the future of our rural communities by providing an avenue of desperately needed assistance.

Our amendment funds the Livestock Assistance Program for disaster experienced in 2001 by reinstating the farm bill payment limitations passed by the Senate in February 2002.

One of the most difficult responsibilities we all have as Senators is prioritizing the targeting of a very limited set of resources. Just as a firefighter prioritizes by deciding which homes to save and which are already on the edge of destruction, or a doctor faced with an emergency or disaster reviews the wounded to determine who most needs his help, we are often called upon to make difficult and important decisions that at times may be highly unpopular. This is one of those times our choice may be difficult and demanding, but it is also very, very clear.

Just as that firefighter and the doctor need to make decisions that have a tremendous impact on lives and livelihoods, our amendment makes a similar priority decision that the farm bill conference failed to make. This amendment is all about taking care of the folks back home in times of trouble. Without the assistance provided under this amendment, the Congress is clearly deciding who will be the winners and



who will suffer the consequences of being the losers. I encourage my colleagues to think about the current structures of the farm bill and how it pits neighbor against neighbor. The farm bill perhaps unintentionally set the winners and condemned the losers to lose in the marketplace. It set up a scenario in which one homestead's rent will be paid and the children in another home will end up watching their belongings go to the highest bidder in an auction.

Wyoming livestock producers are facing a third year of drought. In response, some have begun liquidating their stock while others face the loss of their homes. Just days ago, USDA Secretary Ann Veneman declared all but three Wyoming counties primary and secondary disaster areas for 2002. That's an important step, but the amendment before us was written to address the 2001 disaster year! Producers that sold or reduced their herds in the first year of the drought have been unable to buy replacements. The 2-year tax relief provision available to offer short-term relief from forced sales will soon run out. Now even more producers are being forced to sell their livestock in irrational markets due to the prohibitively expensive price of hay and their ejections from drought-stricken public grazing lands.

A forced livestock sale significantly decreases a rancher's future profitability because it decreases the number of production units, sheep and cattle on the ranch. A forced sale also dilutes genetic quality. Many ranchers utilize stringent genetic improvement plans to differentiate their product. A forced sale can flush years of careful record keeping and genetic improvements out through the sale barn in 1 day.

In its refusal to acknowledge this grave disaster, the farm bill conference report did not accurately represent the priorities of the Senate. It did not fund emergency disaster assistance to the Nation's livestock producers and it included a payment limitation that favors the corporate producer over the family farmers and ranchers who make this country great. Our amendment reinstates the Senate's position on payment limitations on farm bill payments and uses the savings to offset emergency feed assistance to livestock producers for drought disaster.

The Livestock Assistance Program is a program available to livestock producers in counties that have been declared disaster areas by the President or Secretary of Agriculture. It provides minimal financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters—but only if there is money in the fund. Once LAP is funded, producers apply for relief and a formula splits the available monies accounting to their needs. It assists all producers who qualify, but the extent of the assistance that is available is limited by the program funding and the number of applicants. The more appli-

cants there are across the country, the smaller the individual payment.

In fiscal year 2001, the Livestock Assistance Program was funded at approximately \$430 million for fiscal year 2000 drought assistance. In Wyoming, 933 producers received \$7,752,029 in assistance from those funds at an average of \$8,313 per producer. Nationally, it provided assistance to about 186,000 producers at 88 percent of their grazing loss for drought and other disasters experienced in 2000. The need was similar in 2001, but the program was not funded in appropriations.

The farm bill conference report did include an amendment I offered to authorize the livestock feeding assistance. With its passage, the Secretary of Agriculture now has the authority to use that program to provide assistance to livestock producers. The program is no longer ad hoc. Using this authorization and funding from the Enzi-Grassley-Hagel amendment, Secretary Veneman will be able to initiate and deliver feed assistance to livestock producers.

As a fiscal conservative, the last thing I want to do is further increase supplemental spending over the administration's request. Rather than advocate additional emergency spending, we have worked within the parameters of the President's request to fund this urgent need without using new monies. We are doing this by using an offset the Senate has already approved by rollcall vote.

On February 7 of this year, the Senate voted in support of farm bill payment limitations 61-33. The amendment limited total dollar payments to an average of \$250,000. The farm bill conference report too generously increased the limitation to \$360,000.

It is important to ensure federal agricultural aid is available to those who need it most. My personal philosophy supports targeting federal assistance to the neediest farmers and those with greatest risk of losing their livelihoods. I have difficulty accepting the notion that farmers require assistance to the tune of \$360,000 when I know there are struggling ranchers in Wyoming and other cattle states that receive almost nothing. The Enzi-Grassley-Hagel amendment equalizes this wide gap in farm bill payments and directs federal agricultural aid to ranchers in dire need.

Farm Bill payments were not intended to subsidize every acre of every farm nor every bushel produced. The American taxpayer should not be asked to keep large corporations or weekend hobby farmers in silk overalls and gold-plated pitchforks. Farm assistance was intended for and must continue to be directed at small and medium producers, family farmers who truly need help. Our rural communities depend on farms and the farms, in turn, depend on their communities. Too many small farms are not receiving the assistance that is needed while large multi-million dollar corporations con-

tinue to receive federal funds for every acre they take over. Payments to large corporations have nothing to do with good farm policy but good farm policy has everything to do with family farms.

In Wyoming, farmers, ranchers, and communities as a whole are struggling through yet another year of drought and another year of fear and endless worry. Will we hear them? Will we respond with good farm policy that will assist those in need and keep people on the farm? It is a difficult task but it is our responsibility to set priorities and save our neighbors from ruin. We can do that by equalizing the gap in farm bill payments so we can provide direct aid to ranchers in real need. That is what the Enzi-Grassley-Hagel amendment does and it's what the American people expect us to do.

By supporting our amendment, you are again casting a vote accepting farm bill payment limitations. You are bolstering your earlier votes to provide sorely needed drought relief to livestock producers largely ignored in the farm bill conference report. The choice is simple and has already been made.

I hope the leaders will propound a unanimous consent that allows these amendments to be brought up, statements to be placed in as though given live, and then withdrawn, so we can make sure we have statements in the RECORD. That would save time.

Mr. LOTT. I yield to Senator LANDRIEU.

Ms. LANDRIEU. I appreciate the patience of this body. The reason I have been tenacious about this is that this amendment affects 37 States. It is a technical correction to disability councils. The Senator from Texas and the Senator from Arizona, because of rule XXVIII, there is no way to correct this. It is a technical amendment. If it is not fixed tonight, it will not get fixed; it cannot be fixed at conference and will affect 37 States. These are not huge amounts of money, but these councils do not have a lot of money for the disability councils in 37 States.

It was passed and agreed to by the managers and ranking members. Again, because of the germaneness issue, we have been left out, which is unfortunate.

I thank you for your patience, but I wanted to clarify this amendment.

The supplemental appropriations bill includes authorizing language that will address a technical error in the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The language will reestablish a hold harmless provision that was included prior to its inadvertent omission from the reauthorizing bill enacted in 2000.

The bill also includes \$2.5 million for this purpose. However, this additional budget authority is fully offset by a reduction in funding for NIH buildings and facilities.

This amendment is needed to address the funding formula error recently identified by the Department of Health

and Human Services. For the past 2 years, the Department of Health and Human Services allocated funds to states councils on developmental disabilities as if a hold harmless provision still was in effect. In fiscal year 2001, this error caused 17 councils to receive higher grant awards than allowed under the statute. Last year, 23 councils were overpaid. The additional funding provided in this amendment will hold these states harmless from reductions.

Senator KENNEDY and Senator GREGG, the chairman and ranking member of the Committee on Health, Education, Labor, and Pensions are supportive of this technical change.

The amounts for 37 states are as follows:

- (1) For Alabama, \$91,709.
- (2) For Alaska, \$3,626.
- (3) For Arkansas, \$25,849.
- (4) For Colorado, \$36,547.
- (5) For Connecticut, \$126,810.
- (6) For Delaware, \$3,626.
- (7) For the District of Columbia, \$3,626.
- (8) For Hawaii, \$3,626.
- (9) For Idaho, \$3,626.
- (10) For Illinois, \$119,542.
- (11) For Indiana, \$15,537.
- (12) For Iowa, \$120,529.
- (13) For Kansas, \$12,297.
- (14) For Kentucky, \$90,248.
- (15) For Louisiana, \$219,989.
- (16) For Maine, \$3,626.
- (17) For Massachusetts, \$107,858.
- (18) For Mississippi, \$68,539.
- (19) For Missouri, \$1,166.
- (20) For Montana, \$3,626.
- (21) For Nebraska, \$9,104.
- (22) For Nevada, \$3,626.
- (23) For New Hampshire, \$3,626.
- (24) For New Jersey, \$2,530.
- (25) For New York, \$631,640.
- (26) For North Dakota, \$3,626.
- (27) For Ohio, \$130,898.
- (28) For Oklahoma, \$39,826.
- (29) For Pennsylvania, \$400,847.
- (30) For Rhode Island, \$3,626.
- (31) For South Dakota, \$3,626.
- (32) For Tennessee, \$27,398.
- (33) For Texas, \$25,633.
- (34) For Vermont, \$3,626.
- (35) For West Virginia, \$221,412.
- (36) For Wisconsin, \$13,861.
- (37) For Wyoming, \$3,626.

Mr. REID. It is my understanding further debate on this matter is ended.

Mr. ENZI. Would the leader consider propounding a request to put statements in the RECORD?

Mr. REID. Senator ENZI asked that Members desiring to place statements in the RECORD be allowed to do so.

The PRESIDING OFFICER. Without objection it is so ordered.

#### FEDERAL TRANSIT ADMINISTRATION

Mr. SCHUMER. Mr. President, I would like to take a moment to thank Senators BYRD and STEVENS for their stewardship of this Supplemental Appropriations Bill for Fiscal Year 2002. Their stalwart support of September 11 recovery efforts has substantially benefited millions of Americans, and I support their efforts wholeheartedly.

Mr. President, Senator CLINTON, Senator TORRICELLI, Senator CORZINE and I would like to take a moment to engage our colleague in a colloquy.

Mr. BYRD. I thank my colleague for his kind words and would be happy to engage in a colloquy with the Senators from New York and New Jersey.

Mrs. CLINTON. Mr. President, the events of September 11 had a disastrous effect on Lower Manhattan's mass transit infrastructure. The Metropolitan Transportation Authority serves roughly one third of the entire Nation's commuters. Twelve of its subway stations below Chambers Street were incapacitated as a direct result of the attack, and the current, damaged state of the MTA's systems affects many of its 360,000 riders each day.

Mr. TORRICELLI. Mr. President, my own State of New Jersey was severely impacted by the disruption to major transportation systems caused by the terrorist attacks. Before September 11, 66,000 New Jersey residents had commuted daily to Lower Manhattan through the World Trade Center PATH Station. The loss of this station has severely strained many of New Jersey's rail, bus, and ferry systems, which will continue to operate above capacity for the foreseeable future.

Mr. CORZINE. Mr. President, providing steady and reliable transportation for workers into and out of New York City is vital to the economic recovery of the region. We are pleased that the Committee has provided \$1.8 billion that will be dedicated solely to rebuilding the infrastructure connecting New York and New Jersey residents with Lower Manhattan.

Mr. SCHUMER. Mr. President, this funding will be directed to the construction of a new intermodal station, which is a critical component of the recovery effort for the New York Metropolitan Area. Such a facility will be essential not only to the residents and employees based in Lower Manhattan, but for the thousands of families who will visit whatever memorial will be erected in memory of those men and women who were killed in the attack on the World Trade Center.

Mr. BYRD. I thank my colleagues for their thoughts on this matter, and am gratified that we are able to provide such critical support for this intermodal transportation center.

#### CHEMICAL DEMILITARIZATION

Mr. BAYH. Mr. President, the Senators from Maryland, Senators SARBANES and MIKULSKI and I would like to engage the chairman of the Defense Appropriations Subcommittee, Senator INOUE, in colloquy on funding for the chemical demilitarization program.

I rise today to express my strong support for funding to be included in the Emergency Supplemental Appropriations bill to accelerate the destruction of chemical weapons stored at U.S. Army facilities. Following the tragic events of September 11, I worked with a number of my colleagues, including Senators MIKULSKI and SARBANES of Maryland, in urging the Army to find alternative methods for accelerating the disposal of our Nation's chemical weapons stockpile consistent with the

highest safety and environmental standards. Since that time, the Army has come forward with proposals to accelerate the neutralization of chemical weapons stored at the Newport Chemical Depot in my home State, and the Aberdeen Proving Ground in Maryland. There are presently 1,269 tons of VX agent located at Newport, and 1,621 tons of bulk mustard agent stored at Aberdeen. Let us be clear, the nearly 3,000 tons of chemical agent stored at these two sites poses a dangerously attractive terrorist target and a grave threat to millions of citizens.

The Army has plans to accelerate disposal of these chemical agents by more than 2½ years but needs additional funds for the remainder of fiscal year 2002 to do so. If funding is provided in the supplemental, the Army can alleviate the fears of these communities, and millions of our constituents, by the end of next year. I firmly believe this request falls within the purview of enhancing homeland security in the post-September 11 world in which we live.

Ms. MIKULSKI. I join with the Senator from Indiana in supporting additional funding to accelerate the chemical demilitarization program. This is an urgent homeland security need.

There is no question whether the United States should destroy the chemical weapons stockpiles at Aberdeen Proving Ground and other sites around the country. Congress made that decision in 1986. The United States is also a signatory of the Chemical Weapons Convention. That treaty binds the United States and 144 other countries to destroy chemical weapons stockpiles. We have 10 years from the time the Chemical Weapons Convention came into force—until 2007—to complete destruction.

I have worked for decades to ensure that we destroy chemical weapons in a way that is safe for the workers, safe for nearby communities, and safe for the environment. After extensive research, the Army developed a chemical demilitarization process to destroy the bulk mustard agent stored at Aberdeen Proving Ground.

Last October, I joined with Senator BAYH and Senator SARBANES and other colleagues in urging President Bush to strengthen the security of the nation's chemical weapons storage sites. We recommended several measures, including expediting construction of agent destruction or neutralization facilities, consistent with the highest environmental and safety standards.

We now have National Guard troops guarding chemical weapons storage sites. I am grateful for that added security, but that's not a long-term solution. In fact, it adds to the cost of delay.

The Army also came up with plans to accelerate chemical demilitarization. Under that plan, all of the mustard agent stored at Aberdeen Proving Ground would have been destroyed by the end of this year. The Defense Department wanted funding for this effort

included in the President's supplemental request, but OMB rejected that proposal. I am not sure why OMB would reject an effort to make our country safer and save money, but that is what happened.

We have the opportunity here to address that deficiency, to fulfill the Pentagon request. We have the opportunity to address a very real homeland security need. I am proud to join with Senator BAYH and Senator SARBANES in this effort.

Mr. SARBANES. I am pleased to join with my colleagues, Senator BAYH and Senator MIKULSKI, in calling for the funds necessary to expedite the Army's chemical demilitarization program. Clearly, this is a matter of great importance to ensuring the continued health and safety of millions of Americans.

I have long recognized the environmental and health hazards posed by the chemical agents stored at Aberdeen Proving Ground and Army facilities throughout the country and I have been a strong and consistent supporter of the efforts to eliminate the Nation's chemical weapons stockpile in the most environmentally sensitive manner possible. The critical need to dispose of the stockpiles has only intensified as a result of the events of September 11, 2001, for I believe the continued storage of these agents only increases the vulnerability of our citizens to acts of terrorism.

In this regard, I was pleased to learn of the Army's decision to expedite the process of neutralizing the chemical agents at both Aberdeen and Newport. In my view, doing so is a step in the right direction and the decision represents a real win-win situation for all involved. Not only does accelerated demilitarization eliminate the high risks associated with storing such agents in a highly populated region, it results in considerable savings for the Department. Further, it eliminates costs associated with continued National Guard protection and the construction of new structures to protect stored agent. Finally, it helps us meet our obligations as signatories to the Chemical Weapons Convention.

Like my colleagues, I am most concerned with the decision of the Office of Management and Budget not to include the Department of Defense's proposal for funding for chemical demilitarization in the President's supplemental request. In my view, expeditiously removing the threat posed by these chemical agents is a critical step in the efforts to ensure our domestic security.

Mr. BAYH. While we are prepared to offer an amendment to provide funding for the Army to accelerate chemical demilitarization, we would be willing to withdraw the amendment if the Chairman of the Defense Appropriations Subcommittee would be supportive of funding for the Army's Chemical Demilitarization program during the conference on the supplemental.

Mr. INOUE. I support the Army's decision to expedite destruction of our Nation's chemical weapons stockpile in a safe and cost efficient manner. As the Senators from Indiana and Maryland know, the Army planned to reprogram existing funds this year to accelerate destruction at Aberdeen and Newport, and I would have support such a request. However, I would ask my colleagues to refrain from offering their amendment, and want to assure them that I will support funding for the accelerated destruction of chemical agents stored at Newport and Aberdeen in conference when the opportunity arises.

Mr. BAYH. I appreciate the chairman's willingness to be of help on this matter and am aware of his concerns regarding the Army's failure to reprogram existing funds this year. I also want the chairman to know that we appreciate how hard he worked to ensure that the defense title of the supplemental was consistent with the administration's request.

Ms. MIKULSKI. I appreciate the support of the Senator from Hawaii and look forward to working together with him in conference to fund the accelerated chemical demilitarization effort.

Mr. SARBANES. I thank the chairman for his continued assistance in this regard.

#### REBUILDING THE EIGHTH AIR FORCE HEADQUARTERS AT BARKSDALE AIR FORCE BASE

Ms. LANDRIEU. Mr. President, I would like to engage my colleague, the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUE, in a colloquy on the importance of rebuilding the 8th Air Force Headquarters at Barksdale Air Force Base, LA. This historic building, which housed the Mighty 8th Air Force, was devastated on March 12, 2002, by a fire that burned for more than 12 hours. It is imperative that the Mighty 8th see its headquarters rebuilt as soon as possible. Over 53,000 airmen served in the Eighth Air Force, including the B-52, B-1, and B-2 crews who have provided air superiority over the skies of Afghanistan in Operation Enduring Freedom. Additionally, key National Guard units patrolling the skies in Operation Noble Eagle also call the 8th Air Force home.

I believe that it is critical to the Air Force to rebuild the 8th Air Force Headquarters at Barksdale Air Force Base. The 8th Air Force is crucial to our warfighting capabilities, and it is imperative that construction begin to rebuild the 8th Air Force Headquarters immediately. I think my colleague would agree on the need.

Mr. INOUE. I certainly do agree that construction must not be delayed. I am also aware of the tremendous role the 8th Air Force has played in the war in Afghanistan.

Ms. LANDRIEU. I appreciate your kind words for the 8th Air Force. They are welcome at this time of need for the 8th Air Force. I have been notified that the facility repair costs for the

8th Air Force Headquarters will total \$19.3 million for fiscal year 2002. I am concerned as to how this money will be made available, especially when service budgets have been stretched thin because of the war on terrorism. Will the Air Force be able to fund and begin construction in fiscal year 2002?

Mr. INOUE. I would say to my friend from Louisiana, that I understand her concern that such an important military resource be rebuilt as soon as possible. I want to let you know that the Air Force has notified the Senate Appropriations Committee by letter that the Air Force will commit \$19.3 million to an operation and maintenance project at Barksdale Air Force Base, LA, to repair the 8th Air Force Headquarters Facility.

Ms. LANDRIEU. That certainly is welcome news. I received a similar letter, but I have seen little action from the Air Force leadership. The men and women in the 8th Air Force have worked diligently since the fire destroyed their headquarters, despite the fact that they have been displaced for several months. Much like so many of us in the Hart Building simply wanted for our staffs to be able to return to their desks following the anthrax attacks, I just want those at 8th Air Force Headquarters to be able to return to their normal workplace.

Mr. INOUE. I agree with the Senator that those of us with offices in the Hart Building know the feeling of being left without adequate office space, but the Senator from Louisiana should be pleased to know that the Air Force has committed to rebuilding the 8th Air Force Headquarters beginning in fiscal year 2002.

Ms. LANDRIEU. I need the chairman to clarify how some other costs associated with the reconstruction of the 8th Air Force Headquarters will be funded. In fiscal year 2002, an additional \$3.5 million is required for clean-up costs from the fire. Furthermore, as you can imagine, the fire destroyed hundreds of computers, expensive communications equipment, and office furniture. The Air Force estimates \$3.5 million will be needed in fiscal year 2003 and fiscal year 2004 to replace this valuable equipment. How will the men and women at the 8th Air Force Headquarters see that the site is cleaned up this year and that office and communications equipment are purchased in the next two years?

Mr. INOUE. I assure the Senator from Louisiana that, within Air Force appropriations for fiscal years 2002 and 2003, sufficient resources will be available to fund the requisite outfitting of the restored 8th Air Force Headquarters.

Ms. LANDRIEU. Again, I thank the Chairman for his assistance and taking this time to address my concerns. The people at Barksdale Air Force Base, the people of Louisiana, and I appreciate your efforts, and I look forward to working with you on other vital issues in the future.

REIMBURSEMENT BY THE POSTAL SERVICE OF ANTHRAX-RELATED COSTS INCURRED BY HEALTH CARE PROVIDERS

Mr. TORRICELLI. Mr. President, I rise to enter into a brief colloquy with the distinguished chairman of the Senate Appropriations Subcommittee on Treasury and General Government, Senator DORGAN, and my colleague from New Jersey, Senator CORZINE, regarding reimbursement by the Postal Service of anthrax-related costs incurred by health care providers in New Jersey.

Mr. Chairman, as your know, last fall our Nation experienced the worst biological warfare attack in American history when terrorists used the mail system to send deadly anthrax spores to various political and media targets. New Jersey—where all of the tainted letters were mailed—was literally at the frontlines of the anthrax crisis, and New Jersey health care providers bore the brunt of responding to the crisis. Indeed, the Postal Service urged its employees to seek testing and antibiotic therapy at New Jersey hospitals, and these hospitals responded promptly and effectively, providing invaluable health care services to affected employees and customers. Unfortunately, despite assurances from the Administration that the Postal Service would reimburse these costs, the Postal Service has not reimbursed any of the costs.

Mr. Chairman, it is my understanding that the committee is aware of the costs incurred by New Jersey health care providers and encourages the Postal Service to meet the need to reimburse the costs incurred by them in responding to last fall's anthrax crisis.

Mr. DORGAN. The Senator from New Jersey is correct.

Mr. CORZINE. As my colleague, Senator TORRICELLI, has noted, last fall health care providers in New Jersey responded quickly, effectively and responsibly to the anthrax crisis in New Jersey, yet they have not been reimbursed for the care they provided. Failure to reimburse these very real costs places a significant burden on these providers.

Failure to reimburse is troubling because in many cases the Postal Service directed its employees to these hospitals for care. For example, the Postal Service instructed employees to report to the Robert Wood Johnson University Hospital at Hamilton for anthrax testing. As a result, Robert Wood Johnson Hospital ultimately incurred \$651,500 in costs for treating 1,400 postal service employees and dispensing over 3,500 prescriptions for antibiotics. Seven months later, the Postal Service has not reimbursed Robert Wood Johnson for the lifesaving health care it provided.

Mr. Chairman, it is my understanding that the committee believes that the Postal Service has received adequate funding to address the anthrax crisis and that the Postal Service

is encouraged to meet its obligations to New Jersey health care providers.

Mr. DORGAN. I agree with both my colleagues that this matter needs to be resolved. I understand that the Postal Service has been in contact with the hospital's administrator to arrange a meeting to review the data supporting the reimbursement request. The Postal Service informs me that this is a necessary step as any funds the Postal Service pays to any entity are subject to an audit by the Postal Inspector General. I am confident that once this review is completed, this issue will be resolved to the satisfaction of the parties involved.

Mr. TORRICELLI. I thank the Senator from North Dakota for his clarification of this issue and his leadership on this vital homeland security supplemental appropriations bill.

Mr. CORZINE. I, too, thank the Senator from North Dakota for his assistance on this matter that is so important to New Jersey health care providers.

FOREIGN ASSISTANCE SPENDING

Mrs. FEINSTEIN. Mr. President, as the United States fights this war against terrorism—and puts in place the programs called for in this emergency supplemental for homeland defense and on-going military operations in Afghanistan and elsewhere—we can't overlook the fact that global poverty is a contributing factor and a breeding ground for terrorism, and that if we are to be successful in this war the United States must significantly increase its foreign assistance spending commitments.

Several of my colleagues and I had hoped to be able to do so on this emergency supplemental. Unfortunately, this does not appear to be possible.

But we want to be clear that we remain committed to this goal, and intend to work through the normal appropriations process to see this happen.

It is in our country's national interest to bring aid and functioning, free-market democratic institutions to countries and regions that might otherwise wallow in poverty, be preyed on by fanatics, or provide safe havens for terrorists.

I see one of my colleagues in these efforts, Senator DEWINE, and would ask him his thoughts on the importance of this issue in safeguarding U.S. national interests.

Mr. DEWINE. I would like to echo what my colleague from California has said. Providing humanitarian assistance is in our national interest, and it is also the right thing to do. We have a moral obligation to help ease the suffering that billions of people are facing around the world. We have an obligation to help those in the world who are suffering at the hands of evil leaders and corrupt governments.

We know that chaos, poverty, hunger, political uncertainty, and social stability are the root causes of violence and conflict around the world. We also know that if used correctly, our foreign

assistance is a vital foreign policy tool to prevent violence and conflict. Our foreign aid can be used to fight global terrorism and foster political stability, food security, rule of law, democracy, and ultimately peace around the world. When applied effectively, foreign assistance works.

One of the many lessons of the tragic September 11th terrorist attacks is that we must not wait for a nation to implode before we take action. We must not wait for a nation's people to suffer from poverty, disease, hunger, despotic leaders, or corrupt governments.

Yet, tragically, despite its importance and immeasurable value, our overall foreign affairs budget has been stagnant for the past 20 years. And in real dollars, it has gone down. That is a mistake.

I ask my colleague from California, what level does U.S. foreign assistance spending stand at today?

Mrs. FEINSTEIN. United States foreign assistance spending today is just eight-tenths of 1 percent of the budget with less than six-tenths of 1 percent going to humanitarian assistance and economic development.

And yet, 2.8 billion people on this planet live in abject poverty—getting by on \$2 a day or less. That's less than a cappuccino at Starbucks. Close to 1 billion people are undernourished; 1.2 billion lack access to even safe drinking water; and 2.5 million do not have access to adequate sanitation.

In the wake of September 11, I introduced a resolution to triple our foreign aid budget over the next 5 years, a resolution which was passed by the Senate just this week.

So I was pleased when president Bush committed to increasing the United States foreign aid by an additional \$10 billion over 4 years, beginning in 2004. The President is to be commended for this initiative.

But although this additional funding represents a significant increase in foreign aid it is still well short of historic levels, and well short of the level I believe is needed to engage and win the war against terrorism.

In 1946, the United States devoted 3 percent of its Federal budget to foreign assistance—a high water mark which was reached again under the Kennedy administration.

But since then, spending has gone downhill. According to a Congressional Budget Office report entitled "The Role of Foreign Aid in Development," United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's. A tripling of our foreign aid budget—a level that I consider to be appropriate and which the Senate is now on record as supporting—would simply bring it back in line with historic levels.

If the United States is to be successful in the war on terrorism—if we are to be successful in helping to spread democracy and free-markets around the

globe—we must be willing to step up and bear the burden of leadership.

Even looking beyond the humanitarian rationale—which I believe is sufficient reason alone for action—the United States will never be secure in a world in which: Sub-Saharan Africa is ravaged by the AIDS pandemic; more than half the people of the world go to bed hungry every night; civil wars are a constant; and where failed or failing states, unable to meet the needs of their peoples, and allow terrorists and terrorism to thrive.

Reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests. The failure to address these issues through a significant increase in foreign assistance spending, and the resulting risk of social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk.

I look forward to working with my colleagues in the days and years ahead to address this important issue, and to assure that U.S. foreign assistance spending levels are appropriate to the challenges that our nation faces and our leadership position in the international community.

Mr. DEWINE. I thank my colleague. Our foreign assistance is absolutely critical for people in war-ravaged, politically unstable, impoverished nations. The children, the elderly, and the civilian people are not responsible for the political and economic turmoil in their homelands, but they are the ones who always end up suffering the most. I look forward to working with you to continue to help these folks around the world. We have a moral obligation to stay committed to these people.

#### LITENING PODS

• Mr. DASCHLE. I wish to briefly discuss with the distinguished chairman of the Senate Defense Appropriations Committee the LITENING targeting pods—an issue of some concern to the Air National Guard in my state and many others around the country.

Mr. INOUE. I am delighted to discuss LITENING pods with the majority leader.

Mr. DASCHLE. As the chairman knows, on April 24th, in testimony before the Senate Appropriations Committee, the Air National Guard (ANG) identified the procurement of 24 additional LITENING II targeting pods as their number one priority. At the present time, U.S. ANG fighter components equipped with the LITENING II targeting pods are participating in Operation Noble Eagle and Operation Enduring Freedom. By all accounts, the ANG aircraft are performing their combat missions with great success, due in large measure to the fact that the pods provide the aircraft with a precision target capability. As a result, the Air National Guard has established a requirement to equip additional ANG air-

craft with the LITENING II pods. The South Dakota National Guard has indicated to me that their mission effectiveness would be greatly enhanced if we were to outfit their aircraft with these pods. Other Senators from other states have heard a similar message from their Guard units. We all agree that the procurement of an additional 24 LITENING II AT pods will greatly increase the Guard's ability to carry out its combat missions.

Having said this, I am well aware of the many difficult decisions the Appropriations Committee made in crafting this Supplemental. Resources are not limitless and difficult choices must be made—both in the defense portions of this supplemental as well as the regular defense appropriations bill. As we wrap up debate on this important measure and begin preparing for conference, I hope we will do all we can to provide our military with all the resources and tools they need to fight and win the war on terrorism. Given the combat performance of the LITENING II pods and the high priority the ANG places on acquiring more, I hope we can reach an agreement to procure 24 additional targeting pods for the Guard.

Mr. INOUE. I am aware of the testimony to which you refer and the importance the Guard attaches to acquiring additional targeting pods. I will gladly work with the Majority Leader to secure funds for additional LITENING pods for the Air National Guard.

Mr. DASCHLE. I thank the Senate for his support on this important matter. •

#### STATES DEVASTATED BY FLOODING

Mr. BAYH. Mr. President, I rise today to express my concern with language contained in the report accompanying the Emergency Supplemental Appropriations Act, specifically under the Watershed and Flood Prevention Program. During the month of May, much of the Midwest, and the State of Indiana in particular, was devastated by heavy rain and flooding. In our home state, a disaster declaration has been requested for a total of 33 counties. Many of these areas were under water for weeks and FEMA has recently completed its assessment of damages.

I hope my friend from Wisconsin will add Indiana to the list of states under the Watershed and Flood Prevention Program that have been adversely affected by flooding.

Mr. LUGAR. I join with my colleague from Indiana to express my concern about the flooding situation in Indiana. A number of Indiana communities are working to recover from damages caused by recent flooding. Should the Conference Committee include a listing of specific states in the final Conference report under this program, I hope Indiana will be included.

Mr. KOHL. I understand and am aware of the concerns expressed by my colleagues from the State of Indiana,

and want to assure them that Indiana is among the states for which NRCS has identified need and for which assistance is provided through this appropriation.

Mr. BAYH. I thank the Senator from Wisconsin and am happy to assist him with any information that he might need to ensure that Indiana's concerns are adequately addressed in the conference.

#### MEDICARE RECLASSIFICATION AMENDMENTS

Mr. BAUCUS. Mr. President, I have just looked over a list of amendments to the supplemental appropriations bill and noticed that several fall within the jurisdiction of the Finance Committee.

I am most concerned about several hospital reclassification amendments that were filed. The House bill included reclassifications for hospitals in New York and Pennsylvania counties, and that has only fueled the fire of other members to get their "rifle shot" fixes in the bill too.

I oppose these provisions, and I believe that Ranking Member GRASSLEY shares my policy concerns.

Mr. GRASSLEY. Absolutely. There is an administrative structure already in place for hospitals and counties to seek these reclassifications. This process was put into the Medicare statute specifically to review and adjust payments to hospitals that might be disadvantaged under the current system.

Unfortunately, hospitals often seek a legislative remedy either before they have exhausted this administrative avenue or after they have been turned down by the Classification Review Board because they don't meet the standards.

It is also my observation that including one hospital or one county will only invite dozens of other hospitals and counties to seek similar payment increases, regardless of whether such a fix is warranted.

Mr. BAUCUS. Not to mention that these reclassifications are unfair to other hospitals. Reclassifications from rural to urban counties are budget neutral. That means that every change we make will decrease payments to all other hospitals. My Montana hospitals are not enthusiastic about shouldering the burden of financial gains for hospitals across the country.

Mr. GRASSLEY. Hospitals in Iowa are already concerned about payment levels compared to more urban states. It is not acceptable to me to lower payments to them for the benefit of hospitals in other states that are already much higher paid. One approach we should consider for rifleshots is to require budget neutrality to be applied only to hospitals in the area into which the county is reclassified, or perhaps to all hospitals in that state. In other words, if hospitals in certain New York counties want to be reclassified into New York City, then the budget neutrality payment reductions could be applied to New York City hospitals, or to all hospitals in New York State, rather than to the rest of the country.

That might help bring some discipline to this issue.

Mr. BAUCUS. That is not a bad idea, and something that maybe the Finance Committee ought to look into.

Let me close by adding that the Finance Committee, and not the Appropriations Committee or any other Committee, should be making these policy decisions.

The Finance Committee has worked to safeguard and improve the programs under its jurisdiction. Any requests for additional changes to these programs, including further increases in provider payments or changes in payment for individual hospitals or counties, need to be examined with great care.

Our committee intends to address Medicare payment policy issues this year. Given that there is an opportunity to consider legislation to change Medicare provider payment policies in the coming months, we do not believe there is any reason to take action on any legislation that is not of a time-sensitive nature at this time.

Therefore, we will object to the consideration by the Senate until the matter in question is removed.

As I have said in the past, I look forward to working together in a bipartisan fashion on all of the other Medicare, Medicaid, and health issues that the Congress will be working on this summer and fall.

#### METROPOLITAN STATISTICAL AREAS

Mr. SPECTER. Mr. President, I would like to engage the Chairman of the Committee, Senator BYRD, in a colloquy regarding the inequities in Medicare reimbursement rates that many hospitals in Pennsylvania are experiencing.

Many Northeastern Pennsylvania hospitals are facing substantial operating losses. This region's hospitals are extremely dependent on Medicare reimbursements and are experiencing one of the most rapid and dramatic shifts to managed care in the country. While almost no hospital in the Nation has been left untouched by the cost pressures inflicted by the Balanced Budget Act, hospitals in Schuylkill County, Scranton-Wilkes Barre-Hazleton, Williamsport and Sharon, Pennsylvania face unique situations.

Scranton-Wilkes Barre-Hazleton and Williamsport are being reimbursed at 12% less than their neighbor—the Geisenger medical center—because Geisenger has been reclassified as part of the Harrisburg Metropolitan Statistical Area. The Sharon medical center is having difficulty hiring skilled workers because they are located only 12 miles from the Ohio border. The Sharon reimbursement rate is unacceptably low compared to the reimbursements received by the Ohio hospitals.

Last year, during conference deliberations on the FY 02 Labor, Health and Human Services and Education appropriations bills, the conference was prepared to include the provision to correct the inequities faced by these

hospitals. However, during that conference, word came that if the provision was included, the conference report would be subject to a point of order under Rule XVIII and on those grounds, you objected to the provision. At that time, I left the conference and came down to talk to you. You understandably said that you could not agree to the provision because Rule XVIII had to be observed. At my request, you did state that you would give very serious consideration to including it in the FY 02 Supplemental Appropriations bill.

Mr. BYRD. The Senator is correct. You and I had a discussion regarding the unique situation facing the Pennsylvania hospitals and I sympathized with the plight of these hospitals. However, because your reclassification provision would have violated Rule XXVIII, which precludes matter from being included in conference agreements unless relevant language was contained in either the House or Senate version of the appropriation bill, we were unable to accommodate your provision.

Mr. SPECTER. This year, Mr. Chairman, the FY 02 supplemental appropriations bill that passed the House on May 24, 2002, does include two Medicare provisions which would reclassify some Pennsylvania and New York Hospitals.

Mr. BYRD. This is a matter that is in conference. I will give it serious consideration. However, I shall point out that the Chairman and Ranking Member of the Senate Finance Committee have written to me, opposing inclusion of any items in this Supplemental that fall within their committee's jurisdiction.

Mr. SPECTER. I thank the Chairman of the Committee. I intend to work out language in the conference that will be acceptable to all parties and include the reclassification provisions for these Pennsylvania hospitals.

#### ARKANSAS RIVER BRIDGE

Mr. INHOFE. Mr. President, I would like to thank Senators BYRD, STEVENS, SHELBY, and MURRAY for their help in providing the necessary funding for the repair and reconstruction of the Arkansas River bridge on Interstate 40 which was hit by a barge on the morning of May 26. As my colleagues are aware, the accident caused a catastrophic failure of the bridge structure and resulted in several sections of the bridge collapsing. Tragically, 14 lives were lost before the traffic crossing the bridge was stopped.

Interstate 40 is a major east-west route for personal vehicle traffic as well as commercial trucking. According to the American Trucking Association, approximately 40% of the traffic on I-40 each day is trucks. The estimated cost to just the trucks delayed by the detour is estimated by ATA to be \$480,000 per day. That does not even consider the cost to passenger traffic as a result of the delay. Lengthy travel delays are exaggerated by the fact that the immediate area around the bridge

is rural and alternate routes are only two lanes.

According to transportation statistics, the chances of an accident occurring on a narrow two lane road is double when compared to a four lane divided highway. Complicating that of course is the added problem of the increased truck traffic.

Mr. President, we are facing not only a major east-west traffic disruption and all the corresponding economic consequences, but the elements are in place for a serious safety hazard. The potential for further loss of life cannot be overstated.

It is because of these reasons that I was happy to work with the Appropriation committee in securing the emergency spending for Oklahoma to reconstruct the bridge.

This reconstruction is eligible for reimbursement under the Emergency Relief program with the Federal Highway Administration. Unfortunately, that program has a \$108 million backlog which means that Oklahoma could not reasonably expect to be reimbursed in a timely manner. Because Oklahoma highway resources are fully committed, it would be impossible to get the repairs on the bridge done quickly if they could not on a quick reimbursement. This language addresses not only the Oklahoma emergency but also the backlog of existing needs in the Emergency Relief program.

I see my Colleagues, Senator NICKLES is also wanting to speak on this, so I yield the floor to him.

Mr. NICKLES. Mr. President, I would first like to thank President Bush for providing the down payment of \$3 million to begin the process of the recovery. I would also like to thank Senators BYRD, STEVENS, SHELBY and MURRAY for their help in providing the remaining \$12 million. This is the appropriate way to respond to an emergency.

Interstate 40 is one of the nation's vital east-west links. This tragedy not only took lives, but also is causing hardships and major economic disruptions in surrounding communities.

I applaud Senator INHOFE for his efforts. I am pleased that we could work together to secure the additional funds for the bridge repair and all other associated costs.

Mr. MCCONNELL. Mr. President, included in the supplemental is foreign assistance for Turkey. My colleagues and I recognize and appreciate Turkey's contributions to our war on terrorism and the reconstruction of Afghanistan.

We are also aware of a recent meeting in Iceland between the foreign minister of Turkey and Armenia, and encourage additional efforts to improve bilateral relations. I fully support the President's April 24, 2002 statement calling for Turkey to restore economic, political and cultural links with Armenia. I have already communicated to both the Secretary of State and the Secretary of Defense my hope that confidence building measures—including

opening a rail link between Kars, Turkey and Gyumri, Armenia—can be agreed upon and implemented. Opening the border is in America's national interests, as I believe it may help America in our war on terrorism.

The benefits of resolving regional disputes greatly outweigh the maintenance of the status quo. In short, regional stability not only enhances U.S. security interests, but also contributes to economic, political, and social development in Turkey and throughout the Caucasus.

Turkey and Armenia have an opportunity to make meaningful progress in their bilateral relations—and they have my support and encouragement.

I ask unanimous consent that a copy of the President's statement be printed in the RECORD following my remarks.

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

THE WHITE HOUSE,

Washington, April 24, 2002.

Today, we commemorate an appalling tragedy of the 20th century, the massacre of as many as 1.5 million Armenians through forced exile and murder at the end of the Ottoman Empire. These horrific killings left wounds that remain painful for people in Armenia, in Turkey, and around the world. I join the Armenian community in America and across the globe in mourning this horrendous loss of life.

Today is an occasion for the world to reflect upon and draw lessons from these terrible events. It is a day for recognizing that demonizing others lays the foundation for a dark cycle of hatred. Transcending this venomous pattern requires painful introspection about the past and wise determination to forge a new future based on truth and reconciliation. In this spirit, I look forward to Turkey restoring economic, political, and cultural links with Armenia.

The United States greatly values the contributions that Armenians make to our national life. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their centuries-old culture, traditions, and religion. The United States is also deeply grateful for Armenia's swift and decisive cooperation in the war against terrorism.

Just as the United States reached out to the Armenian people to provide shelter and freedom early in the last century, so did Armenia extend a supportive hand to the American people in the immediate aftermath of September 11. Our two peoples stand together in this fight in support of values that define civilization itself.

I am also very proud of America's strong support for a free Armenian state, whose citizens enjoy the fruits of peace and increasing prosperity. In the months to come, America will continue to increase its security cooperation with Armenia and with Armenia's neighbors to combat terrorism and pursue a lasting and just settlement to the Nagorno-Karabakh conflict, which will strengthen peace and stability in the Caucasus. The United States will also continue its strong support for Armenia's efforts to develop democratic and free market institutions, and to deepen its integration into the Euro-Atlantic community.

On behalf of the American people, I send warm wishes and expressions of solidarity to the Armenian people on this solemn day of remembrance. Together, our nations look with hope and determination toward a future of peace, prosperity, and freedom.

GEORGE W. BUSH.

Mr. KYL. Mr. President, I rise in opposition to S. 2551, legislation 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.

On March 21, the President submitted to Congress a \$27.1 billion request for emergency funding to continue to fight the war on terrorism and respond to the September 11 attacks on our country. It was a prudent request and one that should have been quickly acted upon. The legislation passed on May 24 by the House of Representatives closely tracked the President's request. Unfortunately, the majority in the Senate has chosen a much different course of action and constructed a wasteful amalgamation of pork.

The President asked for emergency funding for critical resources to support the war on terrorism and secure the homeland as we recover and rebuild. Yet the product before the Senate includes scores of unneeded items that cost billions of dollars—all classified as an "emergency." The numbers speak for themselves. The Senate Appropriations Committee reported out a bill that spends \$3.8 billion more than requested by the President, for a total of over \$31 billion. More significantly, by reshuffling priorities, the committee failed to fund \$10.4 billion in emergency spending items that the President had requested, and instead decided to fund \$14.6 billion in spending items not included in the President's request. Most astounding is the fact that each Federal agency is allocated more money than the President requested except for one—the Department of Defense. I cannot support this bill.

Fortunately, it will never be enacted into law. On June 4, the administration sent the Senate a Statement of Administration Policy. Pointedly, the letter says that, "[i]f the supplemental appropriation bill were presented to the President in its current form, his senior advisors would recommend that he veto the bill." Our efforts to improve this legislation have been thwarted by the Majority. Consequently, this legislation should be vetoed by the President if it reaches his desk.

It is important to remember the context here: that the Federal Government is facing a potential deficit somewhere in the range of \$100 to \$150 billion. Spending needs must be met, but they must be met in a responsible manner. This bill truly fails the test of fiscal restraint—with every extra dime, it should be noted, coming out of the Social Security surplus. It is worth mentioning that some of the most vocal supporters of this bill are those very same Senators who routinely lament efforts to return taxpayer dollars to the American people in the form of tax relief. In fact, this bill costs—in spending for this year alone—30 times more than what it would cost to make repeal of the death tax permanent. It is deeply disappointing to me that those Senators who reflexively label tax relief "fiscally irresponsible" are the quickest to turn right around and

spend it on unnecessary items in the name of an "emergency."

The fact is that the great majority of these questionable add-ons are for purposes that have absolutely nothing to do with national defense, homeland security, or antiterrorism efforts—for example, \$11 million to the National Oceanic and Atmospheric Administration, NOAA, for economic assistance to New England fishermen and fishing communities; \$2 million for the Smithsonian to begin design of an alcohol storage facility for specimens; \$50 million for renovating the Ames, IA animal research lab; \$45 million for Amtrak; \$40 million for monitoring animal health and enhancing pest detection; and \$2.5 million for charting the Hawaiian coral reefs. This is just a small sample of an exhaustive list of funding for programs totally unrelated to homeland security.

As the administration's SAP accurately states, "[t]he President's FY 2002 emergency supplemental request was targeted at this year's immediate emergency needs and funding in addition to this request is not warranted at this time." The SAP continues by stating that the Senate bill "includes scores of unneeded items that total billions of dollars—all classified as 'emergency.' The bill adds unrequested funds for numerous programs and projects throughout nearly all of the Federal agencies."

What's more, the bill, by requiring that the President designate as emergency items "all or none" of its non-defense funding items, unduly restricts the President's authority. Under the Budget Enforcement Act, the President is supposed to have control over the release of emergency funds added by the Congress to ensure that the funds respond to critical emergency needs. By contravening this long-established budget enforcement mechanism, the Senate would require the President to waste taxpayers' dollars on low-priority, nonemergency items in order to access high priority homeland security and recovery funding. Thus, this legislation prohibits the President from designating anything for defense—such as ammunition and medical stocks—as an emergency, unless unrequested items—like alcohol collections and coral reef charting—are also designated as emergencies.

Expansion of government often occurs during times of war. We have a fundamental responsibility to the American people, however, to use only those additional resources necessary to counter the threat to our country. It is not our place to use the current emergency as a veil for our own special interest initiatives. Unfortunately, the Senate supplemental appropriation funding bill breaks faith with the American people, and accordingly, I vote my conscience. I vote no.

Mr. McCONNELL. Mr. President, yesterday's terror attack in the Middle

East is tragic and heartbreaking. A car packed with explosives and driven by a Palestinian terrorist blew up next to a bus near the town of Afula in northern Israel, killing at least 17 people and wounding dozens more.

This act of terrorism came on the 35th anniversary of the 1967 Mideast War.

The Palestinian terrorist group "Islamic Jihad" claimed responsibility for the attack, which occurred during CIA Director George Tenet's trip to the region. It is clear that extremists are actively undermining any prospects for peace with Israel.

PLO Chairman Yasser Arafat—by virtue of his inability to reign-in extremists and terrorists—is becoming increasingly irrelevant in the peace process. It is time for Arafat to lead the Palestinians to peace, or to pass the mantle to someone who will.

The amendment I offer will allow Israel to use the funds appropriated in the supplemental bill in the most targeted and effective manner to counter terrorism that is claiming innocent lives and destroying prospects for peace in that region.

As this aid is provided through the Economic Support Fund (ESF) account, its use is restricted in a manner that does not address our ally's most pressing counterterrorism needs—non-lethal equipment vital to defending civilian populations from terrorist attacks.

Section 531(e) of the Foreign Assistance Act of 1961 expressly prohibits the use of ESF funds for "military or paramilitary purposes". I do not believe that it is the intention of the Senate to hamstring the ability of Israel authorities to counter the clear and ever-present danger posed to Israeli civilians by homicide bombers.

My amendment provides for the transfer of ESF funds for Israel in this bill to the "Nonproliferation, Anti-Terrorism, Demining and Related Programs" account, which will allow for the purchase of non-lethal equipment that will contribute to countering acts of terrorism against the Israeli people. This includes bomb detection, x-ray, and personnel protection equipment, among other essential items.

Let me be clear that the defensive nature of the assistance provided to Israel in this supplemental bill is unchanged by my amendment, as is the overall amount provided for counterterrorism programs and activities.

Mr. President, Americans understand the devastation caused by extremists bent on waging jihad against the world's democracies. We know the pain of surprise attacks, and the collective suffering of a nation following the slaughter of innocent civilians.

During these difficult times, the people of Israel should know that they do not stand alone. We have a common enemy in terrorism. And we will fight—and win—as many battles as it takes to protect the freedom and de-

mocracy both the American and Israeli people enjoy.

Mr. President, I hope my colleagues will join me in keeping in our thoughts and prayers the victims and their families of this latest terrorist attack.

Mr. BUNNING. Mr. President, I address some of the concerns I have with H.R. 4775, the Fiscal Year 2002 Emergency Supplemental Appropriations Act.

According to the Congressional Budget Office (CBO), the cost of President Bush's emergency spending request is pegged at \$28.4 billion. This Senate bill we are considering is almost \$4 billion more than what President Bush requested in his emergency supplemental request to Congress. And even though the Senate bill we are considering is billions more than what the President requested, we still aren't even fully funding \$10.4 billion in emergency spending requested by the President. We are shortchanging the President \$10.4 billion in this bill from his emergency spending request to help fight the war on terrorism, yet we are piling on \$4 billion in new funding in special projects which is not at all designated as emergency spending by the President.

The bill's priority funding of non-emergency measures, while ignoring the President's full request for emergency funding to fight terrorism and ensure the safety of our citizens, just doesn't make sense to me. The real kicker is this, Mr. President, despite the \$4 billion of overfunding in this bill, only one federal agency did not receive more money than requested by President Bush—the Department of Defense. The purpose of this bill is to provide the President with emergency funding to help fight the war on terrorism, and in this bill we are refusing to fully fund the Department of Defense's needs to help us fight this war. That point baffles me.

As well, I am disappointed that we were unable to address some serious budgetary issues facing the Senate. We have no fiscal year 2003 budget resolution or discretionary spending caps as we venture towards committee and floor consideration of our 13 appropriations bills. For the first time since 1974 the Senate has failed to pass a budget resolution. This is embarrassing and a bit disgraceful. It is not simply a problem for the Senate alone. The lack of a budget resolution is the potential problem of every American. For without a budget resolution and discretionary allocation limits, we are essentially walking Americans down a path scattered with deficit and debt landmines.

Let me just touch on how bad things have gotten lately with our Nation's checkbook. Last year, CBO anticipated and predicted a \$313 billion surplus for fiscal year 2002. And now, we all know we are facing a gaping deficit. We will borrow and spend all of the \$168 billion Social Security surplus and at the same time have to borrow about another \$137 billion from the private mar-

kets. So the bottom line is that we are going to have to borrow over \$300 billion. And this is new debt stacked on top of the whopping \$6 trillion debt we already have.

Now we can all cross our fingers and hope that we are going to experience a long economic recovery which will allow us to balance our federal checkbook and say goodbye to deficits and debt, but that just isn't smart and fiscally prudent. If there is no timely recovery with the growth rate we all would like to anticipate, then the deficits are going to get bigger and bigger and make it all the harder in the future to curb spending and get any reign on fiscal restraint. I know some of these choices aren't easy to make, but we have to make them.

Earlier today we had the opportunity to pass a provision on this bill to institute some fiscal discipline by imposing some enforceable discretionary spending caps. Unfortunately, this provision failed. Hopefully, somehow soon before we trek down the appropriations process, we can set some limits on spending and live within our means.

The White House has released a Statement of Administration Policy for the Senate on this bill. President Bush say he will veto this bill outright because of the lack of fully funding his emergency requests, and because there are many extraneous spending provisions in the bill that he did not request.

In fact, here is a quote from President Bush regarding the supplemental bill. He say, "It's important that we get a supplemental out and, frankly, a supplemental that doesn't bust the budget. And we'll be looking forward to working with senators, to explain to them that the supplemental ought to focus on emergency measures, measures that are needed to fight the war, to button-up the homeland. But the supplemental shouldn't be viewed as an opportunity to load it up with special projects."

I am hopeful that when we eventually get to conference with the House of Representatives, that the conferees work to report a bill out which removes the non-emergency spending, fully funds the President's emergency spending request, and addresses the fact that we have set no limits on discretionary spending for fiscal year 2003.

Mr. President, I thank you for time allotted to me to address my concerns with this bill.

Mr. MILLER. Mr. President, before we invoked cloture on the supplemental appropriations bill today, it had been my intention to offer a sense-of-the-Senate resolution, which I believed was a very important statement about our commitment to fiscal constraint and responsibility. Senate rules now prevent my amendment from being considered, so I want to go on record regarding the amendment, our budgetary situation and the need to tighten our belts.



The bill we are considering, S. 2551, a bill making supplemental appropriations for Further Recovery From and Response to Terrorist Attacks on the United States, was scored at \$30.9 billion or roughly \$4 billion over the President's request of \$27.1 billion. While this bill recognizes the need to fund emergency homeland requirements and has many worthwhile things in it, one could argue that some of its contents are questionable at best.

Now, I realize that "pork" and other unfavorable terms for specific projects are clearly in the eyes of the beholder. But where does it all stop?

I am sure that we could all justify, even enthusiastically promote, projects in our own states that most members might think loony or wasteful. Whether it is Federal marshals, summer school, hospitals or jars of alcohol on the Mall, they are all important, but where does it stop? It is one thing to spend money for these types of things when you have money, but quite another when your broke or in debt. That is why we must have strong controls and a cap on what we can spend. I was disappointed that the Senate rejected such controls yesterday voting down the Feingold-Gregg amendment. I haven't been here long, but I do know that if we don't enact some spending controls, things will get out of control quickly.

There is a general acknowledgement that a short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism. But at the same time, we need to look at the impact of this very supplemental appropriations bill on our domestic spending and our budget deficit.

Therefore, I had intended to offer a sense-of-the-Senate resolution which basically said that the total of the fiscal year 2003 appropriations bills should have been reduced by the amount we spend over the President's request as determined by the Congressional Budget Office. If this supplemental ends up being \$3.8 billion higher or \$4.2 billion, or whatever the number is over the President's \$27.1 billion request, then the Senate should agree that we would reduce our total appropriations figure by that amount in the upcoming appropriations cycle. It is not a scientific formula, just a start down the path of fiscal responsibility—a concept that seems to have lost its preeminence.

So, while I will not offer this amendment today, I will promote this idea in the coming weeks and fight for real progress during the upcoming appropriations process.

Mr. KERRY. Mr. President, I strongly support helping New England fishermen and their communities, and by that I mean helping them now, when they need it, not later this year or next year, but now. And I want to thank our distinguished Chairman of the Appropriations Committee Senator BYRD and the Ranking Member Senator STEVENS.

I would also like to thank Chairman HOLLINGS of the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Subcommittee Ranking Member, Senator GREGG, for their steadfast support of the New England fishermen and for including provisions to help fishermen and fishing communities in New England recover from the effects of a devastating lawsuit which is already having severe economic consequences in New England.

The entire New England groundfish industry is reeling from a lawsuit that was finally decided on May 23. I would like to point out that the fishing season starts on May 1, so the fishermen and the shore side industry learned the rules by which they must live less than a month into the season. It's hard to plan a fishing season under those circumstances. And the ramifications reach beyond just our fishermen. We have over 1,000 active groundfish boats in New England employing thousands of fishermen, and economists estimate that for each job on a fishing vessel we have four jobs on shore to support the industry.

In addition, Massachusetts Bay, the prime inshore fishing grounds for the small day boats from our North Shore, South Shore and Provincetown fleets have been closed since January 1. The area was scheduled to open in May, but the court order extends that closure. These fishermen and their families are struggling and have barely made it through the winter. Now, when May comes around they are unable to go fishing, earn some money and pay the bills. These families need help now!

I want to be clear. We are not backing away from our obligation to protect New England's fisheries. I know as much as anyone that this is a federal resource. We have an obligation to protect it and preserve it, to ensure that generations of New Englanders have the opportunity to fish and to protect a Federal, natural resource that belongs to all Americans. But at the same time, we are seeking some help for the people and communities who bear the brunt of these necessary conservation rules. These people need some financial assistance while we make the transition to sustainable fishing.

I would like to point out that it is not just the New England fishermen who are hurting. As I mentioned earlier, for every job at sea in Massachusetts, economists estimate that we have four shore side jobs to support the industry. This includes net makers, processors, ice dealers and boat maintenance facilities. I should add that part of the court order increased the mesh size from 6 inches to six and 1/2 inches for all nets used to catch groundfish. This is great for conservation because it reduces the catch of undersized fish, however overnight every fishermen had to replace his nets. That means that all of the net makers with 6 inch mesh were now sitting on hundreds of thousands of dollars of worth-

less inventory. For the typical gillnetter in New England this means they all have to come up with \$10,000 before they can go fishing. Remember, these are all small, family-owned businesses and in some cases these are people that have not been working since January 1. These people need some help!

Again I wish to thank Senators BYRD, STEVENS, HOLLINGS and GREGG for their stalwart support of these hardworking fishermen and their families.

Ms. SNOWE. Mr. President, I rise today to express my strong support for the provisions in this supplemental that provide financial aid to the New England groundfish fishery. This crisis is not caused by natural disaster, but by the failure of our fisheries management system to effectively manage marine resources and dependent industries.

I worked with my colleagues from Massachusetts, Rhode Island and New Hampshire to get this funding in the bill. And I want to thank the Chairman, Senator BYRD, and the Ranking Member, Senator STEVENS, for understanding the need for this funding.

The bill includes \$11 million for economic assistance to fishermen and fishing communities affected by Federal closures and restrictions on fishing. My State of Maine will receive \$2 million as a result of this provision. States have the option of developing locally-appropriate spending plans for this money or asking NMFS to distribute the money, to ensure that it goes to those who need it most.

It also provides \$5 million for direct economic assistance to those in the industry affected by court-ordered management measures, in return for their participation in activities that support port and coastal security. In this way, we can meet two important goals, helping fishermen who temporarily cannot fish and helping coastal communities participate in national security efforts.

Over the past several months, New England fishermen have been watching their livelihoods disappear. Litigation was brought against the National Marine Fisheries Service for not rebuilding stocks fast enough, and this litigation ended in court-ordered management measures that would have resulted in more than 4,000 lost days at sea for Maine's fishermen alone. The court ignored the negotiated settlement reached by the interested parties and issued its ruling five days before the fishing season started.

These numbers pale in comparison to the economic, cultural, and historical value of the New England groundfish fishery. In Maine alone, 26,000 people have jobs directly related to the fishing industry and last year groundfish alone accounted for \$17.7 million in fish landings. Nationally, the fishing industry contributes over \$7 billion to the U.S. economy.

While the Judge reconsidered her original ruling and adopted the negotiated settlement, the number of days

that fishermen can target groundfish is reduced by a minimum of 20 percent. And that translates into thousands of lost fishing days and millions of dollars lost to the regional economy.

The economic assistance in this bill will not fix the flaws in the management system, but it will help our fishermen through a difficult transition period while we fix the management problems that left NMFS facing 104 lawsuits at the beginning of May. I am the Ranking Member of the Commerce Oceans and Fisheries Subcommittee, and I am working with Chairman KERRY to get the Magnuson-Stevens Fisheries Act preauthorized so that we can stop managing our fisheries by litigation.

Mr. ENSIGN. Mr. President, I would like to address the Senate today with regard to the amendment offered by Senators KENNEDY, SMITH, and BOXER on Wednesday, June 5. As you know, this amendment would provide \$150 million in emergency spending for the 21st Century Community Learning Centers program for summer school programs. While I do support this program, I do not support the amendment offered by Senator KENNEDY.

The supplemental appropriations bill is designed to be a vehicle for emergency spending measures, most often funding for the defense of the United States. I am particularly disappointed with the Senate's version of the supplemental appropriations bill because it contains increased appropriations for every Federal department except for the Department of Defense while we are at war against terrorism.

In my opinion, funding for summer school programs simply does not qualify as emergency spending worthy of placement in the supplemental appropriations bill. It is highly likely that school districts and other eligible grantees would not even get the funds in enough time to effectively utilize them. I do recognize that many States have been faced with difficult financial decisions because of constrained budgets and that many have had to cut summer school programs. The regular appropriations process for education programs is the appropriate time for the Senate to determine the appropriation for the 21st Century Community Learning Centers program.

Mr. REED. Mr. President, I rise today to briefly describe an amendment that I filed to the fiscal year 2002 Emergency Supplemental Appropriations bill currently before the Senate. Simply, my amendment dealt with the Food and Drug Administration's 'Pediatric Rule,' which the agency issued in 1999 to require that companies conduct clinical trials in which children are the subjects for drugs that may provide a health benefit for the pediatric population. After discussing my amendment with several colleagues, I have decided not to offer it at this time. I believe, however, that this is an important issue that must be settled this year.

In 1999, FDA issued new regulations requiring pediatric studies of certain

new and marketed pharmaceutical and biological products. The agency determined that most drugs had not been adequately tested in the pediatric population. The 1999 rule requires that manufacturers of certain products provide sufficient data and information to support the directions for pediatric use for claimed indications. The pediatric rule filled an important gap in FDA's regulation of drug and biologic products. I know that many of us have been concerned about the lack of important pediatric information on marketed drug products.

The rule and the Best Pharmaceuticals for Children Act, which was enacted in January of this year, have different provisions, though they complement each other in important respects. The Best Pharmaceuticals for Children Act provides incentives for companies to test products in children and provides them with six month pediatric marketing exclusivity for products approved for pediatric use. The statute does not require any pediatric testing. In addition, the rule includes biological products in its requirements whereas the statute does not. Many of the new products that may provide significant health benefits to the children of this country are biologics. And the statute only allows each product to be considered once in its lifecycle, which means that FDA cannot request information on any pediatric uses not anticipated at the beginning.

I understand that the Secretary of Health and Human Services supports the continued enforcement of the pediatric rule and that he so stated in a Labor Health and Human Services Appropriations Subcommittee hearing earlier this week.

Congressional action ensuring that the pediatric rule remains in effect for the foreseeable future is necessary and appropriate, and I look forward to working with my colleagues in the coming weeks on this issue.

Mr. KENNEDY. Mr. President, I was very disturbed to learn that the Appropriations Committee included language in the Emergency Supplemental that would direct the Department of Transportation to work with the Immigration and Naturalization Service and State motor vehicle authorities to implement a policy with respect to immigrant eligibility for drivers licenses. This decision was made without any consultation with the Committee of jurisdiction. The issue of immigrant access to drivers licenses is a complex one, implicating road safety, as well as questions of immigration, discrimination and racial profiling. It is a controversial issue that is being addressed by almost all state legislatures and about which there has yet to develop a national consensus.

My reading of the provision is that this language applies solely in the case where a State elects to move towards the policy on nonimmigrants referenced by the Report. In such a case, the Committee intends to direct the

Department of Transportation to act as a liaison between the state motor vehicle department and the INS to facilitate implementation of the State's policy.

This language should not be intended as a mandate to the states, nor affect in any way the States' discretion to determine which of their residents is eligible for a drivers license. Indeed, there is no statute on the books authorizing the Department of Transportation to limit, entice, or otherwise influence a state's discretion to provide drivers licenses to immigrants. Moreover, there are no funds in the bill itself or elsewhere that have been authorized for such purposes.

Finally, the language does not authorize the Department of Transportation or the Immigration and Naturalization Service to publish regulations or guidelines for States to follow, nor does it require any particular action either by the Department of Transportation or by the Immigration and Naturalization Service.

Everyone agrees that drivers licenses must provide accurate and reliable proof of one's identity and ability to operate a motor vehicle. However, tying drivers licenses expiration dates to visa expiration dates will not enhance our security. Sophisticated terrorists with substantial financial resources are likely to have the ability to obtain drivers licenses when necessary, regardless of restrictions like those discussed in the Supplemental.

Moreover, State drivers license issuing agencies should not be in the business of verifying immigration status, as determining immigration status is very complicated with serious ramifications for all non-citizens. The term nonimmigrant itself is a technical legal term that leads to much confusion. Errors will likely result as motor vehicle personnel attempt to interpret complicated immigration law provisions. Distinguishing between immigrant, nonimmigrant, and other applicants, as well as understanding when visas expire, is complicated and very difficult without proper training. Furthermore, nonimmigrant visas do not have uniform documentation nor do they have a simple expiration date.

Experience has shown that when public officials are required to check immigration status, Latinos, Asians, and others who appear to be foreign are asked to produce additional documentation or have their documents more closely scrutinized. This behavior often results in civil rights violations, frequently involving U.S. citizens and legal permanent residents.

While security concerns are extremely important, we need to consider the negative consequences of linking drivers licenses to immigration status.

Mr. President, this legislation on supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year 2002 provides \$15 million for the State Department to create a new

high school exchange program for students from predominantly Islamic countries. The program that will be established with this funding is based on S. 2505, the Cultural Bridges Act, which Senators LUGAR, LEAHY, CHAFEE, DODD, HAGEL, GORDON SMITH, COCHRAN, BROWNBACK, JEFFORDS, DURBIN, FEINGOLD, and I introduced on May 10.

One of the clear lessons of September 11th is that our government needs to do more to ensure that future generations in the Islamic world understand more about American values and culture. A recent Gallup poll in nine predominantly Muslim countries revealed strong anti-American attitudes. Nearly 1.5 billion people live in the Islamic world, and if we ignore these sentiments, we do so at our own peril. If we try to address the problem directly, by teaching American values to students from the Islamic world, we have a chance, in the long run, of changing negative attitudes. It's a long process, which September 11th has taught us we must begin now.

There are no better ambassadors for American values than Americans themselves, and student exchange programs have proven to be an effective tool in reaching out to the next generation of leaders. As Secretary Powell said in his August 2001 Statement on International Education Week, "I can think of no more valuable asset to our country than the friendship of future world leaders who have been educated here."

In October of last year, President Bush spoke eloquently about the need to reach out in friendship to children and the Islamic world. In a speech to students at Thurgood Marshall Extended Elementary School, the President said that America is "determined to build ties of trust and friendship with people all around the world—particularly with children and people in the Islamic world."

To facilitate the President's goal of reaching children, this supplemental appropriations bill provides the funding that is essential for the State Department to create a new program for high school students from the Islamic world to study in the United States. No federal program currently exists to facilitate such student exchanges with ever-increasing numbers of youth in the Islamic world.

There are many benefits to reaching out to students while they are young and open-minded to enhance mutual cultural understanding and tolerance. Today's high school students are tomorrow's leaders, and we need to begin working with them now to inform their attitudes about our country.

In January 20, 2002 op-ed in the Washington Post, a former Fulbright scholarship recipient from Egypt expressed concern that his university in Egypt was and continues to be fertile ground for recruiters from terrorist or extremist organizations. Our challenge is to provide young students with the opportunity to learn about America, partici-

pate in all aspects of American family life, and understand our values before they reach that stage.

The high school student exchange program that will be developed with this funding will be modeled on the State Department's highly successful Future Leaders Exchange Program (FLEX), which brings approximately 1,000 students ages 15-17 from the Newly Independent States to the United States each year to attend an American high school for a year and live with an American family.

The FLEX program has been extremely effective in shaping attitudes among the students selected to participate from the Newly Independent States. A 1998 U.S. government study, which compared Russian FLEX alumni with other Russian youth of the same age, indicated that the FLEX alumni are more open to and accepting of Western values and democratic ideals. They are more likely to want to become leaders in and to make a contribution to their society. They tend to be more optimistic about the future of their country—especially its evolution to a more democratic, rule-of-law society—than other Russian youths.

Significantly, the FLEX program has been successful in the six predominantly Islamic countries from the Newly Independent States—Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. More than 1,500 students from those Muslim countries have studied and lived in the United States since the program began. FLEX alumni in Azerbaijan and Turkmenistan are teaching English in their home countries, and alumni in Kyrgyzstan and Tajikistan have been involved in activities to develop democratic practices. Given the track record in these countries, there is every reason to believe that a high school student exchange program would succeed throughout the Islamic world.

Like the existing student exchange program for the Newly Independent States, and consistent with the Cultural Bridges Act, this new program should require participating students in high school exchanges from the Islamic world to be selected competitively and in a manner that ensures geographic, gender, and socio-economic diversity. To qualify, students should be tested extensively and interviewed under State Department guidelines. As with the FLEX program, the State Department should work with experienced American non-governmental organizations to recruit, select, and place students and will remain in close contact with the public high school, American host family, and American non-governmental organizations while the students are in the United States.

Importantly, consistent with the Cultural Bridges Act, all students and visitors participating in programs authorized in this legislation should be admissible under all immigration laws and procedures. Furthermore, legislation recently signed into law improves

our ability to screen foreign students by requiring increased communication among the State Department, the INS, and the schools enrolling foreign students and by closing gaps in the existing foreign student monitoring program.

The high school exchange program included in this supplemental appropriations bill has been endorsed by the Alliance for International Education and Cultural Exchange, AMIDEAST, AFS, the Academy for Educational Development, the American Councils for International Education, the American Institute for Foreign Study, the Institute of International Education, the National Council for International Visitors, Sister Cities International, World Learning, and World Study Group.

America must respond to the terrorist threat on many levels. We need to ensure that our defenses are strong, our borders are secure, and our relationships with allies are vibrant. We also need to do more in the area of public diplomacy.

It is clearly in America's national security interest to promote more people-to-people contacts throughout the Muslim world. Indeed, in a May 3rd speech to the World Affairs Council in California, Deputy Secretary of Defense Paul Wolfowitz spoke about the need to reach out and strengthen voices of moderation in the Islamic world and to bridge the "dangerous gap" between the West and the Muslim world. He said America must "begin now . . . the gap is wide and there is no time for delay."

After September 11, many of the Muslim countries condemned those acts and pledged to help the United States fight terrorism. As we have seen in Afghanistan, Pakistan, and elsewhere in the Muslim world, some individuals and factions within a country can support terrorists and terrorist organizations, while others seek to resolve issues peacefully. America must reach out in friendship to all individuals in the Islamic world who share our worldview.

The Koran says, "O Mankind! We created you from a single pair of a male and a female, and made you into nations and tribes, that ye may know each other." These words speak eloquently of the need for this legislation. Building bridges of understanding and tolerance across cultures will help ensure that Americans and people of the Islamic world will truly understand and know each another.

I am grateful to Senator LEAHY for recommending that funding for this new student exchange program be included in the supplemental appropriations bill. I am grateful as well to Senators MCCONNELL, BYRD, and STEVENS for their support. I urge my colleagues to support funding for this program, and I hope it will be preserved during the conference on the supplemental appropriations bill.

The PRESIDING OFFICER. The question is on the engrossment of the

amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

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

The result was announced—yeas 71, nays 22, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—71

Akaka	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bennett	Edwards	Murkowski
Biden	Feinstein	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gregg	Reed
Burns	Harkin	Reid
Byrd	Hollings	Roberts
Cantwell	Hutchinson	Rockefeller
Carnahan	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (OR)
Clinton	Johnson	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Leahy	Torricelli
Craig	Levin	Warner
Crapo	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Dodd	Lugar	

NAYS—22

Allard	Gramm	Santorum
Bayh	Grassley	Sessions
Brownback	Hagel	Smith (NH)
Bunning	Hatch	Thomas
Ensign	Kyl	Thompson
Enzi	Lott	Voinovich
Feingold	McCain	
Fitzgerald	Nickles	

NOT VOTING—7

Bingaman	Dayton	Thurmond
Campbell	Helms	
Daschle	Kennedy	

The bill (H.R. 4755), as amended was passed.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I take the floor at this late hour to express my appreciation to the senior Senator from Alaska, Mr. STEVENS, for his cooperation in handling this bill and for his masterful handling of the bill on the floor. I thought it best to let him do that without any action or work on

my part. The problem was on his side. I believed that Chairman STEVENS was the man to deal with those things. He did it to perfection. I thank him. We couldn't have gotten to this point had it not been for Senator STEVENS and his support.

Let me also thank HARRY REID. Senator REID is a whip sui generis. He has been a real asset to the leadership, and to the managers of the bill in getting this bill passed. It has taken hours on his part. For his willingness to stay until the last, for his willingness to take our statements and get them in the RECORD, I want to personally thank him for a job well done. It is a hard job. I have been a whip. I have not been whipped, but I have been a whip around here. So I know the kind of work he did.

I also thank the wonderful staff on both sides of the aisle. They worked hard. They worked during the hours after some of us went home to sleep. But they stayed here. And they will still be here after we go home tonight. We can't thank them enough. They are excellent.

I thank Members on both sides of the aisle for the courtesies they extended.

I think this is a good bill. I am glad we passed it. We need to get it to conference. Perhaps there will battles there.

I thank all Senators, and I thank the floor staff—the people who are here who work many hours. I thank you all.

Again, I thank Mr. STEVENS. He couldn't be a better Senator from Alaska. He is the "Senator of the 20th century" from Alaska. I salute him.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia. The Senator from West Virginia is not only a great chairman, he is a great friend. I thank him for the privilege of trying to deal with the problems that occurred on this side of the aisle.

I also join in thanking Senator REID. I think he has shown persistence in trying to get this bill through. I don't criticize the concept of having gone to cloture, but I do criticize the conduct of some under cloture. We will have to deal with that later.

It is a difficult process. But I will say this: I think this bill is important to the country. It is very important to the President. It is a bill which I think is very important to those of us who worked so hard to try to get it through. We are now going to go to conference with the House. Many of the provisions in this bill the House is not aware of yet, but I am sure they will be controversial. It is my hope we can move in the conference sometime next week and hopefully try to address some of the issues that are not in this bill today. They are in the House bill. We have cut out some of them.

I am still bothered by the debt ceiling. I hope that leadership will look to the debt ceiling problem to see if we can't get a stand-alone bill or some way to address that issue. I remember so well in days past when it would fes-

ter and get to the point where people were being threatened of being put into jail and all of that because Congress had not acted. The debt ceiling being lifted reflects the fact that the economy of this country has expanded enormously. We have been through a period of inflation. As we go into a period of inflation and we roll over our debt, we end up with an imbalance by the passage of time rather than expenditures of money.

I believe we ought to accommodate the situation so that people who are administering our laws downtown don't feel fearful of what might happen to them because of expenditures over which they really cannot maintain total control. As we get close to these debt ceiling limitations, I think Government slows down out of fear. This is no time to have that kind of reaction when we are at war.

I look forward to working with everyone with the hope that we can address that problem sometime before the end of this month. Again, I thank my colleagues. I thank the Chair and everyone for their patience. I thank the Parliamentarian for his impartiality.

I was happy to see yesterday come to an end.

Thank you very much.

Mr. REID. Mr. President, very briefly, I have spoken to Senator DASCHLE about the debt limit. We have a free-standing debt limit bill. We are going to work as hard as we can to get it to the floor as quickly as we can. I have spoken to Senator DASCHLE several times in that regard.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The Presiding Officer (Mr. DURBIN) appointed Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. CAMPBELL, Mr. GREGG, Mrs. HUTCHISON of Texas, and Mr. DEWINE conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we are going to wrap up things here in just a

minute. I would like to say publicly, as I have said to the Senators privately, and to the Presiding Officer, that we have been through a very difficult time while you have been presiding. It really is most helpful, where there is confusion on the floor, to have someone who understands what is going on and who has absolute control of the Senate. You did an outstanding job of presiding. That is not easy.

We have Parliamentarians who help. But it certainly is a tremendous help if you have someone such as the Presiding Officer who makes the decisions on his own. They were all right. I extend my appreciation and our appreciation for the way in which you presided over the Senate during consideration of a most important bill. We have heard enough talk about it.

But this is an important bill. It is an emergency supplemental appropriations bill which will help our troops, help homeland defense, and help veterans.

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#### UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 625, the hate crimes bill, Friday, tomorrow, June 7, at 11 a.m. That is today, I guess.

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

Mr. REID. For the information of Members, the next vote will be on Monday, at approximately 5:30 p.m. Today there will be no more votes.

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#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

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#### VOTE EXPLANATION

Mr. LIEBERMAN. I was not able to vote on the Helms-Frist amendment (Number 3725) to the Supplemental Appropriations bill. I was unavoidably detained. I would like to express my support for this measure and applaud its passage. I co-sponsored the defeated Durbin amendment that would have provided an additional \$500 million towards the global fight against AIDS, malaria, and tuberculosis. I was disappointed that it did not pass tonight. In the absence of the Durbin provisions, I agree with the Senator from Tennessee that we must at least provide the additional \$100 million called for in the Helms-Frist amendment. I ask that the record show that I would have voted in favor of the Helms-Frist Amendment and I support its passage.

#### PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2002

Mr. KENNEDY. Mr. President, on May 23, 2002, the Senate passed the Conference Report to H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Included in Title V of this Conference Report is the reauthorization of the Prescription Drug User Fee Act, "PDUFA".

Performance goals, existing outside of the statute, accompany the reauthorization of PDUFA. These goals represent a realistic projection of what the Food and Drug Administration Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairmen of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document entitled "PDUFA Reauthorization Performance Goals and Procedures." According to Section 502 of the Conference Report, "the fees authorized by amendments made in this subtitle will be dedicated towards expediting the drug development process and the process for the review of human drug application as set forth in the goals in the CONGRESSIONAL RECORD."

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on June 4, 2002, as well as the letter from Secretary Thompson that accompanied the transmittal of this document.

I ask unanimous consent it be printed in the RECORD.

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

THE SECRETARY OF  
HEALTH AND HUMAN SERVICES,  
Washington, DC, June 4, 2002.

Hon. EDWARD M. KENNEDY,  
Chairman, Committee on Health, Education,  
Labor and Pensions, U.S. Senate Wash-  
ington, DC.

DEAR CHAIRMAN KENNEDY: As you are aware, the Prescription Drug User Fee Act of 1992 (PDUFA), as reauthorized by the Food and Drug Administration Modernization Act of 1997, expires at the end of Fiscal Year 2002. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the process for the review of prescription drugs, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with PDUFA stakeholders.

FDA has worked with various stakeholders, including representatives from consumer, patient, and health provider groups, and the pharmaceutical and biological prescription drug industries, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the program. Title 5, Subtitle A, of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, as passed by

the House on May 22, 2002, and by the Senate on May 23, 2002, reflects the fee mechanisms and other improvements developed in these discussions. The performance goals referenced in Section 502 are specified in the enclosure to this letter, entitled "PDUFA Reauthorization Performance Goals and Procedures." I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and both the additional resources identified in the bill and annual FDA appropriations that fully cover the costs of pay and inflation increases for the drug and biologics review process each year.

This letter and the enclosed goals document pertain only to Title 5, Subtitle A (Prescription Drug User Fees) of H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration's program. We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

TOMMY S. THOMPSON.

Enclosure.

#### PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the reauthorization of the prescription drug user fee program in the [cite statute] are summarized as follows:

##### I. REVIEW PERFORMANCE GOALS—FISCAL YEAR 2003 THROUGH 2007

###### A. NDA/BLA submissions and resubmissions

Review and act on 90 percent of standard original NDA and BLA submissions filed during fiscal year within 10 months of receipt.

1. Review and act on 90 percent of priority original NDA and BLA submissions filed during fiscal year within 6 months of receipt.

2. Review and act on 90 percent of Class 1 resubmitted original applications filed during fiscal year within 2 months of receipt.

3. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year within 6 months of receipt.

###### Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements filed during fiscal year within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplements filed during fiscal year within 6 months of receipt.

###### Resubmitted Efficacy Supplements

###### Fiscal Year 2003:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2003 within 6 months of receipt and review and act on 30 percent within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements filed during fiscal year 2003 within 6 months of receipt.

###### Fiscal Year 2004:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2004 within 4 months of receipt and review and act on 50 percent within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted original applications filed during fiscal year 2000 within 6 months of receipt.

###### Fiscal Year 2005:

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements filed during fiscal year 2005 within 4 months of receipt and review and act on 70 percent within 2 months of receipt.