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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Harry C. Black, offered the following prayer:

Let us pray.

O God, author and creator of the world's joys, bearer of the Earth's sorrows, we have loved You, but not enough; we have sought You, but not diligently enough; we have heard, but not understood; we have hoped for things heavenly, but clung to the things of Earth.

Thank You for loving us in spite of our failures. Help us not to waste our hopes and talents on unworthy pursuits. Instead, give us freedom, not to do as we like, but to like to do as we ought.

Guide our Senators today and give them Your peace.

And, especially, Lord, we pray today for those who mourn.

In Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked by the majority leader to make the following statement.

For the information of all Senators, this morning the Senate will resume consideration of H.R. 2660, the Labor,

HHS, and Education appropriations bill. There are a number of pending amendments that will need to be disposed of and it is therefore my hope that we can reach an agreement to vote in relation to those amendments. Many of these amendments have been fully debated and will require a rollcall vote.

I understand that on the other side of the aisle there is a reluctance to vote on any of the amendments until an agreement is reached with respect to the Harkin amendment. I encourage Members to allow us to move forward on the bill until that issue is resolved. There are a number of amendments that were pending prior to the Harkin amendment. Again, these amendments have been debated previously and are at this stage ready—should be ready for the Senate to work its will. Therefore, I hope we can begin to schedule those votes to allow further progress on the bill.

Rollcall votes are anticipated throughout the day and it is still my expectation to complete the Labor-HHS bill as early as possible this week.

Also, I would supplement what the leader has said, that there is no reason we can't finish this bill if we can get a schedule of votes. It conceivably could be done today but certainly no later than tomorrow if we move ahead and break this logjam as to when the votes are going to occur.

The leader concludes his own statement: As a reminder, today the Senate will recess from 12:30 to 2:15 for the weekly party lunches to meet.

In addition to the comments I have read on behalf of the leader, as the manager of the bill I would supplement what the leader has said to urge us to move forward. There is a certain reluctance, understandable reluctance, on the part of the Members on this side of the aisle, to be, in effect, dictated to as to when we are going to vote.

I understand the problems faced by the Democrats, where they have a

number of people running for President who are out of town. From my personal point of view, I would like to accommodate them and I would like to move on. But it draws considerable consternation and ire to be told when we are going to vote.

I had a colloquy yesterday with the Senator from Iowa, a colleague and a very good friend with whom I have worked very closely for more than a decade. There is scarcely a disagreement between Senator HARKIN and myself. As we change control of the gavel, we use the expression, "change seamlessly." But I pointed out, we have a majority, and under the rules of the Senate, the majority is supposed to determine the schedule. It is not a very big prerogative. We can't impose our will beyond a filibuster. And the Senators on the other side of the aisle are competent, able, resourceful as they articulate their views and carry their policies forward. That is something we understand.

But when it comes to a matter of the schedule it is my hope that the majority's prerogative to establish the schedule will be respected.

When I commented about our being in the majority, my esteemed colleague, Senator HARKIN said: Well, it's only 51 to 48 and 1.

There have been closer elections. There have been elections by 1 vote, not by 2½ votes.

So it is my hope that we can at least be accorded the prerogative of running the schedule. If people on this side of the aisle dig in their heels, like people on the other side of the aisle, and people on the other side of the aisle dig in their heels, we are not going to be able to conduct the people's business.

I see the Senator from Nevada waiting to speak. I will conclude. The Senator from Nevada has been in the Chamber more in the past several years than anybody else, managing the business of the Senate. He has done that when he has been in the majority and

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he has done that in the minority. I know he does his utmost to try to work these matters out.

So it is my hope that reason will prevail and we can find a way to get out of the entrenched positions, move ahead, do the public's business, and finish this bill.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I would like to respond to my friend. He is absolutely right. He and Senator HARKIN have set an example after which many of us have modeled our responsibilities on the Appropriations Committee.

I would say this. I think we should. I agree with the Senator from Pennsylvania. Why don't we go ahead and finish this bill? I think we have lost the time—we won't be able to do it today, but maybe we could do it tomorrow.

I had suggested and made a unanimous consent request that there be a vote at 3:15. When do you want the vote today? It is the pending amendment. When do you want the vote? I would say that. Let's vote on that. We have a number of amendments on which we can go ahead and vote. We have a couple more people who want to speak on the overtime issue, but they could do that quickly.

I say to my friend from Pennsylvania, check with the majority leader. See when he wants the vote. He can set the vote on overtime. We won't set it. Let him set it. Set the time for that. We can go ahead and dispose of other amendments. I think if he came back and said fine, vote on it at 2:15, or whenever—give us a suggestion—then we will try to finish this bill.

Mr. SPECTER. Mr. President, I would direct this question to the Senator from Nevada. He says let the majority leader determine when the vote should be set. I would agree with that. But suppose the majority leader says we ought to take the Harkin amendment vote after we take the votes on the other amendments?

Mr. REID. Fine.

Mr. SPECTER. And vote, but not necessarily today.

Mr. REID. Mr. President, I would say to my—

Mr. SPECTER. Mr. President, let me add, I personally don't object to voting today, but there are a lot of people on this side of the aisle who do as a matter of protocol and principle.

That is why I am going to leave the Chamber in a few minutes and, along with the President pro tempore, who is the chairman of the full committee, discuss the matter with the majority leader.

But as I understand the position of the Senator from Nevada and his side of the aisle, it is that they insist on the vote today.

Am I incorrect about that?

Mr. REID. Mr. President, we have never in the past 6 months, during the

time four Members are running in the Presidential campaign, said to the majority that we can't vote today because people are running for President. We have never done that. We have lost by one vote. And we have gone ahead and refiled amendments. We have taken our lumps.

On this occasion, we gave adequate notice that we think it is a good idea to vote on Tuesday. But we never tried to play games as to why we wanted that. We have done this on one occasion. This is an extremely important vote for the country.

What I am saying is that I guess we are in a no-win situation. If the majority leader says we are not going to vote on it today, then I don't see any alternative. But we are not going to be able to finish this bill. This is an important bill for the people of the State of Nevada.

It is an important bill for the people of this country. But the overtime issue is also an important issue.

I say to my friend from Pennsylvania that we are going to vote on this issue whether it is on this bill or if we are unable to finish this bill when it comes back or on a continuing resolution—however it gets here. We have a right to vote on this amendment.

I don't understand why we cannot have a vote sometime today. That is my point. Let the leader schedule it, if he wants to, right now. Do it now. If he wants to do it at 6 o'clock tonight—whenever he wants to do it—we can set it up and get rid of all of these other amendments and be in pretty good shape to finish this bill tomorrow sometime.

Mr. SPECTER. Mr. President, we will try to find the position of the leader on this issue as he represents the majority. We will report back as promptly as we can.

Mr. REID. Mr. President, if I may say one other thing, this kind of reminds me of Roger Miller. He was a songwriter. He wrote songs which I identified with more than my friend from Pennsylvania who probably likes opera and other things. But one of the lines in one of the songs which Roger Miller wrote was pride is the chief reason for the decline in the number of husbands and wives. I think that is really true. That is what we have here. We are being prideful saying I got you and you got me. Why don't we, as adults, try to work this out so we can have a vote on overtime. We want it at 3:15. Have the leader set it any time he wants today but complete the other amendments that are important. It is a tough vote. There is no question about that. Most of them are 60-vote waivers.

I would like to finish this bill. I know the Presiding Officer has a real interest in this. Once we knock this out, we have eight more appropriations bills to go. We might be able to do another one this week. That would leave seven. That puts us in pretty good shape to finish all of this.

We want a certain time this afternoon, but we can do it some other

time. We will swallow whatever pride we have, and hopefully you folks will, and we can finish this bill.

Mr. SPECTER. Mr. President, the Senator from Nevada has articulated some wisdom this morning in his comments about pride. I think of the statement "pride goeth before a fall." I think we can retain our pride and also get this worked out.

RECESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:15 a.m. to give us an opportunity to try to ascertain the position of the majority leader and the Republican caucus.

There being no objection, the Senate, at 9:44 a.m., recessed until 10:10 a.m. and reassembled when called to order by the President pro tempore (Mr. STEVENS).

RECESS

The PRESIDENT pro tempore. In my capacity as a Senator from Alaska, I ask unanimous consent that the Senate stand in recess until 10:45 a.m.

There being no objection, the Senate, at 10:10 a.m., recessed until 10:44 a.m. and reassembled when called to order by the President pro tempore.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial