

Obviously, there are pros and cons, but I wish to take this moment to talk about a \$512 million budget out of a \$750 billion bill. It is not a lot of money—well, obviously, it is a lot of money; \$512 million is not small change, but it is such a small percentage of the total amount of the appropriations bill. But for the 500,000-plus people who are residents of the District, for the citizens of our Nation who look to the District as truly what it is—their capital, our Nation's capital, and for the many hundreds of thousands and millions of people who travel to this District every year—adults, senior citizens, children, people of all ages, I thought I would take a moment to say a few brief words.

I want to begin by thanking our chairman, now ranking member, of the Appropriations Committee for his help in crafting this important portion of this bill. The good Senator from West Virginia spent many years as chairman of this subcommittee, and he knows well the issues about which I am speaking.

I thank the chairman, Senator MIKE DEWINE from Ohio, for his leadership. We work very closely as chairman and ranking member. I thank him and his staff, Mary Dietrich, for all of their hard work in pulling this portion of the appropriations bill together.

First, I wish to speak about a couple of big points. The District's budget is in fairly good shape. It has taken effort on the part of Congress, Democrats and Republicans, as well as the mayor and his partners on the council, a lot of work by the business community and civic organizations that have given suggestions and comments, as well as a structure that was put in place after the reform board moved on, to put in place a financial infrastructure that helps the District stay on strong financial footing.

Are there challenges? Yes. Is every city in America challenged? Yes. Every State, as the Senator most certainly knows from his State of Tennessee, is challenged with budget constraints. But the District, just as every city in America, struggles with chronic problems of losing a tax base and having to provide services for hundreds of thousands of people who come into the District each day yet do not pay that full share of the tax and the political difficulty of finding an appropriate political solution.

Nonetheless, with all those challenges, this mayor and the city council have gotten the District close to a balanced budget position, and because of that, a lot of the initiatives about which we have talked in Congress are going to hopefully be brought to the forefront.

No. 1, in this budget, there is additional security for the District of Columbia. As our Nation's Capital, we should, as Members of Congress, along with the mayor and council, make sure we set as much money in place as we can to secure the many beautiful

monuments and buildings. Unfortunately, this is a target-rich district and needs extra money for security. Some, not all of what we need, but some of that money is in the bill.

No. 2, the District has put forward a great and ambitious agenda for improving their schools. I am proud to say there is \$20 million to create, not for the first time, to expand a revolving fund for charter schools. As the schools improve, we are able to help create the kind of physical environment that rewards excellence, and that is in this bill.

We have also created the first ever family court in the District to try to cut down on child abuse and neglect, to help strengthen our families and our neighborhoods, to create special judges who will pay attention to these very serious challenges and then support them in their efforts. I thank Senator DURBIN particularly for his work in that regard. There are other provisions worth noting.

I am proud to submit a bill that works with the mayor and with the council in a bipartisan way to help this city, which is so special to the people who live here and so special to all of us, fulfill the dreams of how we want to see this city flourish and grow in the years ahead.

Again, I thank my colleagues on the Appropriations Committee for putting forth efforts to create this bill.

The PRESIDING OFFICER (Mrs. DOLE). The Senator's time has expired.

#### UNANIMOUS CONSENT—S. RES 23

Mr. DASCHLE. Madam President, on Wednesday, the administration made a decision to oppose the University of Michigan's efforts to promote diversity on the campus. In making the announcement, the administration said that Michigan's process amounted to a quota, and that the university should look at other factors, such as economic and geographic backgrounds. Their statement ignores the fact that both of those factors, as well as others, are considered by the university and given the same weight as race.

I have made clear on other occasions what I and many of my colleagues believe: The Michigan system is not a quota; the Michigan system is constitutional; and that President Bush made the wrong decision. Racial and ethnic diversity in our Nation's institutions of higher education is an important goal.

A student body that reflects the diversity of America is a valuable resource for all of our students. But kind words and lofty rhetoric alone cannot open the doors of educational opportunity or guarantee a diverse student body.

We must show our commitment through our actions. That is why today I am asking consent that we adopt a resolution that supports the University of Michigan. This resolution states that the Senate supports the univer-

sity's attempts to create a racially and ethnically diverse student body and directs the Senate legal counsel to file an amicus brief on behalf of the entire Senate in support.

By adopting this resolution, we can show with our actions, not just our words, that we truly believe in the importance of racial and ethnic diversity. I hope my colleagues will join me in this effort and support, certainly not stand in the way, of the resolution.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 23 and that the Senate then proceed to its immediate consideration; that the resolution and preamble be agreed to, en bloc; and that the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I think all of us in the Senate would love to see equal opportunity for all students. One of the great advances we have made is to eliminate discrimination—formal discrimination—that we had in this country for a long time against people of color, but I do not believe the answer to that is by instituting something that, in fact, discriminates the other way. That is what the University of Michigan system does, to give someone, because of the color of their skin, 20 points toward the admission score and someone with a perfect SAT score—to me the values that the admission process should consider are where the person came from, the obstacles they had to overcome in their lives, their economic condition, and their family situation.

There are many issues that are intangibles that should be considered in an admissions process. But when you compare this young girl from Michigan, who was the plaintiff in this case, who happens to be white and has overcome a lot in her life to reach the point where she could apply to the University of Michigan and potentially be accepted, and you may have someone who happens to be Hispanic or African American and may have come from a privileged background, went to the finest private schools, and for them to get an advantage over someone who scratched and clawed through a very difficult situation seems to be unfair.

What the administration has done is tried to focus, as the President did at the University of Texas when he was Governor of Texas, on trying to provide opportunity for all without putting forward discriminatory impediments to people simply because of their gender, their ethnic background, or their race.

To me, it is an opportunity-based system for people who have had a disadvantaged life and I believe is a healing balm on this very difficult undertone of racism that we have seen in this country.

Madam President, I think the administration is moving in a positive direction, so I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I do not know what the agenda is. I know the chairman of the Judiciary Committee has a different opinion.

Maybe the Democratic leader decided we are not going to be dealing with the appropriations bill. We have an amendment on which we are getting ready to vote. We were supposed to vote on it a couple of minutes ago. I guess people want to debate the Michigan case, but that is really not the issue before us. The issue before us is an appropriations bill.

Eleven out of the thirteen appropriations bills have not been passed. We are trying to finish the appropriations bills. The chairman of the Appropriations Committee is trying to move the Senate forward. He has been asking for amendments. We are trying to consider amendments. We are getting ready to vote on an amendment, and the Democratic leader has a resolution that says: We want to adopt a position opposite that of the President of the United States on the Michigan case, without even advanced warning and without allowing the chairman of the Judiciary Committee, who also has a resolution taking a different position, to come forward.

There is a time and place to debate it, but this is not it. We should be doing the business we have not completed from last year, and that is the appropriations bill. I have a resolution, and I can do exactly what the Democratic leader did. I can ask unanimous consent that we take the plaintiff's side of this case and ask that it would pass. I know it would be objected to. It was actually drafted by Senator HATCH, so I will leave that to him to elect to do.

It is kind of a waste of the Senate's time for people to take a contentious issue and say: I am going to ask unanimous consent that we take one side of that issue and try to pass it, knowing it would not pass. I could make this same argument and know it would not pass. I think we would be wasting the Senate's time.

I urge our colleagues to stay with the regular order and finish the work we did not do last year, and that would be to deal with the amendments that are pending and pass the unfinished business of the appropriations bills.

I shall not ask unanimous consent at this point, but if people want to pursue this, we can.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

Mr. BIDEN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. MCCAIN. Madam President, I ask for the regular order.

Mr. STEVENS. Madam President, there is a time agreement in effect.

The PRESIDING OFFICER. The regular order is 2 minutes of debate before a vote relative to the Senator's amendment.

Who yields time?

Mr. MCCAIN. I yield to the Senator from Hawaii for his 1 minute, and I will take 1 minute.

Mr. INOUE. Madam President, I yield back my time.

Mr. MCCAIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, I move to table the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAU), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if Present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Aye".

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

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—62

Akaka	Domenici	Lott
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Biden	Ensign	Murkowski
Bingaman	Feinstein	Murray
Bond	Frist	Nelson (FL)
Boxer	Gregg	Nelson (NE)
Burns	Harkin	Pryor
Byrd	Hollings	Reed
Campbell	Hutchison	Reid
Cantwell	Inouye	Roberts
Carper	Jeffords	Rockefeller
Chafee	Johnson	Schumer
Clinton	Kennedy	Snowe
Cochran	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Corzine	Leahy	Talent
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—33

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Enzi	Miller
Bennett	Feingold	Nickles
Brownback	Fitzgerald	Santorum
Bunning	Graham (FL)	Sessions
Chambliss	Graham (SC)	Shelby
Coleman	Grassley	Smith
Cornyn	Hatch	Sununu
Craig	Inhofe	Thomas
Crapo	Kyl	Voivovich

NOT VOTING—5

Breaux	Hagel	Sarbanes
Edwards	Kerry	

The motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, what is the regular order now?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware has 20 minutes.

Mr. STEVENS. Madam President, under the agreement he has 20 minutes to speak. Following that, for the information of the Senate, Senator BROWNBACK has 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, if I may ask the chairman of the Appropriations Committee, Senator STEVENS, a question.

Mr. STEVENS. Yes.

Mr. BIDEN. Although I have been waiting a while, I can refrain from doing that if we are likely to move on to other votes. I do not want to hold people up on Friday afternoon. But if we don't have something we are going to go to right away—in other words, I don't want to get in the chairman's way. But, otherwise, I would like to speak. But I know it is Friday afternoon. I see people with topcoats on their laps, and they have places to go. I can make this the last order of business today. But I don't want to yield to others who are not going to speak on an amendment. But I will yield if you really think we are going to move to something and we are going to act on it. That is my point.

I ask the Senator from Alaska if he can tell me what the plans are.

Mr. STEVENS. Madam President, the Senator from Delaware has given us a chance to think. This is a good time to think. So we are happy to give him 20 minutes right now.

The PRESIDING OFFICER. The Senator from Delaware.

THE UNIVERSITY OF MICHIGAN CASE

Mr. BIDEN. Madam President, I rise today to, quite frankly, compliment and add to the comments of my friend from West Virginia, Senator BYRD—although I will not be as eloquent—who spoke today on Iraq and Korea and national security policy.