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No. 11

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, January 27, 2003, at 2 p.m.

## Senate

WEDNESDAY, JANUARY 22, 2003

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. We will be led in prayer this morning by our guest Chaplain, Rabbi Arnold Resnicoff, retired Captain of the Chaplain Corps of the U.S. Navy.

### PRAYER

The guest Chaplain offered the following prayer:

O God, who made a world of change, You challenged us to change the world. You gave us dreams of better times and the power to pursue those dreams, to do our part to make a difference and help those dreams come true.

Earlier this week we set aside a day to recall that there are those who seek to kill the dreamers, and thereby kill the dreams. But we will remember dreamers, those who had a dream, and through our work—through the courage and determination of Americans of all faiths and colors—we will embrace the dreams that make our Nation strong, that make us a force for hope and freedom throughout the world.

Almighty God, at a time when others say around the world that all is hopeless, that things will never change, we roll up our sleeves as this session now begins and remind ourselves that how we act does matter and what we do does count. Through our leaders here, through Americans from sea to shining sea—and of course, through those in our Nation's Armed Forces whose faith and courage must sustain them in harm's way—we will keep the dreams alive, to build a land where liberty will be proclaimed, where justice rolls like

mighty waters, where all shall live in freedom—and, one day, where none shall be afraid. And may we say, Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, 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.

The PRESIDING OFFICER (Mr. CORNYN). The majority leader.

### SCHEDULE

Mr. FRIST. Mr. President, this morning, after 10 minutes for debate, the Senate will vote in relation to the Inhofe amendment regarding clean air, to be followed by a vote in relation to the Edwards amendment. Following those votes, the Senate will proceed to executive session for the consideration of the nomination of Tom Ridge to be Secretary of Homeland Security. We have a consent agreement which provides for a limited period of debate, and therefore I expect a vote on the confirmation prior to the policy luncheons. I expect the Senate to recess for the policy luncheons following the vote on the Ridge nomination.

Additional amendments are pending to the appropriations measure, and therefore rollcall votes will occur throughout the afternoon and into the evening.

I remind my colleagues that late nights are anticipated as we continue to make progress on the bill.

As of last night, 245 amendments were filed. As I look through page after page of these amendments, I think all of us expected much fewer than that. I encourage my colleagues, as I look through page after page of amendments, to come together and ask that most or many of these amendments not be called up, that we can work them out in other ways. I also ask my colleagues to recognize that we do need to finish this appropriations bill in short order and go forward as we look at issues such as funding first responders and funding election reform which we have already passed.

Our goal, I think on both sides of the aisle, is to finish this bill as soon as possible, allowing time for debate and consideration of the appropriate amendments on this bill. Our goal is to finish this week. We will continue to work in good faith, working across the aisle, addressing each of the issues that are important to these appropriations bills. We worked yesterday and made great progress. We made great progress last night, into the early evening, and have been working on the amendments over the course of the last 18 hours since we have had the amendments. That goal of finishing this week is real and one that we should work towards accomplishing.

If we do finish this bill Thursday night, I expect we would not have rollcall votes on Friday or Monday. If we cannot finish it by tomorrow night—again, I recognize that is ambitious, but if we focus on completion of the bill, we can accomplish that—we will have rollcall votes through Friday and

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



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we will have rollcall votes until we finish it, including Monday and into next week.

Again, working together, looking at these amendments, having a number of them not called up and recognizing we can address these issues in other ways as we go forward, I hope we get these to a manageable number.

Mr. REID. If the majority leader will yield, this morning, on the Ridge speeches, people who have designated time should be here or they will lose their time because the time will run. It is my understanding that the majority may not use all their time so I suggest to those on this side of the aisle they should be here; otherwise, they will lose their time.

Mr. FRIST. Mr. President, I add to that, we decided not to do the Ridge nomination out of consideration for a number of people who wanted to speak who either were not back last night or prepared to go forward. We reached an agreement yesterday we would give time to people who requested it. We did that by unanimous consent and it is set up for this morning. I ask anyone on that list to come down and we will respectfully give them that time. We need to finish this vote this morning. We would like to have a vote this morning or shortly after noon.

Mr. STEVENS. Will the majority leader yield for a brief statement?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I address the majority leader. We have gone over the amendments. Quite a few of them are technical in nature and legislative in nature. We have members of our staff in the appropriations room downstairs, room 128, prepared to discuss any amendment that a Member wishes to try to work out with the committee and have it adopted without votes. I believe there are quite a few in that category we could accept. All of the amendments are being checked with the committees of legislative jurisdiction where they are legislative in nature and they do not affect the bill from a financial point of view.

I hope Members would tell us if they sincerely wish to press their amendments. There are a great many that are very redundant. We will have to choose as to which amendment the individual Senator wishes to bring forward. If we are to finish this bill and be able to get it to the House for conference, when the House comes back, this means a lot of long hours.

I say at the outset, there are 129 amendments that our committee would oppose. If a Member wishes to know which we will oppose, we are happy to tell them. I urge the majority and minority to help us by determining the amendments that Members absolutely insist they will raise so we can get a schedule and start working our way through these amendments. It will take the cooperation of every Member.

Keep in mind, these are bills that should have been passed last year.

Amendments should not be the vehicle for legislation that would arise in this 2-year period of the new Congress. I hope everyone will join in tabling amendments that are legislative in nature, that should be raised later in the session. To hold up this bill at this time is very unfair to the thousands of people out there waiting to know whether they will have funding at the level of 2003, as intended by the President and by the Congress, instead of continuing at the level of the 2002 appropriations which, after all, were devised in the late part of 2001. We are dealing with people who have been waiting for 2 years now to have different types of funding.

I hope we can get this bill done this week. I hope we have that will to get it done.

Mr. FRIST. Mr. President, let me continue through the Chair to encourage the managers to work very aggressively on both sides of the aisle to complete this bill.

What I just heard from the bill managers, we need participation of everyone pulling together to give some focus to the 245 amendments in order to complete this bill. This is unfinished business from the last Congress. As my colleagues know, we are supposed to be on recess right now, a scheduled recess for this week. We have called everyone back on the floor of the Senate, all 100 U.S. Senators, and asked them to cancel their plans from overseas travel, meeting with leaders around the world, to meeting with constituents at home, for the sole purpose of completing this bill and addressing these very important issues.

Again, I am optimistic we can finish this week, I am confident we can, but only if we have the participation of everyone, recognizing the importance of this bill and the appeal that the managers are making that we all work together to get these amendments condensed to a manageable number, and their willingness to work with us, again, essentially around the clock, on time that was supposed to be a recess, to complete this important bill.

Mr. REID. Mr. Leader, if I could, the manager of the bill, the President pro tempore of the Senate, has done outstanding work last night and was able to get rid of 116 amendments. If we give him a few more hours, maybe he can do better than that. I have great faith in the Senator from Alaska and the Senator from West Virginia.

I would say—and this is not the time for debate—people contend we did not do the work of last year, and we should have, we acknowledge that, but it was not the fault of the Senate. It was the fault of the House.

We are going, as I told the leader yesterday, to do everything we can to move this bill as quickly as we can. I think it would be in the best interests of everyone if we did move it.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.J. Res. 2, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Pending:

Edwards amendment No. 67, to require a study of the final rule relating to prevention of significant deterioration and nonattainment new source review to determine the effects of the final rule on air pollution and human health.

Dodd amendment No. 71, to provide additional funding for part B of the Individuals with Disabilities Education Act.

Gregg amendment No. 78, to provide additional funding for special education programs.

Dayton amendment No. 80, to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security.

Inhofe amendment No. 86 (to amendment No. 67) to provide for a study by the National Academy of Sciences.

Reed amendment No. 40, to expand the Temporary Extended Unemployment Compensation Act of 2002.

Nelson (Fl.) amendment No. 97, to make additional appropriations for emergency relief activities.

## AMENDMENT NO. 86, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 86, with 10 minutes for debate to be equally divided between the Senator from Oklahoma and the Senator from North Carolina.

Under the previous order, that amendment is modified to become a first-degree amendment.

The amendment, as modified, is as follows:

At the appropriate place, insert:

“(a) COOPERATIVE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rule-making;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

(b) DEADLINE.—The NAS shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me acknowledge this is a little different than it was yesterday. Yesterday, it was a second-degree amendment. To accommodate both sides, we will have two first-degree amendments that we will consider today.

Our leader talked about the unfinished business from last year. This first amendment falls into that category. It actually was unfinished business from the Clinton administration. I have a letter from Bob Perciasepe, the clean air man, director for the Clinton administration, saying at the last minute they were unable to get this completed. What we are trying to do now is to complete this effort.

With that, I reserve the remainder of my time so we can hear from the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first, I yield a minute and a half to my friend from Vermont, who has worked so hard on this issue.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote against the Inhofe amendment and for the Edwards amendment. The Inhofe amendment might appear to be a step in the right direction. It demonstrates our legitimate concern that these NSR changes are bad for the environment, bad for public health. It shows that these impacts deserve better study.

Unfortunately, for that one step forward, the Inhofe amendment takes two steps backward. The Inhofe amendment requires a study that should have been completed long before the rules were finalized and certainly before they become effective.

That is the whole point of Executive Order 12866. The Agency should have done a comprehensive cost and benefit analysis of this deregulation, because of the tremendous potential loss in health benefits.

Instead, the Agency issued a warmed over version of its report to the White House energy task force and called it analysis. That report is simply propaganda to justify deregulating vast numbers of major sources of pollution.

These final NSR rules are very different from the reforms proposed by the Clinton administration. The differences warrant longer review and consideration.

The PRESIDING OFFICER. The Senator has consumed his minute and a half.

Mr. EDWARDS. I yield the Senator another 30 seconds.

Mr. JEFFORDS. Mr. President, we have tried to do that. But this administration has fought us at every turn on this matter. They refuse to share information that is our right to have.

The Inhofe amendment doesn't work. It would bar the door after the horse has already left the barn. We need real public health and air quality information before the rules take effect, not later, after the damage is done.

That damage could be severe. Independent analysis for just a few states—Florida, Virginia and Colorado—suggests that the rules would allow new emissions of thousands of tons annually of smog or acid rain causing pollutants.

There is one final note for Senators to consider—the potentially large increases in pollution from these so-called NSR “improvements” will come back to haunt them. Other sources and sectors in nonattainment areas, such as transportation, for instance, will have to make up the difference in emissions that is necessary to achieve air quality standards. It's a zero sum game.

Senators should first vote against the Inhofe amendment and then support the Edwards-Lieberman-Jeffords amendment.

Mr. EDWARDS. Mr. President, we reserve the remainder of our time.

Mr. INHOFE. Mr. President, let me make one point. The analysis that was referred to by the Senator from Vermont as not being complete is right here. It is 180 pages of analysis of all data that was available. If they were to try to have the NAS do a further analysis, they would have to go back and use this same data. This job has been done. This has been delayed now for 10 years.

At this point I yield 2 minutes to the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the administration's New Source Review, or NSR review, will benefit the environment. Right now companies face an average delay of 8 months, sometimes as long as 18 months, to get an NSR permit. Therefore, many companies avoid the process altogether. That means that there are environmental losses because companies stick with old, outdated technologies instead of the most modern, efficient pollution control measures.

There is a specific example. EPA has done a plantwide application limits, or PALS, test and the results are striking. Many companies have multiple emissions from many different sources, including big to extremely small pipes. If you tried to do it under the existing framework, you would have to have a permit for each one. As a facility wants to upgrade or modernize, they have to go through a time-consuming process but PALS allows a plant to calculate its total emissions from all sources. As long as they stay below the plantwide total, they can do it.

A striking example is at the DaimlerChrysler plant in Newark, DE, where they make Dodge Durango trucks. They needed to upgrade their process. They did it. PALS allowed them to make over 90 changes.

The environment was benefited. An amazing thing happened. With the new

flexibility, the plant was able to cut pollution in its painting process, cut smog-forming volatile organic compounds and hazardous plant pollutants. Plant managers cut 400 tons of air pollution from the clean air process and cut paint odors by 50 percent.

We have auto assembly plants in Missouri. We make light trucks and vans. I would love for my constituents to breathe cleaner air because of the PALS program reforms. That is why the Clinton administration's EPA, led by Carol Browner, supported the NSR reforms. We should and I urge support for the Inhofe amendment and the defeat of the Edwards amendment.

Mr. INHOFE. We reserve the remainder of our time.

Mr. EDWARDS. Mr. President, this administration has made new rules that are the biggest rollback of clean air protections in history. The amendment from me, Senator LIEBERMAN, Senator JEFFORDS, Senator REID, Senator DASCHLE, and others says: Before the administration puts kids with asthma and seniors with respiratory problems at risk, we ought to take at least 6 months to see what effect it is going to have on their health. In other words, what we are saying is let's look before we leap.

The amendment from my friend from Oklahoma says exactly the opposite. It says let's leap and then later we will look. What are we going to say when the study that he is proposing is completed if, in fact, it shows what all of us believe it is going to show now, which is that this change will cause pollution, it is going to put kids with asthma at risk, it is going to put senior citizens with serious respiratory problems at risk? What are we going to say to them, those kids who have had asthma attacks, seniors who have had serious heart or respiratory problems as a result of these changes in the rules?

In other words, what the Inhofe amendment is suggesting is let's pollute more now, study it, and when we find out we are wrong we will go back and do something about it.

The responsible thing to do is to conduct a serious, quantitative analysis so we can determine what impact this will have on kids and what impact it will have on seniors' health before it has the force of law.

This study that is referred to by my friend from Oklahoma could well have been bought and paid for by the administration's own people. It is called “qualitative,” which means it is guessing by political appointees as opposed to serious analysis. The career officials within the EPA itself have said that it is self-selecting and misleading. One of the key States that is cited in the study has actually disavowed it.

The bottom line is this: The EPA has never scientifically studied and modeled this issue. The one analysis that did do that, by private consultants that the EPA has used in the past, says that these new rules will cause 120 tons more pollution at just two factories.

We should not leap before we look. We need to see what impact this will have on the health of kids and seniors. And all we are asking is 6 months.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator from North Carolina time has expired. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time remains for both sides?

The PRESIDING OFFICER. The Senator from Oklahoma controls a minute and a half. The time has expired for the Senator from North Carolina.

Mr. INHOFE. First, let me comment that this amendment enjoys the embrace and the support of virtually every organization of business or labor unions in America. It was unanimously approved by the National Governors Association, the Environmental Council of the States, the National Black Chamber of Commerce, et cetera, and virtually every labor union in America.

At this time I recognize the chairman of the clean air subcommittee, the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I think the arguments have been made that this is about delaying something that has been looked at for over the last 10 years. I hope my colleagues will decide this issue today on a bipartisan basis, as was the letter that we sent to Administrator Whitman, asking that she move forward with the new regulations to end some 4 or 5 years of uncertainty by businesses throughout this country, in terms of routine maintenance and repair of their facilities. This vote for the Inhofe amendment is a vote for the environment. It will allow us to move forward quickly, to do what should have been done several years ago so these repairs and the maintenance can be done. We can reduce the emissions and we can make these facilities more efficient.

The PRESIDING OFFICER. All time has expired. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given an additional minute.

Mr. STEVENS. I object. I am going to object to all requests for extension of time.

The PRESIDING OFFICER. Objection is heard. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 11 Leg.]

#### YEAS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Breaux	Frist	Pryor
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chambliss	Hutchison	Smith
Cochran	Inhofe	Specter
Coleman	Kyl	Stevens
Cornyn	Landrieu	Talent
Craig	Lincoln	Thomas
Crapo	Lott	Voinovich
DeWine	Lugar	Warner

#### NAYS—45

Akaka	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	McCain
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Byrd	Graham (FL)	Reed
Cantwell	Gregg	Reid
Carper	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Collins	Kerry	Snowe
Conrad	Kohl	Stabenow
Corzine	Lautenberg	Sununu
Daschle	Leahy	Wyden

#### NOT VOTING—4

Feinstein	Hollings
Harkin	Inouye

The amendment (No. 86), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 67

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment offered by the Senator from North Carolina. Under the previous order, there will be a 10-minute rollcall vote. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I ask unanimous consent that each side be given 1 minute prior to the vote.

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

The Senator from North Carolina.

Mr. EDWARDS. Mr. President, the administration has proposed some of the most dramatic changes in the Clean Air Act that have been made in our history. All this amendment says is before we make these significant changes, we take a serious look at a quantitative study of what effect it is going to have on human health, particularly kids with asthma and seniors with cardiorespiratory problems. Look before we leap. It is that simple.

The studies that have been done have not been serious scientific studies. There has not been any serious scientific study done to support this rule. The only serious scientific studies say this rule will cause significantly more pollution.

In addition to that, the Governors, although they support some kind of reform, specifically do not support this reform, and so it is critically important that Senators support this amendment for the sake of our kids and for the sake of our seniors. Six months just to determine what effect this will have on the health of our kids and our seniors is a perfectly reasonable, responsible thing to do. I ask my colleagues to vote for the amendment.

Mr. BIDEN. Mr. President, I rise today on behalf of all those who breathe and I want to thank the sponsors of this amendment for their efforts. I say that half in jest, because I get the feeling that those who are trying to weaken our clean air laws often forget why we passed them in the first place—so we all can breathe cleaner, healthier air. I certainly support the most efficient and effective regulations we can devise to curb pollution, and I agree with the statement that the New Source Review Program could use some reform, but we must not lose sight of the fact that these rules are designed first and foremost to protect public health.

The Bush administration has shifted priorities from protecting the public to protecting polluters from doing their best. The Bush administration is protecting special interests, rather than protecting our environment and the public health. That is unacceptable and threatens to reverse the progress we have made as a nation to protect our citizens from health threats in the workplace and environment.

This is a serious issue for the people in my state of Delaware. We live in a region that is in non-attainment with the Federal ozone standard. Bottom line, we don't meet the current health-based standards. But not all of our air pollution comes from industry in Delaware. We could do everything right and still not be in compliance. What our neighbors do and what industries do in other parts of the country affects us and our ability to breathe clean air. If power plants in Pennsylvania, Maryland or even West Virginia and Ohio aren't required to do all they can to reduce harmful emissions, we pay the price in higher respiratory illnesses and premature deaths, particularly among children and the elderly. To me, that is all the more reason that we should be tightening the rules, reducing emissions from coal-fired power plants, instead of making it easier for the utility companies.

But you know what is so surprising to me, what I just can't understand—the administration has no data to even suggest that these changes will improve air quality, nor have they conducted any analysis, studies, anything. Show me that the changes will not cause a deterioration in the quality of our air. Show me that children and the elderly will not have to worry about being outside in the summer. Show me that states like Delaware will benefit. And we, my colleagues in the Senate and I, have asked . . . repeatedly!

That is why this amendment is so important. This amendment does two things. First, it would prevent the implementation of the rule changes prior to September 15, 2003. Second, it simply asks for a rigorous analysis of the air pollution and public health impacts of the proposed rule changes. The National Academy of Sciences would be tasked with completing this study by August 15, 2003. Sure, it would have made sense to do the analysis before the changes were published in the Federal Register, but it is not too late.

I want to share briefly a success story from my state of Delaware where we helped pioneer the Plantwide Applicability Limit, or so-called PAL permit. PAL is an innovative approach where separate process permitting requirements are consolidated in exchange for greater pollution reductions. This allows flexibility for plant process expansion and modification while saving businesses time and money. And it works.

One permit Delaware helped pioneer was at DaimlerChrysler's Newark Delaware Assembly Plant, where the Dodge Durango is manufactured. The plant focuses primarily on vehicle coating—painting—and assembly of parts produced at other DaimlerChrysler facilities to produce finished vehicles. Years ago, when it wanted to start producing the Durango, the plant had to build a new state-of-the-art paint shop in a new building. Permit applications for this new process triggered New Source Review requirements for non-attainment areas. Working with the EPA, one of the first ever PAL permits was issued to the plant in 1996. And, the permit, the first of its kind for the automotive industry, was issued in 99 days. The plant continues to operate under this flexible permit and, as an added benefit, has saved Chrysler \$13 million in increased productivity and pollution prevention. This was a win-win situation. Chrysler won with a permit that gave them flexibility to meet production needs and Delaware citizens won through reduced air pollution. Not surprising, Delaware does not believe it could repeat the pollution prevention performance of the PAL permit it issued under the new rule and is opposing the reform proposal.

I urge my colleagues to support this amendment. Give us 6 months to find out. Send the right message. Let's not forget that these rules are designed to protect public health, not to protect industry from fulfilling its civic duty. Let's not reverse the progress we have made over the past three decades.

Mr. BYRD. Mr. President, today I voted in favor of the Edwards amendment requiring a 6-month delay in four New Source Review, NSR, rules so that a study by the National Academy of Sciences, NAS, could be carried out. I support a commonsense approach to making air quality improvements while also increasing our economic growth. I have long been a supporter of the steel, coal, chemical, forestry, and

other interests in my State. Still, the Edwards amendment, requiring a short 6-month delay with a study regarding the health and environmental impacts of these four rules, was imperative in my mind. Evidence of this administration's intransigence is ubiquitous across the many agencies. Congress has the right and responsibility to get important information in order to make more informed decisions. A better understanding of the health and environmental impacts of these new rules is an important part of that decisionmaking process.

When the Clean Air Act was amended in 1977, Congress established the NSR program to prevent serious deterioration in the Nation's air quality. The intention of this program was to strike a delicate balance between making important improvements in the Nation's air quality while also allowing existing factories, powerplants, and other facilities to meet our changing energy, economic, and social needs.

Over the years, it has become evident that these NSR regulations are very complicated requiring many thousands of pages of guidance. This red tape has led to much industry uncertainty and litigation. For a number of years, the EPA has been examining and documenting these problems, and the NSR program is in need of reform. Even as we must maintain our air quality, NSR should not be an impediment to making commonsense improvements at industrial facilities.

However, Members of Congress have made numerous requests of the administration regarding its justifications for promulgating these new rules. Unfortunately, the Environmental Protection Agency has not adequately responded to these congressional requests for information on the potential impacts of these NSR reforms. While I do not support efforts to halt this important reform effort, I believe that this administration must be more responsive to the interests of Congress so that the public has a more complete understanding of these issues and their effect on our Nation.

Mr. DASCHLE. Mr. President, I joined Senators EDWARDS and LIEBERMAN as a cosponsor of their amendment to delay implementation of the Bush administration's proposed weakening of the Clean Air Act. This amendment would delay implementation of the regulations for 6 months while the National Academy of Sciences conducts an analysis on the effects of the rules on public health and the environment.

On December 31, 2002, the Bush administration finalized the most significant weakening of the clean air protections since the Clean Air Act was adopted 30 years ago. These changes would allow increased levels of pollution at 17,000 industrial facilities across the Nation. More than 170 million Americans live in areas with unhealthy air quality. Air pollution is a serious public health problem, par-

ticularly among children and senior citizens.

Mounting medical evidence shows that air pollution causes asthma attacks, heart and lung disease, and premature death. More than 1,000 physicians from across the Nation urged the administration to halt its proposed weakening of the Clean Air Act. In a September 27, 2002 letter to the administration, the physicians said, "It is irresponsible for the Environmental Protection Agency to move forward and finalize new regulations that could have a negative impact on human health."

For 2 years, the Environment and Public Works Committee, Judiciary Committee and the Health, Education, Labor and Pensions Committee have issued more than a dozen requests for documents and an analysis from the administration on the public health impacts of the clean air changes. The administration ignored these requests.

Many states have objected to the clean air changes. The State and Territorial Air Pollution Program administrators have asked for a 1-year delay to assess the new regulations. Twelve States, including my State of South Dakota, face a March 3 deadline to comply with the new regulations. We hear so much from the administration about working with states but in this case the administration turned its back on South Dakota and 11 other States, that are simply asking for more time to understand these regulations. In a January 16, 2003 letter to EPA Administrator Christine Whitman, the State and local air administrators said, "State and local air pollution control agencies have been working vigorously to study the new rule. However, gaining full command of the many intricacies of the regulation, as well as complete understanding of the impacts and implications, will take time and, we firmly believe, cannot be accomplished in the next 45 days."

This amendment makes a very simple requirement: before these sweeping regulations are put into place, the National Academy of Sciences should conduct an objective study of the effects these rules would have on public health and the environment. I strongly urge my colleagues to vote for this amendment.

Mrs. CLINTON. Mr. President, I was pleased today to vote in support of the Edwards-Lieberman amendment, which I was proud to cosponsor with my colleague Senator JEFFORDS and others. Unfortunately, this effort to temporarily halt the Bush administration's weakening of the Clean Air Act was narrowly defeated. Although we were simply trying to obtain an independent, scientific analysis of the impact of these Clean Air Act changes before they went into effect, rather than after, the amendment was opposed by half of the Senate.

Just shy of passage, this vote was a very strong showing of bipartisan support of protecting clean air and ensuring healthy communities, and against

any backsliding on the Clean Air Act. And it was not by any means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

Many believe that the Clean Air Act changes the Bush administration has made, and which go into effect in less than 6 weeks, will allow more pollution into our air, not less. More pollution that is known, scientifically and medically proven, to cause or contribute to asthma attacks, heart attacks, cardiopulmonary disease, cancer, and even premature death. More pollution that is making people sick, especially children and the elderly.

That is why my colleagues and I were seeking 6 months for the National Academy of Sciences to conduct an independent, scientific analysis of the Bush administration's changes to the New Source Review, NSR, provisions of the Clean Air Act before they went into effect, to ensure that they would not negatively impact air quality or public health. The reason we are seeking such a study is simple, it's a matter of public health and, in some cases, life and death.

Just last week, The New York Times reported the findings of a study by scientists at Columbia University's Mailman School of Public Health. The study, to be published next month in the journal *Environmental Health Perspectives*, finds that "pollutants in the air in Upper Manhattan and the South Bronx have been linked to lower birth weights and smaller skulls in African-American babies." The study's findings are particularly troubling because lower birth weights and smaller skulls have been linked to poor physical and mental health later in life, including lower IQs and poor cognitive function.

This particular study is being conducted at the Center for Children's Environmental Health, which is currently being funded by the U.S. Environmental Protection Agency, EPA, and the National Institute of Environmental Health Sciences. Unfortunately, the EPA wants to reduce funding for these Children's Environmental Health Centers around the country. But that is another matter.

The point is that air pollution is scientifically proven to have negative health impacts—particularly on children. Other studies show that children who play sports in communities with high average air pollution levels have a higher risk of developing respiratory illness, and that children who live in polluted areas have a 10 percent lower lung function growth rate compared to those who live in less polluted areas.

Pound for pound, children breathe more air than adults, which makes them more susceptible to air pollution. But we are all at risk.

That is why we need to be doing more—not less—to clean up our air, protect children's health, and provide for safe and health communities.

Today, about 175 million Americans live in areas violating health standards for smog or soot. That is unacceptable. And that is why we need to be applying the Clean Air Act to its utmost and keeping it as strong an environmental statute as possible.

We offered this amendment today because we are concerned that the changes the Administration has made to the NSR provisions of the Clean Air Act will do the exact opposite. We believe, as do many others, that these changes will allow more pollution into our air, not less.

That is why 1,000 doctors, nurses, and public health professional from all over the country wrote to John Graham, Director of the Office of Information and Regulatory Affairs at the White House, last September to ask him to block these changes that they believed would weaken the Clean Air Act. In their letter, these health professionals said, "Pollution . . . regulated under NSR touches the lives of millions of Americans across the Nation. This pollution is harmful to human health and sends thousands of individuals to hospital emergency rooms each month. Study after study shows a link between exposure to air pollution and health conditions such as respiratory diseases, asthma attacks, cardiopulmonary disease, cancer, and even death. No changes to NSR should occur without the public being provided with a comprehensive analysis demonstrating that the proposed changes to NSR will improve air quality and human health."

That is essentially what this amendment called for—an independent, scientific study by the National Academy of Sciences to determine whether the Administration's changes to NSR could result in any increase in air pollution or any adverse effect on human health. By waiting just a few months, we could make certain that these rule changes would not increase pollution or negatively impact human health.

We are saying, "Don't take us at our word. Don't take the words of these thousand health care providers. Let's let the scientists tell us what the impacts of these changes will be." Unfortunately, some of our colleagues would rather allow the Bush Administration changes to go forward, and then do the study after the fact to see what impacts we experience on air quality and human health. If there are negative impacts, which we think there will be, we may be able to pull back the rule at a later date. But we will not be able to pull back any air pollution that is released, or any hospitalizations, asthma attacks, heart attacks, or other health impacts that occur as a result.

This is not the way the process is supposed to work. We are supposed to know, before we go forward with any rulemaking, what the impacts of that rulemaking will be. And we have asked, repeatedly, for such information from the administration, to no avail. Which is why we offered this amendment today.

When the Congress passed the Clean Air Act and President Nixon signed the Act into law back in 1970, the intent was to reduce air pollution and protect public health. As section 101(b) of the Clean Air Act states, one of the purposes of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare."

All we were trying to do today, and what we will be continuing to fight for, is to ensure that the purpose of the Clean Air Act is upheld. I don't think this is too much to ask.

Especially when in testimony before the Senate, former EPA Administrator Carol Browner stated, "There is no guarantee, and more importantly, no evidence or disclosure demonstrating that the administration's announced final or proposed changes will make the air cleaner. In fact they will allow the air to become dirtier."

Especially when EPA, in its own Supplemental Analysis of the Environmental Impact of the 2002 Final NSR Improvement Rules, dated November 21, 2002, states "... the EPA cannot quantify with specificity the emissions changes for a given pollutant or pollutants, if any, that result from the NSR rule changes now being adopted, nor can we reliably determine the anticipated locations of any emissions changes."

Especially when, despite numerous requests from the Environment and Public Works Committee, and from more than 40 of our colleagues in the Senate, the EPA has failed to provide us with definitive evidence that shows that these final changes to the NSR provisions of the Clean Air Act will not have a negative impact on air quality or on human health.

A few months for independent, scientific certainty that these rule changes will improve air quality and not adversely effect human health. It is not too much to ask.

In fact, just last week, the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials wrote to EPA Administrator Whitman and asked that the effective date of the final NSR rule revision be delayed by a whole year. Their letter reads, "As you are aware, the State and Territorial Air Pollution Program Administrators, STAPPA, and the Association of Local Air Pollution Control Officials, ALAPCO, have serious concerns with the U.S. Environmental Protection Agency's, EPA's, recently promulgated final rule affecting changes to the New Source Review, NSR, program, 67 Federal Register 80186, and with the adverse impact these changes would likely have on the ability of States and localities to achieve and sustain clean, healthful air. These concerns are further compounded by the fact that, for a number of States across the country, the revised NSR program is scheduled to take effect on March 3, 2003. Accordingly, we write to you today, on behalf

of STAPPA and ALAPCO, to request that EPA extend by 1 year the effective date of the final NSR rule revisions."

These same State, territorial, and local air officials, which have gone on record in support of changes to NSR, believe that "the administration has gone too far in revamping the program" and that "because the reforms are mandatory, they will impede, or even preclude, the ability of States and localities all across the country to retain or adopt programs that are more protective than the Federal requirements."

That is in part why the Attorneys General from nine States are suing the Federal Government over these changes. Whereas the existing NSR program was the foundation for a series of lawsuits brought by the States, the Federal Government and environmental groups against dozens of old, coal-fired powerplants and other industrial sources, the tables are now turned.

Now, the Attorneys General from nine States, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, have had to file a lawsuit against the Federal Government, challenging these new regulations. The very regulations that the States had been using in conjunction with the Federal Government to go after bad actors and improve air quality.

Some of us will join in that lawsuit, because we, too, are convinced that the Bush administration is violating the Clean Air Act and going against the intent of Congress. But again, that is a separate matter.

Again, as I already stated, this vote was a very strong showing of bipartisan support for protecting clean air and ensuring healthy communities, and against any backsliding on the Clean Air Act. And it was by no means the end of this debate. We will not give up this fight to stop any weakening of existing Clean Air Act protections and to ensure that all Americans have clean, healthy air to breathe.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, to clear up a couple things, first, this does not apply to coal-fired plants. The Senator from North Carolina has been talking about that. I have a letter from the administrator saying that. Second, this is not something that came out of the Bush administration. It is something that came out of the Clinton administration. In listening to some of the comments made by some of the Senators on the other side, I think they have lost sight of that fact.

Third, it is hard to find anyone who is not supporting this. People want these plants to be able to go ahead, make the improvements, clean up the air, and do a better job for the environment. We have the National Conference of State Legislators, Governors, the environmental councils of the States, the National Black Chamber of Commerce,

virtually every labor union; they are all listed. The list is on the desks. I would encourage Members not to delay this effort. All this amendment would do is delay it for 6 more months. It has already been delayed for 10 years. It is time to go ahead. I urge Members to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. EDWARDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUE) are necessary absent.

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

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—46

Akaka	Dodd	McCain
Baucus	Dorgan	Mikulski
Bayh	Dubin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham (FL)	Reed
Byrd	Gregg	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Snowe
Collins	Kohl	Stabenow
Conrad	Lautenberg	Sununu
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NAYS—50

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	

NOT VOTING—4

Feinstein	Hollings
Harkin	Inouye

The amendment (No. 67) was rejected.

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

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF THOMAS J. RIDGE OF PENNSYLVANIA TO BE SECRETARY OF HOMELAND SECURITY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to proceed to the consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The majority whip.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 2:20 today, the Senate proceed to a vote in relation to the motion to waive the Budget Act with respect to the Reed amendment No. 40; provided that immediately following that vote, Senator DASCHLE be recognized in order to offer an amendment relating to drought assistance; provided further that following the reporting of the amendment, Senator COCHRAN be immediately recognized in order to offer another first-degree amendment relating to the same subject. I further ask unanimous consent that there then be a total of 70 minutes of debate on both amendments, to be divided equally between the two sponsors of the amendments.

Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote in relation to the Cochran amendment, to be followed immediately by a vote in relation to the Daschle amendment, with no further intervening action or debate and no amendments in order to either amendment prior to the votes.

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

Ms. COLLINS. Mr. President, it is my understanding that we are now turning to consideration of the nomination of Thomas Ridge; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator will control 1 hour 40 minutes.

Ms. COLLINS. Under the previous order, I yield myself such time as I may consume.

For the information of my colleagues, I expect my initial statement will not exceed 12 minutes.

Mr. President, I rise today in strong support of the nomination of Gov. Tom Ridge to be the first Secretary of the Department of Homeland Security. As



chairman of the Committee on Governmental Affairs, I assure my colleagues the committee thoroughly considered this nomination in an extensive hearing last Friday at which the nominee expertly and in a forthright manner answered all of the questions posed to him. Every member of the committee participated in the hearing at some point and each member was able to pose questions to Governor Ridge.

Subsequently, the committee voted unanimously to report Governor Ridge's nomination to the full Senate. I am very pleased we are taking up this important assignment today.

The United States has made substantial progress in improving homeland security since the terrorist attacks of September 11. The new Department of Homeland Security will provide the organizational framework to help our Nation better cope with the threat of a terrorist attack. September 11, 2001, underscored the concerns raised by many experts, including the members of the Hart-Rudman Commission who warned our Nation was not adequately prepared for 21st century threats but, rather, was still operating under a cold war threat environment. The nature of the threat has changed since the end of the cold war. Change has brought with it the need to reorganize the Government in a way that will enable us to better protect our Nation and its citizens.

September 11 focused our attention on homeland security. Now we understand all too well why it is a problem if our first responders do not have compatible communication systems. Interoperability has gone from being a buzzword to a matter of life and death. Now we understand the vulnerability posed by 17 million shipping containers arriving in the United States from ports all over the world with few of them ever being searched. Now we understand our Nation's 20,000 miles of land and sea borders present countless opportunities for those who would do us harm.

We also understand we can no longer rely on an ad hoc approach to homeland security. Currently, as many as 100 Federal agencies are responsible in some way for homeland security. But not one has homeland security as its primary mission. When that many entities are responsible, none is really accountable and turf battles and bureaucratic disputes are inevitable.

The new Department of Homeland Security will work to address these problems by better securing our ports, our borders, and our critical infrastructure. It will synthesize and analyze intelligence information from multiple sources. It will coordinate security activities now undertaken separately by agencies such as the Customs Service, the INS, and the Federal Emergency Management Agency. The new Department will help remedy many of the current organizational weaknesses in order to better protect us against future attacks.

Congress's passage of legislation creating this new Department was only the first step in what will be a long and difficult process. The homeland security effort will take all of us working together as a team—the administration, the new Secretary, and the Congress—to ensure the success of this massive reorganization. This effort will require the new Secretary to overcome unique challenges. The Department's leadership will have to address management and reorganization issues, as well as issues related to integrating the various agencies, each with differing work rules, information technology systems, and cultures.

In addition to these challenges, the new Secretary must also ensure that the nonhomeland security functions moving to the Department are not neglected. For example, it is critically important to my home State of Maine and to coastal communities throughout our Nation that the Coast Guard's new homeland security responsibilities not divert its attention from its traditional role, including search and rescue missions. In a given year, the Coast Guard performs over 39,000 search and rescue missions.

Just recently, the Coast Guard was involved in a rescue of two fishermen from a fishing island off the coast of Maine. On a typical day, the Coast Guard saves 10 lives, interdicts 14 illegal immigrants, inspects and repairs 135 buoys, and helps more than 2,500 commercial ships navigate into and out of U.S. ports.

Because of the vital importance of these functions, Senator STEVENS and I worked with many of our colleagues on both sides of the aisle to include strong language in the new Homeland Security Act to ensure that the Coast Guard will continue to make search and rescue and other traditional missions a priority, not an afterthought.

Another challenge for the new Department will be to effectively support those men and women who are on the front lines, our Nation's 2 million first responders, including our police officers, our firefighters, and our emergency medical personnel. The Homeland Security Act establishes a new office for State and local government coordination, but it offers no assurance that the new Department will coordinate and communicate effectively with our Nation's first responders.

Ensuring that our partners at the State and local level have sufficient attention, resources, and cooperation will require more work.

This is another advantage that Governor Ridge brings to this important job. As a Governor, he understands better than most people how important the role played by State and local governments is to our national security.

The establishment of the Department of Homeland Security will be the most significant restructuring of the Federal Government in more than 50 years. It is the most important reorganization since Congress created the Department

of Defense in 1947. It will involve the merger of 22 Federal agencies and some 170,000 employees. Managing this Department will pose extraordinary challenges.

Fortunately, we have before us a man of extraordinary capacity in Gov. Tom Ridge. Governor Ridge's resume is impressive. In addition to his current service as assistant to the President for homeland security, Governor Ridge twice was elected as Governor of Pennsylvania, served six terms in the Congress, and worked as an assistant district attorney in Pennsylvania. His resume speaks to the management and leadership skills that he possesses which will be necessary to make this effort successful.

Perhaps the clearest indication of Governor Ridge's character is something that you won't find on his resume. It is the story of his service in the U.S. Army during the Vietnam war. Governor Ridge was one of the few, if not the only, graduate of Harvard who served in Vietnam as an enlisted man, and he did so with great distinction. Infantry Staff Sergeant Ridge was awarded a Bronze Star for valor. These are impressive credentials that speak to the character of a remarkable man.

The new Department will not make us safer overnight, but its establishment must lead, and I believe will lead, to new capabilities that will make our Nation secure under the very capable leadership of Tom Ridge. Our goal must be a department that enables our country to better deter, detect, prepare for, and, if necessary, respond to a terrorist attack.

To attain this goal will require not only extraordinary leadership from the new Secretary but also the cooperation of the agencies transferred to the new Department and the full support of the Congress. Ultimately, the success of the new Department rests not just on the broad shoulders of Governor Ridge but on all of us.

Today I am hopeful the Senate will take an important step forward in making our homeland safer and more secure by promptly confirming Governor Ridge. We are asked to confirm Governor Ridge for a Cabinet post that may well be the most challenging position created by Congress during the last 50 years. I can't think of a better person to have at the helm of this new Department when it opens its doors this Friday than Governor Ridge.

For this reason it is important we act promptly so the new Department opens on Friday with a new Secretary firmly in control. I urge my colleagues to support the confirmation of Governor Ridge as Secretary of Homeland Security. In my judgment, the President could not have made a better choice for this critically important position.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I listened with great interest to the Senator from Maine. I can't think of a better person



to have on my side, if I were Governor Ridge, than the distinguished junior Senator from Maine. If I were feeling otherwise, I would be almost persuaded—remembering that old Baptist hymn we used to sing in West Virginia, “Almost Persuaded,” I would be almost persuaded to vote for him, if I had intended to otherwise. In this case, I think I will join her in voting for Governor Ridge.

Ms. COLLINS. I thank the Senator.

Mr. BYRD. So I salute her.

Now that the nomination has been reported unanimously to the Senate by the Governmental Affairs Committee, it seems certain that Tom Ridge will be confirmed by an overwhelming margin to be the Nation's first Secretary of Homeland Security.

And, while organizing 28 agencies—some say 22. I have heard that there are 28 agencies and offices—within a new Homeland Security Department will be a difficult task, to say the least, Senators seem to be confident that Governor Ridge is qualified to handle the job. I think that is the case. Governor Ridge appears to have the necessary qualities and experience to serve admirably as the first Secretary of Homeland Security. But I hope he understands that his new job responsibilities will involve more than just overseeing a new Department intended to protect our homeland.

Despite the objections of some Senators, this new Homeland Security Department has been empowered with wide-ranging authorities, and its officers will have prime access to information about the American public. With that access comes the potential for abuse.

We have already seen the administration pushing the legal envelope in the fight against terrorism—so much so that phrases such as “enemy combatants,” “material witness warrants,” and “military tribunals” have become synonymous with terrorist-related arrests here at home. We have seen the development of a parallel legal system for both U.S. citizens and noncitizens in which terrorist suspects may be investigated, jailed, tried, and punished without the legal protections long guaranteed by the American legal system.

Given the origins of this new Homeland Security Department—from the crafting of a secret plan in the bowels of the White House, to the refusal of the Homeland Security Director to testify before the Congress, to the expanding cloak of secrecy that has fallen over this administration—it is essential that Governor Ridge understand that he will be responsible not only for defending the homeland but also for defending against the abuse of power inside the new department.

As the department's first Secretary, Governor Ridge will set the precedents for how this new department uses its authorities in the name of homeland security. How far this department can peer into the lives of the American

public will, in large part, be influenced by Governor Ridge.

The Congress will continue to perform its oversight role and to be on the lookout for abuses of power. But Senators will vote to confirm Governor Ridge today with the expectation that he understands and respects the oversight role of the Congress, and that he will never mislead the people's representatives or the people themselves about the actions of the department.

Most importantly, when the Senate votes to confirm Governor Ridge today, as I believe it will, it should be with the expectation that he respect the constitutional doctrines of checks and balances and separation of powers.

We have seen this administration running the Federal Government, to a disconcerting degree, from within the confines of the White House. We have seen how the President's advisors—whether they be his economic advisors, his national security advisors, or his homeland security advisors—can direct numerous Government actions, insulated from the Congress and the American public, by keeping the decision-making process inside of the Oval Office.

Over the last year, the White House has scrupulously avoided answering the questions of the Congress, as this branch has tried to assess our Nation's homeland security vulnerabilities. It is this body—this body—that must pass laws and provide funds to tighten up our borders, to hire inspectors, to buy vaccines, to prevent more terrorist attacks. But all too much, when we have looked for information on which to base our decisions from this administration, our requests have largely been denied. So today, we will vote to confirm Governor Ridge to be Secretary of Homeland Security and to answerable to us—answerable to the Congress, to both House of Congress—and to the people we represent.

This new department must not be just a public relations front, while the real work of debate on strategies and crafting of policies is being conducted inside the Executive Office of the President, protected from public scrutiny. The decisionmaking process with regard to the safety of our communities must remain open to the public, not hidden away. This is the only way that we can work to ensure that our Government operates within the legal boundaries established by the Congress, and that it does not threaten the privacy rights and civil liberties of the American public. That is the only way that we can be sure that this massive new department, in which so many have invested so much hope, actually does what it is supposed to do.

I intend to support the nomination of Governor Ridge, and I will do so with the hope he understands that he is charged with not only protecting the American public from overzealous terrorists but also with protecting their civil liberties from an overzealous new bureaucracy. And only time will tell.

But time will tell. And so I express my support and shall cast my vote with the fervent hope that Governor Ridge will not blindly follow the President but that he will respect the institutional role of the Congress and be faithful to the Constitution and to the people whose liberties and safety may depend upon the decisions he, Mr. Ridge, will make.

I yield the floor.

Ms. COLLINS. Mr. President, I yield as much time as he would like to the Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chair of the committee and I begin by congratulating her on her accession to the Chairmanship. Her distinguished career began as a staffer for the Committee on Governmental Affairs. Senator COLLINS is now the chairwoman—a very significant advance.

I have sought recognition to support the nomination of Governor Tom Ridge to be Secretary of Homeland Security. Tom Ridge embodies the classic American success story. He was born in very modest circumstances—an occupant of public housing as a youngster; Harvard educated, he served as an enlisted man in the Vietnam war, and was honored with medals for his distinguished service. With outstanding academic credentials from Dickinson Law School, Governor Ridge became an experienced assistant district attorney—which, I might add, is a very important developmental office. Sometimes I am asked what office I consider more important, being district attorney of Philadelphia or being a U.S. Senator. I am quick to respond that, for me, the most important office was assistant district attorney, with the development of trial skills, analysis, and organization.

Tom Ridge was an outstanding prosecuting attorney. He came to the Congress of the United States in 1982. I have worked closely with Governor Ridge for the past 20 years plus. He was an outstanding two-term Governor in Pennsylvania, enjoying great popularity and great success.

Shortly after September 11, 2001, when Governor Ridge received a call from his former gubernatorial colleague—now President Bush—to take on the job as Presidential Adviser of Homeland Security, Governor Ridge responded as a great patriot, taking on the very difficult job of coordinating the affairs on homeland security.

With the Department scheduled to come into existence on January 25, it is very important that we move ahead promptly with his confirmation. It is my expectation that the vote will be overwhelming, if not unanimous. We had a hearing last Friday in the Governmental Affairs Committee. Rules were waived to send the matter to the floor at an early date. I am pleased to see that the majority leader has listed the issue for resolution today.

It is my hope that Governor Ridge will find, in this new position, the ability in our Federal Government to put all of the so-called dots on the board at

the same time. It is my judgment that the Secretary of Homeland Security needs a somewhat broader authority than the position has at the present time institutionally.

I had filed an amendment to the homeland security bill which would give the Secretary the authority to direct all of the intelligence agencies—the CIA, the FBI, the Defense Intelligence Agency, and all other agencies—so that the analytical aspects of the work would be under one umbrella: Let the CIA conduct their work worldwide, let the FBI undertake their traditional role, and let the Defense Intelligence Agency undertake its regular duties as all of the intelligence agencies continue functioning operationally. But when it comes to analysis, it is my view that all ought to be under one umbrella.

Governor Ridge testified that there is excellent coordination among the intelligence agencies at the present time. He testified last Friday candidly, but he couldn't say what had happened before he came to the scene. I commented in my discussion with Governor Ridge during his confirmation proceedings that he cannot say what would happen after he left, that it is not a matter of personalities. The relationship between Governor Ridge and President Bush, which is a very close relationship, enhances Governor Ridge's ability to gather information from the other intelligence agencies. But institutionally, we have to be prepared for the day when the relationships might not be that close. We are a government of laws, not a government of men; a government of relationships defined by statute, and not depending upon personal relationships.

It is my view that had all of the so-called dots been on the same board prior to September 11, September 11 could have been avoided.

We now know about the famous FBI Phoenix report from the summer of 2001 which was lost in the FBI bureaucracy. We now know more about the effort of the Minneapolis field office of the FBI to secure a warrant for Zacarias Moussaoui under the Foreign Intelligence Surveillance Act. The wrong standard was applied. They were looking for 15 percent—more probable than not when the case law is that there has to be suspicion only founded on the totality of the facts. We know the CIA had information about two men in Kuala Lumpur which was not conveyed to the Immigration and Naturalization Service or the FBI. Those men got into the United States and were on two of the suicide bomber planes on 9/11. We know the National Security Agency received a report on September 10 that something was to happen the next day. It wasn't translated until September 12.

So if all of these so-called dots had been on the board, I think the acts of 9/11 could have been prevented.

The Director of the Central Intelligence Agency testified last fall that

another attack would occur. I do not believe we have to concede that. I do not believe we have to await another attack. I believe our fundamental job is to prevent an attack. We do have intelligence agencies where improvements have been made, and we need the cooperation among all of the intelligence agencies to put all of these so-called dots on the same board. It is my hope that Governor Ridge will ultimately have that authority. As I said at the hearing on Friday, I intend to offer that amendment and pursue it through the legislative process in committee and to bring it to the floor of the Senate.

The issue of labor relations was also a matter discussed at the hearing. There is no doubt about the President's need for a national security waiver. But it is my view that that is a Presidential judgment and a Presidential decision and that, to the extent possible, the traditional labor-management laws of the United States ought to be followed unless there is a real national security interest as determined by the President in light of our very difficult war against terrorism and against al-Qaida.

I am pleased to see a man of Governor Ridge's competency coming to this position. The toughest job is to stop calling him Governor Ridge and to start calling him Secretary Ridge. But we are going to start that tomorrow as he takes on perhaps as tough a job as there is in Washington, DC, today.

I don't think I have to urge my colleagues to support this nomination. I think the vote will be overwhelming, if not unanimous. I want to add my voice in support of Governor Ridge because I have known him a long time and have firsthand experience as to his competency, and to express my concerns about the operation of the Department as we move ahead on this very vital war against terrorism.

I thank the chairwoman and yield the floor.

Ms. COLLINS. Mr. President, I thank the Senator from Pennsylvania for his comments, for his introduction of Governor Ridge at the hearing last Friday, and for his participation as a member of the committee. We are indeed fortunate to have the benefit of his expertise.

Mr. President, I ask unanimous consent that after the Senator from North Dakota delivers his remarks, the Senator from Alabama be recognized next for as long as he needs, with a limit of 10 minutes.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say I am pleased to announce that I will vote for Governor Ridge, to confirm Governor Ridge for the position of Secretary of Homeland Security.

I have known Governor Ridge for a long while. I served with him in the House of Representatives. I think he is a public servant with great skill and

great dedication. I am very pleased to see him continue to offer himself for public service. I am very pleased to cast a vote in favor of his nomination. It is a good one. I commend President Bush for sending it to us. And I think he will be confirmed overwhelmingly by the Senate, if not unanimously.

Let me, however, say there are several things I am concerned about with respect to homeland security. And it mirrors some of the suggestions offered by my colleague just moments ago.

I want to say—as I indicate I am proud to vote for Governor Ridge—there are three areas I hope very much we will make some significant improvements in and for. Let me describe them.

First and foremost for me is information sharing. The task force headed by former Senators Warren Rudman and Gary Hart, on October 25, issued a report to this country. The report was titled "America Still Unprepared—America Still in Danger." It was a bipartisan task force sponsored by the Council of Foreign Relations, which included former Secretaries of State George Shultz and Warren Christopher; retired ADM William Crowe, former Chairman of the Joint Chiefs of Staff; and many others.

They found that 1 year after the September 11 attacks, America remains dangerously unprepared for another terrorist attack. At the top of their concerns—the top of their list—was this:

650,000 local and state police officials continue to operate in a virtual intelligence vacuum, without access to a terrorist watch list provided by the U.S. Department of State that goes to immigration and consular officials.

Let me say that again. The watch list—the list that the Department of State has, that has on it names of terrorists and suspected terrorists—that list is not available to State and local law enforcement officials across this country. And the Rudman-Hart report says you have 650,000 additional eyes and ears out there in law enforcement that ought to be able to access that report.

To give you an example, 36 hours before September 11 and those devastating attacks, one of the hijackers, Ziad Jarrah, a 26-year-old Lebanese national, who was flying the airplane that crashed in Pennsylvania, was pulled over on Interstate 95 in the State of Maryland by a Maryland State Police trooper for driving 90 miles an hour. He was one of the key organizers of the al-Qaida terrorist cell formed in Germany 3 years ago. He shared a Hamburg apartment with Mohammed Atta. And he was at the controls of flight 93.

When this hijacker was pulled over by a Maryland trooper, he was driving a rented car under his own name. This hijacker, it turns out, was not on the watch list. But if he had been—and there is no reason to think he would not have been, given today's circumstances—that Maryland trooper

would have had no idea and no access to the information that he had just pulled over someone who was a known terrorist, a suspected terrorist.

If this afternoon, in Fargo, ND, a city police officer or a county sheriff or a highway patrolman pulls over an automobile, and it is filled with four people who snuck across the United States-Canadian border in some remote area of our country, and those four people are on the terrorist watch list, a list compiled by the State Department, that city police officer or county sheriff will have no access to that information. They can call in and get the NCIC and find out who has been convicted of a felony and who has outstanding warrants, but they are not able to get to the names on the State Department's watch list of who the terrorists are, the known terrorists and suspected terrorists. That is unforgivable, in my judgment.

Let me read a detailed excerpt from the Hart-Rudman report:

With just fifty-six field offices around the nation, the burden of identifying and intercepting terrorists in our midst is a task well beyond the scope of the FBI. This burden could and should be shared with 650,000 local, county, and state law enforcement officers, but they clearly cannot lend a hand in [the] counterterrorism information void [that now exists because] when it comes to combating terrorism, the police officers on the beat are effectively operating deaf, dumb, and blind.

Why? Because we have a list with the names of terrorists on it, and the names of suspected terrorists on it, and the police officers and the county sheriffs and the highway patrolmen have no access to that list and are not allowed to have access to that list. That is wrong.

Let me continue quoting from the Hart-Rudman report:

Terrorist watch lists provided by the U.S. Department of State to [the U.S.] immigration [folks] and consular officials are still out of bounds for state and local police. In the interim period as information sharing issues get worked out, known terrorists will be free to move about to plan and execute their attacks.

Even when they are stopped by local police officers, and even when their names are run against the NCIC, those local law enforcement officials have no ability, no capability, to run those names against the watch list that contains the names of terrorists and suspected terrorists.

This needs to get fixed. I hope Governor Ridge makes this a first priority. This was the top recommendation of this blue ribbon commission that says America is unprepared. This was their top recommendation. And months after it was issued, to the best I can understand, very little is happening in the administration to resolve this. I believe very strongly it needs to be resolved, and soon.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. DORGAN. Mr. President, let me make two additional points.

One of them is a point I have made many times on the floor of the Senate, and that is the issue of container security. We are spending about \$8 billion to do something called a national missile defense plan, so that if there is an intercontinental ballistic missile aimed at the United States, and shot at us by a terrorist somewhere in the world, we can send up another missile, and with our \$8 billion, we will hit a bullet with a bullet. That is the proposition, in any event.

It is very unlikely, of course, that a terrorist group is going to have access to an intercontinental ballistic missile, but we are spending \$8 billion dealing with that and rogue states having access to those missiles.

A more likely threat, according to most people, is not a 15,000-mile-an-hour missile aimed at our country with a nuclear warhead; a more likely threat is a container on a container ship, slowly but surely, at 2 miles an hour, pulling up to a dock in New York City or Los Angeles or San Diego or Seattle, with a container in the middle of all the containers on that ship containing a dirty bomb or a nuclear weapon.

Mr. President, 5.7 million of those containers come into this country each and every year; 100,000 of them are inspected, 5.6 million are not.

I happen to have toured a port a couple of times. I come from a State that is landlocked. I do not know much about ports, so I have done a couple tours. I have great admiration for Customs and others working on those docks, in those ports. During a tour, I recall asking them: What is in this container? They said: We don't know, but let us show you what we're doing with some containers. They took me to a garage-like structure and opened one container that had frozen broccoli from Poland. That was the first time I had seen frozen broccoli from Poland in 100-pound bags, destined, I suppose, for the restaurants across America.

They pulled out a couple bags and opened them. Sure enough, it was frozen broccoli from Poland. I asked: How do you know what is in the middle bag in the middle of this container? They said: We don't. I asked: How many of these do you inspect? They said: Two percent of all containers we inspect.

The fact is, we need to do better because our ports, our big cities are under threat of terrorist acts, where terrorists using a container, put in a container ship, could come into one of our ports with a weapon of mass destruction immersed in one of those containers.

We have heard about the suspected terrorist who actually put himself in a container and put himself on a container ship, took with him some water, something to sleep on, a cot, a computer, wireless satellite telephones, and food, and then shipped himself to Toronto, Canada, probably with the intention of going from the Middle East to Canada and then sneaking into this

country. But the point is, he was discovered. But he put himself in a container on a container ship with all the comforts of home, shipping himself to Canada.

My point is, if we care about the security of this country and care about defeating terrorists, care about identifying and thwarting terrorist acts, then we have to care a great deal about port security.

The fact is, we are not funding it. This bill that is before us has cut funding once again. People say we are adding funding. The fact is, we have cut the funding that the Customs Service says they need. It has just been cut. And we try to add it back, and we lose the vote.

But, look, this isn't about spending; it is about protecting our country. We cannot turn a blind eye to port security and say that somehow we have done what is necessary to defend this country. I hope Governor Ridge comes in and understands that is a very difficult issue but one that we have to address in a very aggressive way.

Finally, let me talk about northern border security, border security generally but northern border security specifically.

With respect to our borders, it is true that a country cannot defend itself if it does not control its borders. It is the case, for example, that we have had 10 times as many Border Patrol agents on the southern border between the United States and Mexico as we have had on the northern border. We have done that for many years because of immigration and drug problems.

The fact is, the danger today is more than just that. The danger today is the potential of terrorists sneaking into this country and committing an act of terrorism. We have 4 or 5,000 miles of border between the United States and Canada, a long border between two countries that get along well.

Up in my part of the country where we have border stations in the northern part of North Dakota, those stations close in many cases at 10 at night. Up until a year or so ago, the only thing that existed, once those stations closed, was an orange cone in the middle of the road. The impolite people who snuck into this country could shred that cone at 60 miles an hour. The polite ones at least stopped to remove the cone and put it back in place.

We have changed some of that but not enough. This is a long, porous border. If this country is going to provide the security it needs for the American people, then it has to have control of its borders. That means we have to fund the Customs Service, the Immigration Service, and the Border Patrol and have the coordination of those agencies that work together to do the job they know needs doing.

I am pleased to support Governor Ridge. I have great confidence in him. He is a great public servant. I am proud to say yes when they call the vote. He needs the tools. This man needs the

tools to do the job. You can't provide the kind of support we need for this country and the kind of investment we need to make sure we have security at our ports and airports, nuclear facilities, trains, and so on, you can't do that on the cheap.

One day—I pray this will not happen—another terrorist act may occur and something that we have failed to do here, something that we know we should have done will be pointed out as a flaw in the system. They knew this could happen, but they didn't do anything about it.

Let's make these investments now: Port security, watch lists, giving access to all of the law enforcement people, the names of terrorists and suspected terrorists, border security. Yes, at the southern border but also the northern border. Let's do these things together. We know right now that Osama bin Laden is somewhere in this world. At least we are told they think he is still alive.

Osama has been forgotten by some. The fact is, Osama bin Laden is a dangerous guy. We don't know where he is. We don't know where Omar is. The terrorist al-Qaida cells are still a very serious problem. Homeland security is critically important. That is why I support this nomination.

This nominee is a quality person who can do this job, but he can't do this job without the tools. We, the administration and the Congress, have to own up to that and make the investments necessary that will protect this country against the threat of terrorists.

Just a couple of months ago, the head of the FBI said the danger of a terrorist attack is as high today or higher than it was September 10, the day before the devastating terrorist attacks.

I am proud to vote for Governor Ridge. I wish him well. I want to help him. I hope this administration and this Congress will do what is right to make the investments necessary to protect our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that after the Senator from Alabama has concluded his remarks, the Senator from Nebraska be recognized for up to 10 minutes.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise to express my admiration for Governor Ridge. I have over the weeks and months observed him in his leadership role. I believe he has performed exceptionally well. This Nation was attacked on September 11. We remember that vividly. We also remember the Nation's determination to do a better job of protecting our homeland.

The President looked all over the country. He picked somebody to lead the effort to bring together State and local and Federal agencies in a way

that would enhance dramatically our ability to be safe from terrorist attack. It was not talk he wanted; he wanted leadership, he wanted action. So, he created the Office of Homeland Security in the White House right next to him.

He chose to head that critical agency someone he knew, someone he had grown to respect as a fellow Governor who had a record of achievement and excellence and professionalism. He chose a man who understood State agencies as well as Federal agencies. He chose a man who served in the U.S. Congress and who had served in the military, winning combat medals for his actions in Vietnam. He chose the kind of person we needed at that time.

It was a thankless task. Many said it could not be done. Many said we would not be able to prevent further attacks. Anybody taking that job had to know that they were taking great personal risk because anything that did happen would be their fault. They would have to answer for it.

I am so impressed with Governor Ridge. He took charge aggressively. He changed the way this Government did business. He took control of the situation by meeting with the heads of the Government agencies.

I used to be a Federal prosecutor for 15 years. I worked with the FBI and the DEA and Customs and the Coast Guard and all those Federal agencies—ATF, Secret Service, all of them. They act at times like foreign nations. They produce memoranda of understanding that are like treaties. It is difficult to make a move. They have their own agendas. They are charged by Congress to do A and B and C, and they are not interested in doing D. Maybe they should.

Tom Ridge took charge and dealt with the leadership of those agencies. Barriers were broken down to an unprecedented degree. Despite obvious results that we wish had been achieved but were not able to be accomplished, tremendous things were accomplished under the President's unequivocal leadership and the efficiency and leadership of Governor Ridge. I am proud of Tom and excited to have him take on that job.

Now that we have moved to the Department of Homeland Security with 170,000 people, I want to say this—I have shared this thought with him; I think he comprehends it—this Congress is not moving blocks and departments and governmental entities all cobbled together into some giant agency and just expecting it to be better than it was before. The very fact they are now one agency with one mission, should on balance clearly make the Department more efficient in our fight against terror. They have individual institutional biases and tendencies that may not be perfectly compatible with this new agency. It is going to take strong leadership. We don't need excessive administration.

I expect and believe and am excited about the potential for Governor Ridge

to use the force of his will, to use the mandate this Congress has given him, to use the confidence and support the President has in him to make sure those agencies realize, when they come together, that it is now a new organization, and we expect the greatest efficiency possible.

We expect the mission we have assigned to this agency will be the No. 1 guiding factor to make America safe, and we want them not to focus on bureaucracies and special interests and labor rules, but focus on making this country safe. I believe Governor Ridge understands that mission, and he is going to work with the employees to reach a higher degree of productivity than we have ever had.

I thank Senator COLLINS for her leadership. She is a master of this subject and has worked so hard at it. I will not say anymore. I am excited about the potential of this agency. We would like to see, frankly, this agency set a new standard for governmental efficiency and productivity. There is an opportunity here to do better. I believe we can. I am excited, and I will be supporting Governor Ridge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank the Senator from Maine for the opportunity to address the nomination of my good friend, Governor Ridge, for this important position that has been created to take care of homeland security.

I rise in support of the nomination for a number of reasons. While we were Governors, for 4 years we worked together within the Governors Association to make sure our States were taken care of; that the economies of the States were directed in an appropriate fashion; that we worked together to make clear the State issues before the Congress of the United States.

In that experience, I had the opportunity to see firsthand Governor Ridge at work for the benefit of his State and for our country. In the last few months, I have had that same experience of seeing him at work in his new role of developing the homeland security strategy, the homeland security approach that I think will truly bring about homeland security.

His background enables him in a very unique way to bring together local, State, and Federal agencies. It is truly an honor for me to be here today to say I am proud to support his nomination, and I look forward to working with him.

Last year, as we were finishing up the second session of the 107th Congress, Governor Ridge came to Nebraska and looked at the University of Nebraska Medical Center as a possible site for a biomedical laboratory as part of the homeland security effort to make sure we have the capacity to deal with any kind of bioterrorism that would require medical treatment and

for the detection of bioterrorist activity.

While he was there, we had an opportunity to look at the facility but I think in a broader sense of what we need to have in terms of laboratories around the country to work with the CDC and to work with others in this new role.

At the end of the year, we also had what appeared to be somewhat of a grab for one of those institutions in another part of our country. The then-majority leader agreed with a number of us that we would have a way to deal with this in a compromise this year. That majority leader passed it on to Senator FRIST, the new majority leader, to work this through.

A good-faith effort has been made—I am not totally convinced the language is as strong as I would like to see it, but clearly a good-faith effort has been made to resolve this issue so that the playing field is level so other institutions will be able to compete fairly to have the biomedical lab in their location based on the criteria.

To give an idea of how strong and supportive I am of Governor Ridge, I have been supportive of giving him, if you will, the total authority to set the criteria so that we do not set the criteria by law but he can by rule and regulation set the criteria and make the determination. That is the kind of support I think this gentleman will have from this Congress in so many different ways because of what he has been able to show and reflect in his work thus far. There will be total support along the way.

I am looking forward to the days ahead to work with Governor Ridge as he becomes Secretary Ridge in this very important responsibility.

On another matter related to this—and I do not come to the floor very often to talk about partisan politics or to respond to those partisan arguments that are sometimes made. I think typically they tend to derail us, distract us, and detract from the subject of the day. So yesterday when I heard someone talking about a partisan deficit as opposed to a deficit because some of us were supportive of firefighters, some of us were supportive of first responders and of police officers on the spot—recognizing that we ought not to simply have our pictures taken with these first responders as a matter of publicity or as a matter of PR; what we should, in fact, do is make sure we are supporting them financially—I was dismayed by what I heard and what I saw on a chart.

I wish to respond today because I think if we are going to focus on what homeland security is about, what Governor Ridge is focused on, it is about hometown security. If we are not secure in our hometowns, if we are not supportive financially in every way we possibly can, if we are not responding at the hometown level, the police officers, the firefighters, and the first responders of the emergency service

workers and all those who protect our water supply and who protect our food supply, we are not going to have homeland security. That is what it has been about these last several days. We may have different ideas about doing it, we may have a different philosophy whether we do it through this budget or whether we do it in another budget, but that is different than to say it is a growing partisan deficit caused by one group versus another.

If we are not going to support our firefighters and we are not going to support our police officers at the local level, then we ought not say we are for homeland security. One cannot be for homeland security if one is not for hometown security.

The fact is, there may be disagreements, but I think we ought to set aside the partisan rhetoric and work together to find a way to fund these very important services rather than to talk in a global sense, in a broad sense about homeland security. It sounds great, but the only way it works is if we are focused on what is happening in Charlotte, NC, what is happening in Lincoln, NE, what is happening in Bangor, ME—what is happening in the localities across our country. If we do not have security at the local level, this homeland is not secure, and none of us are truly safe.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. 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.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that for the remainder of the debate on the nomination of Tom Ridge to be the new Secretary of Homeland Security, that any quorum calls be charged equally to both sides.

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

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that 2 minutes of the time set aside for Senator LIEBERMAN be allotted to me.

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

Mr. REID. Madam President, Tom Ridge and I came together to Wash-

ington in 1982. We were new Members of Congress 20-plus years ago. He was a fine Member of Congress. He had the ability to work across party lines. When he became Governor of the State of Pennsylvania, I was excited for him. From all reports I have been able to obtain, he did a good job as Governor of the State of Pennsylvania.

When President Bush suggested he be head of the program to protect the American people from terrorists, I told the President I thought it was a good appointment, and I told Governor Ridge I thought it was important he make the change from becoming Governor to becoming the head of the new Department of Homeland Security.

His job has now been created as a Cabinet-level office, and I think Tom Ridge has earned his stripes. There are things he has done I have not totally agreed with, but most everything he has done I have agreed.

When he became head of this Department, I told Tom Ridge I would sit back and not cry out for a Cabinet-level office, but the determination was made by him, the President, and many others that there needed to be a Cabinet-level office created. I am glad that has happened. Tom Ridge will be a fine Secretary. He is a good man. He will have awesome responsibilities. This will not be an easy task. Secretary Ridge has the difficult job of merging the many departments, agencies and offices that now comprise the Department of Homeland Security.

I stand ready to help him as he seeks to complete this monumental undertaking.

We simply must not rest because we passed legislation to create the Department of Homeland Security. This law provides the framework for the new department, but only the new Secretary can take the pieces of the new department and make them function as a single, committed agency.

In Nevada, we still have daunting challenges and unfulfilled opportunities. I look forward to working with Governor Ridge to address these.

In particular, Nevada is faced with diminishing Federal resources and increasing State budget deficits at the same time that it must address new homeland security responsibilities. In fact, Nevada ranks near the bottom in the country in terms of funding for State homeland security efforts. With millions of tourists each year, this places an extra burden on Nevada. Most funding for emergency responders is based on population. But population alone does not determine the vulnerability of a city like Las Vegas.

At the Nevada Test Site, Nevada also has one of the Nation's premier centers for training emergency responders and other special counter-terrorism forces. Last February, Governor Ridge accepted my invitation and came to Nevada to observe the excellent training and counter-terrorism facilities at the Nevada Test Site. In the coming year, I look forward to having Governor Ridge

return and putting the full resources of the administration behind his project.

Protecting our nation from a future terrorist attacks will not be an easy task. Having a Secretary for the Homeland Security Department in place will ensure that the process of building the new Department begins soon.

As we continue to develop this new department, I look forward to working with Governor Ridge to ensure our Nation is secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). 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. I ask unanimous consent that the time during the quorum call be charged equally against both sides.

The PRESIDING OFFICER. That is the understanding of the Chair.

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.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the vote on the nomination of Tom Ridge occur at 12:10 today, with all the other parameters for debate remaining. Further, I ask unanimous consent that immediately following the vote, the Senate then stand in recess until 2:15 today. Finally, I ask unanimous consent that when the Senate reconvenes at 2:15 today, there be 5 minutes for debate equally divided between Senators NICKLES and REED or their designees prior to the scheduled vote.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would add we are moving action along quite well. We have a number of amendments pending after we dispose of the Reed of Rhode Island amendment. We are working with Senator STEVENS to get a number of votes lined up for later this afternoon. We are going to go to the agriculture amendment soon. That is in the previous order.

I have had a number of inquiries made. We will probably be in late tonight; that means later than 7 p.m. or so. People will have to cooperate if they have amendments to offer. I hope they will limit the time on these amendments. The two leaders have spoken at some length today about trying to move this along. I hope people will cooperate.

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

Mr. LEVIN. Mr. President, today I look forward to the Senate's speedy confirmation of Governor Ridge to be the new Secretary of the Department of Homeland Security. I believe that Governor Ridge is the right person for the job, and I strongly support his selection to head the new department.

The challenge before Governor Ridge is massive: 22 agencies with over 170,000 people must be reassembled under one umbrella. These agencies and their personnel need to communicate with each other, to work together, and to begin retooling their operations to increase the protections needed to secure America's safety and well-being. Again, it is a massive job.

But Governor Ridge is not the only one who needs to roll up his sleeves. The Congress also has work to do on homeland security, first by enacting legislative repairs to the Homeland Security Act. This Act passed at the end of the last Congress using a hastily written bill that discarded many important provisions that had been worked out on a bipartisan basis. My colleagues and I identified a number of these problems during Governor Ridge's confirmation hearing before the Governmental Affairs Committee last week.

First, the Homeland Security Act leaves the intelligence community without clearly defined roles and creates the possibility for unnecessary and costly duplication of effort. Language addressing the coordination and analysis of intelligence issues was included in the bipartisan bill reported out of the Senate Governmental Affairs Committee, but the key language was dropped from the final Homeland Security Act. The goal of this language was to lay out clearly which agency had primary responsibility for analyzing information about foreign intelligence, and avoid having the new Department of Homeland Security duplicate the work of the Counter Terrorist Center, or CTC, at the CIA. Specifically, the language would have provided that the CTC has the primary responsibility for analysis of foreign intelligence and gave the DHS the primary responsibility of taking that foreign intelligence and mapping it against threats to the U.S.

At his confirmation hearing, Governor Ridge indicated that he agreed with maintaining the CTC's primary role on analyzing foreign intelligence. In fact, when I asked Governor Ridge: "Will you duplicate the CTC?" he responded: "It is not our intention to replicate the CTC with respect to foreign intelligence. Our intention is to use foreign intelligence from the CTC to match threats with vulnerabilities." When asked which agency was intended to have primary responsibility to analyze foreign intelligence, Governor Ridge responded: "the CIA." Those were precisely the answers in the bipartisan Senate approach.

On January 18, the Washington Post reported that President Bush had de-

cided to "leave responsibility for collecting and analyzing foreign intelligence on terrorists with the CIA, and to have the homeland security agency perform further analysis aimed at protecting U.S. infrastructure." Again, this is exactly the approach taken in the earlier, bipartisan Senate bill. I am hopeful that the Department will continue to follow the framework set out by the President and Governor Ridge, and that he and the Congress will take any steps needed to restore the clear language on intelligence responsibilities in the Homeland Security Act.

A second problem I have with the Homeland Security Act is the section of the law that exempts the agency from complying with some aspects of the Freedom of Information Act, FOIA, the key Federal statute helping the public keep track of what their government is doing. Government bureaucrats often don't like FOIA requests because they take time and resources to answer. Many would like to reduce the public's right to know.

That's what happened in the Homeland Security Act. Language was added to that law that unnecessarily limits the use of FOIA.

Last year, Senators LEAHY, BENNETT, and I worked out a FOIA compromise which was included in the original Senate Governmental Affairs Committee bill. At the homeland security markup, we were told that the Administration supported our compromise language. But this compromise was ultimately dropped. Instead, the Homeland Security Act cuts back on the public's right to know what its government is up to by expanding the types of information that the new department can keep shielded from the public, including unclassified information about "critical infrastructure" issues involving such matters as electrical grids, computer systems, or water treatment facilities.

There is a related problem with the HSA language barring use of critical infrastructure information in civil proceedings. Suppose the DHS gets information submitted by a chemical company indicating a chemical plant is in danger of releasing a toxic gas due to a vulnerability in its critical infrastructure. The statute ties the hands of the DHS, barring it from disclosing the information in court without the chemical company's consent. The statute even bars the DHS from giving the information to another agency such as the Environmental Protection Agency, EPA.

What's more, a whistleblower within the DHS or the EPA could be thrown in jail for disclosing this unclassified information. Even a member of Congress who releases the information presumably could be, under some circumstances, jailed! I find this to be incredible. Limiting the public's right to know and jailing whistleblowers isn't the direction we should be going and is not necessary to protect America.

At the Governmental Affairs hearing, Governor Ridge seemed to agree that

criminalizing whistleblower disclosures of unclassified critical infrastructure information was not the intent of the Homeland Security Act. I am hopeful that Governor Ridge will help us to remedy some of the FOIA problems caused by the Homeland Security Act and restore the bipartisan compromise worked out in our committee.

Another problem requiring prompt action is to get adequate funding to the agencies charged with homeland security. Because of the failure of Congress to pass appropriations bills, the key Federal agencies at the front lines of protecting our homeland have gone underfunded in the first 3 months of this fiscal year. Now, the Republican majority has come up with an Omnibus Appropriations bill that inadequately funds vital homeland security needs for FY 2003. For example, \$362 million is not provided to the INS for the Entry-Exit system, which would track the arrival and departure of non U.S. citizens; \$265 million is cut from the INS for construction of border security facilities; \$92 million is not provided for FBI information technology enhancements; \$8 million is cut from the Customs Service container security initiative; and \$132 million is cut from FEMA first responders. I supported an amendment in the Senate that would have provided \$5 billion to address these and other homeland security priorities in the Omnibus Appropriations bill which was defeated. By underfunding homeland security, and promising billions of dollars in tax cuts instead, we have delayed the delivery of urgently needed dollars to the very agencies charged with protecting us from terrorist attacks. The administration's priorities are misplaced and need to be corrected.

Finally, the Homeland Security Act authorizes funding for various homeland security grants, such as grants for first responders and grants for new science and technology equipment. People in Michigan and all our States are eager to gear up to fight terrorism, but it must be a Federal/State partnership. It is unacceptable for us to simply tell the States what they must do and then expect them to somehow find the money to take on new and vast responsibilities. One central office has to be designated as the place to find out about the Federal grants that will be awarded and administered by the Homeland Security Department and all of its many components. And in the interim, it would be helpful for the Department to provide numbers to call and people to contact who can give out this information. In a meeting in my office, Governor Ridge indicated that he agreed that an interim number would be helpful.

I look forward to a quick confirmation of Governor Ridge. I also call on my colleagues to begin the work needed to remedy the remaining problems with the Homeland Security Act.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the nomina-

tion of Governor Ridge to become the first Secretary of the Department of Homeland Security.

I do so with the utmost confidence in the personal integrity and professional ability of Governor Ridge. We in America should honor and support public servants who take on challenges as difficult and daunting as this one. This will be one of the hardest, and, instantly, one of the most important jobs in Government. We are in the midst of a crisis. We are at war. Raising our guard is an urgent task, and it falls to this new Secretary and those under his command to close our many vulnerabilities as quickly and effectively as possible. I believe that Governor Ridge, from his experience in the Congress, as Governor of Pennsylvania, and of course over the last year as the director of the White House Office of Homeland Security, is very well prepared for the job. I am confident that this Department, which I have worked hard for over a year now to try to bring into being, will be in good hands.

But at the same time, I must express my deep doubts as to whether the administration in which Governor Ridge serves has done enough to make the Nation safer, and as to whether going forward it has the strong vision and strategy, as well as the necessary fiscal commitment, to improving America's security.

Based on its design, the establishment of a Department of Homeland Security ought to be a great leap forward in our homeland defenses. We will at long last consolidate more than two dozen agencies and offices and organize them in a logical, accountable, and strong chain of command. And at the top of the agency, we will have a single cabinet secretary with budget authority who will be held accountable to the Congress and to the people.

But getting there from here is no small task. It is both a tremendous opportunity and a sobering responsibility. Creating this Department will be the largest and most complex Federal Government reorganization since the 1940s, and demands a strong partnership between Congress and the executive branch.

Let me say for my part, as one who fought for the new Department for more than a year, in the Governmental Affairs Committee and on the Senate floor, that I plan to do everything I can to ensure that the Department has the resources and the support it demands and deserves, because this is the most urgent responsibility our government has today. We must strive to do this together, across party lines. For generations, we in the Congress have managed to elevate support for our armed services above partisan politics, and we must do the same for homeland security. At the same time, we must work together to oversee the organization, the long-term strategy, and the day-to-day operations of the Department. That is our obligation to the American people. But I have never been under the

illusion that reorganization itself would, by itself, be the solution to our homeland security challenges. It was only always the necessary first step. Having the right structure is no guarantee of success. We also need the right people, policies, programs, and resources.

And in this area, the administration's homeland security efforts over the past year and three months have left much to be desired and much to be done. After many months of raising our guard, America is not nearly safe enough. It is no exaggeration to say that the holes in our defenses are not getting demonstrably smaller. According to almost every independent assessment produced in the past few months, America remains dangerously vulnerable to terrorist attack. The most persuasive of these, in my view, was produced by Former Senators Hart and Rudman, the men who, long before we were attacked, were calling for our government to reshape itself to better guard against the threat of terrorism.

Last year, Senators Hart and Rudman headed a second task force intended to assess the progress made since September 11 and recommend urgent reforms. That task force released its report last October. I quote from its introduction: "America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy." In our committee hearing last week, Governor Ridge indicated that he fundamentally understands the amount of work we have left to do. I appreciate that. He and I disagree about how much has been accomplished over the past year, but I am grateful we share the same understanding of the size and scope of the challenge that remains.

Let me repeat some of the hard facts about our remaining vulnerabilities: Our local and State law enforcement officials are operating in a virtual intelligence vacuum with no access to the terrorist watch lists that the State Department provides to our immigration and consular officials. In the words of the Hart-Rudman report, this means that, when it comes to combating terrorism, "the police officers on the beat are effectively operating deaf, dumb, and blind." That's unacceptable, and in my view, the administration has taken very small steps at best to fix this problem; containers, ships, trucks and trains entering the United States over our borders and through our ports are subject to hardly any examination. Of the 21,000 shipping containers that come through our ports every day, no more than 2 percent, that's about 400, are inspected. The administration has begun to address this problem, trying to balance the competing demands of security and commerce, but we remain dangerously at risk; our first responders are unprepared for potential chemical or biological attacks. They lack the necessary



training, and their communications systems are in most cases incompatible with one another. Again, I know the administration has talked about fixing this problem, but solutions have yet to materialize; we must make better use of our National Guard's effectiveness and expertise here at home. I have put forward proposals suggesting how our country can do that but again, I have heard few ideas or directives from the White House on this front. We lack effective vaccines and medicines to counter the vast majority of biological and chemical weapons. I have put forward comprehensive legislation to spur the private sector development of these countermeasures. Our attempts to engage the administration in a conversation on meeting this urgent need have fallen on deaf ears.

I believe it is unnerving and unacceptable that we have not come further faster. Bureaucratic inertia is a powerful force. That's why the Homeland Security Act which we passed and the President signed needs to be implemented boldly and aggressively.

Governor Ridge seems to understand this, upon being appointed the President's Homeland Security Advisor, said that, "The only turf we should be worried about protecting is the turf we stand on." And while he has tried his best to honor that statement, I am not yet convinced that the administration as a whole is prepared to live up to that rhetoric. Let me give you one crucial example of an area in which a generally reactive rather than proactive mindset is already producing serious problems: intelligence collection, dissemination, and analysis.

We now know that the failure of our intelligence agencies to connect the dots on September 11 was the single greatest error among many glaring failures. Nevertheless, the Bush administration has thus far failed to challenge or change the status quo of the intelligence community to fix what is broken.

On paper, the passage of the new Homeland Security Act has ushered in a new era. The bill creates a single all-source information analysis and infrastructure protection unit within the new Department. We had a lot of discussion and debate over the roles and responsibilities of this new unit, would it be focused only on protecting critical infrastructure, or would it be designed to help do what we didn't do before 9/11, namely "connect the dots" to prevent attacks before they occur. In the end we compromised: it would do both. But I am very disturbed by indications that the administration believes the primary responsibility of the new Department's intelligence unit is to protect critical infrastructure, and that performing analysis to prevent attacks is peripheral or secondary at best.

The fact is, we can imagine horrific terrorist attacks that are not against critical infrastructure but against people, a bomb in a shopping mall or a bio-

logical agent dropped from overhead onto city streets. It makes no sense for the Department of Homeland Security's intelligence division to put on critical infrastructure blinders rather than assessing and processing all information related to terrorist attacks against Americans here at home.

This is an absolutely central question, not in any way a semantic distinction. The question here is whether the new Department will systematically work to prevent all terrorism, or whether it will have the much narrower mission of protecting critical infrastructure.

During the long debate over the legislation creating a Department of Homeland Security, the Senate Governmental Affairs Committee held hearings focused specifically on the intelligence mission and information needs of the new Department. We analyzed the Administration's original legislation and determined that the information analysis and infrastructure protection directorate it proposed was too narrowly focused and would not have the access to information it needed to "connect the dots", and therefore prevent future terrorist attacks. We proposed separate directorates for intelligence and for critical infrastructure which would be headed by separate, Senate confirmed Under Secretaries. This was to make it clear that the intelligence function in the Department would be focused on its full range of missions, preventing attacks, improving border security, better informing our emergency response activities, and, yes, protecting critical infrastructure.

The administration resisted this approach, and insisted that the directorate be headed by a single Under Secretary. However, they agreed that separate Assistant Secretaries, one for information analysis and another for infrastructure protection, would head up two distinct entities in the directorate. And it was clear that the Directorate would be focused on detecting and preventing attacks, as well as protecting critical infrastructure.

As a result the language in the Homeland Security Act reflects a compromise. It makes clear that the mission of the Information Analysis and Infrastructure Protection Directorate includes detecting and preventing all terrorist threats against our country, not just those against critical infrastructure.

Regrettably, long after our deliberations finished, long after the bill was signed, the Administration has apparently now decided that no compromise was reached, that the position in the President's original proposal was adopted by the Congress. Let me make clear: that is a false interpretation, and it is one which, if unchallenged, will mean that the Department of Homeland Security will, from the beginning, have abdicated one of its most vital functions, that is preventing acts of terrorism against the American people.

The legislative history is clear, yet the administration is apparently intent on creating an intelligence unit narrowly focused on protecting only critical infrastructure, rather than preventing any and all acts of terrorism against the American people on our home soil. This is not what we agreed to, and it is not what America needs. I will continue to insist that the administration fulfills the intent of the legislation we passed.

Finally, let me say a few words about the critical problem of insufficient funding, which has so far hamstrung and hobbled our efforts to better protect America. We have dozens of Federal agencies, including many that are being consolidated into the new Department of Homeland Security—that are in the midst of urgent work post-September 11. The Coast Guard, Border Patrol and others need to train their employees and invest in new technology. They need to pay bills for expensive investments they have already made. But this administration isn't providing them with the necessary funding . . . and some in Congress are not rising to the challenge either.

Indeed, just last week on the Senate floor, the Republican leadership rejected a \$5 billion package of investments in homeland security programs.

The problem is especially pressing at the local level. Local and State first responders, who are also our first preventers of terrorism, are not getting the support they need, despite promise after promise from the administration. Late last year, the President inexplicably blocked \$2.5 billion in emergency spending that could have gone to federal agencies and state and local officials for their homeland security efforts. That was wrong.

This war on terrorism cannot be won with wishful thinking. It will take strong leadership and a lot of money. It will take real, not rhetorical, partnership among every layer and level of government. It will take talent, training, and technology. And it will take tireless effort on the part of thousands of Federal employees.

All this will soon fall on Governor Ridge's broad shoulders. I do not doubt his talent or his commitment to the job. I have confidence in his competence. But unless and until this administration strengthens its strategy, corrects its long-term vision, and puts its money where its mouth is, and does all these things urgently, the hard work of a good man, and of the thousands of men and women in his charge, will not be enough to make America as safe as we must be.

Mr. LEAHY. Mr. President, today the Senate considers President Bush's nomination of Director Tom Ridge to be the first Secretary of the new Department of Homeland Security. The real question, however, is not whether the Senate will support the new Department or Director Ridge. I have no doubt that we will. Indeed, the proposal for establishing this Department

was born in the Senate, and both that proposal and Director Ridge have enjoyed widespread bipartisan support even during the many months that President Bush was threatening to veto any new cabinet level Department of Homeland Security.

Rather, the real question today is whether the President will continue to support the new Department with more than words, or whether having used the Senate proposal for political purposes in the last election, he will now simply disengage or move on to other matters.

The initial signs are not good. Even as we debate the confirmation of Director Ridge, the administration is trying to push through Congress a massive tax cut that will benefit most the wealthiest Americans at the same time as massive spending cuts in vital homeland security measures. These reductions include slashing grants to state and local first responders as well as cutting FBI agents and FBI computer upgrades. These are key homeland security measures.

When we voted to establish the new Department of Homeland Security, I warned that it would not be enough to just shift agencies from one building to another or to rewrite some boxes on an organizational flow chart. While reorganization was a good first step, I warned that reform was what was needed, and it still is.

Reform is a much more difficult task than reorganization. It takes persistence and hard work, and reform cannot be accomplished by one branch of government or one party working unilaterally. True and successful reform will require us to work together. It will require Republicans to work with Democrats in the Congress, and it will require the President and the new Secretary of Homeland Security to work with the Congress.

Unfortunately, the track record of the administration in working in a bipartisan manner with the Congress on the homeland security is not a good one. When Director Ridge first assumed his current position, we in the Senate were anxious to hear from him how the Administration was working to protect the homeland. In fact, the Judiciary Committee was the first Committee to invite him to testify after the 9/11 attacks. Unfortunately, for months, the administration refused to allow Director Ridge to testify and tell Congress what he was doing. The President opposed establishing a new cabinet level department in part to avoid such Congressional oversight.

That position changed only after congressional oversight highlighted the problems at our agencies charged with protecting our domestic security from international terrorists. I remember well the day when the President reversed his position and decided to support a new Department of Homeland Security. It was on the morning of June 6, 2002, when the Judiciary Committee was holding nationally televised hearings highlighting the testi-

mony of FBI whistleblower Coleen Rowley, who was selected as one of Time Magazine's "People of the Year" for 2002. Moments before we began our hearing, the White House announced that it would support a new department, but the President's proposal was long on rhetoric and short on details. Indeed, there was not even a written legislative proposal when the President went on television that night to talk about his welcome change of heart.

Eventually, we got a very brief legislative proposal, but the administration candidly admitted that it was a work in progress. Along with that first draft came a promise from Director Ridge, who ran the Administration's legislative effort, that "We will work together on this." Director Ridge repeated that promise when he testified before the Senate Judiciary Committee on June 26, 2002, stating that he was "anxious to work with the Chairman and other members of the committee to assure that the concerns that [I had] raised are properly addressed." He assured us that "[t]his Administration is ready to work together with you in partnership to get the job done. This is our priority, and I believe it is yours as well."

That is precisely what we in the Senate tried to do. We negotiated in a bipartisan manner to work out our many differences on the bill. The work was not easy.

For example, I worked with my friends Senator LEVIN, Senator LIEBERMAN and Senator BENNETT to reach a responsible compromise on the administration's proposal to gut the Freedom of Information Act with an overly broad exemption that would have given more protection to certain information handed over by private companies and businesses than we give to classified government information. We reached a bipartisan agreement that satisfied both sides and the White House agreed to the compromise language.

I also worked with Senator GRASSLEY to address the omission of whistleblower protections from the bill, and we crafted a bipartisan amendment to actually improve existing whistleblower protections as a homeland security measure. We also sought to include the bipartisan FBI Reform bill in the measure so that we could do more than simply move the deck chairs around in the homeland security measure. There were many examples of such bipartisan efforts to address real problems in our Nation's domestic security and improve on the administration's bill.

Unfortunately, in the end, the administration did not keep the promise to "work together" on the homeland security bill. Instead, the final bill was written by a small group of Republicans, working in secret with the administration. The bill was quickly rammed through the House, which promptly adjourned so that no compromise or debate could occur between

the two chambers. Our bipartisan FOIA agreement was jettisoned and the overly broad administration proposal was inserted. The administration's new FOIA-gutting law also for the first time makes it a crime for any Federal Government employee, including Members of Congress and their staffs, to leak or disclose any private business information that the business wants to keep secret. Is this an effort to crimp congressional oversight and control the flow of information to the American people? We will see how this administration wields this new power.

The bipartisan FBI Reform Act was omitted from the administration's Homeland Security bill entirely. The bipartisan amendment strengthening whistleblower protections was also left out so that current whistleblower protection, with all of its flaws, simply applies to the new Department. These protections will mean nothing without vigorous enforcement of these laws by the administration. The leadership of the new Department and the Office of Special Counsel must work to encourage a culture that does not punish whistleblowers, and the Congress, including the Judiciary Committee, must continue to vigorously oversee the new and other administrative departments to make sure that this happens. I appreciate Director Ridge's comments at last Friday's hearing before the Governmental Affairs Committee when he stated, "there's specific language in the statute that reminds the secretary and reminds everyone associated with the new Department that there shall be no reprisals for legitimate whistleblower activity."

Gone too were other protections for the federal employees who have spent the last year and a half of their lives protecting our country against terrorist attack. Inserted, instead of these important security measures, were pet provisions benefitting Eli Lilly and Texas A&M, to name a few.

And now we hear a familiar promise. "Don't worry. We will work together to reform." We will work to "clarify" the protections for vital whistleblowers; work to ensure that the best federal workers don't leave the Department; work to make sure that the INS operates better and that the FBI reforms itself.

I only hope that, once he is confirmed, Secretary Ridge will work with us in a bipartisan manner.

Our best defense against terrorism is improved communication and coordination among local, State, and Federal authorities; and between the U.S. and its allies. Through these efforts, led by the Federal Government and with the active assistance of many others in other levels of government and in the private sector, we can enhance our prevention efforts, improve our response mechanisms, and at the same time ensure that funds allotted for protection against terrorism are being used most effectively. Indeed, Governor Ridge

stated at the hearing before the Governmental Affairs Committee last Friday that "all 50 states and territories have appointed homeland security advisers that participate regularly in meetings at the White House and in bi-monthly conference calls with the Office of Homeland Security." I appreciate that the local officials of Vermont will have a "single entry point to address many of the homeland security concerns."

At the same time that the Department of Homeland Security works to protect the safety of Americans, it is essential that Secretary Ridge makes sure to protect the freedoms of Americans. Recent press reports have warned that the Department will turn into a "supersnoop's dream" because it will allow creation of a huge centralized grand database containing a dossier or profile of private transactions and communications that each American has had within the private sector and with the government. Indeed, in section 201, the bill authorizes a new Directorate for Information Analysis and Infrastructure Protection to collect and integrate information from government and private sector entities and to "establish and utilize . . . data-mining and other advanced analytical tools." In addition, in section 307, the bill authorizes \$500,000,000 next year to be spent by a new Homeland Security Advanced Research Projects Agency, HSARPA, to make grants to develop new surveillance and other technologies for use in detecting, preventing and responding to homeland security threats.

We do not want the Federal Government to become the proverbial "big brother" while every local police and sheriff's office or foreign law enforcement agency to become "little brothers." How much information should be collected, on what activities and on whom, and then shared under what circumstances, are all important questions that should be answered with clear guidelines understandable by all Americans and monitored by Congress, in its oversight role, and by court review to curb abuses.

I appreciate Director Ridge's promise at last Friday's Governmental Affairs Committee hearing that "[a]ny new data-mining techniques or programs to enhance information sharing and collecting must and will respect the civil rights and civil liberties guaranteed to the American people under our Constitution."

The reorganization is done, but the hard work of reform lies ahead. The FBI, the INS, and other important government agencies must improve their performance, and they need the support of both the Congress and the Administration to do so. The new Department of Homeland Security cannot "go it alone." The Congress now will have an imperative to monitor vigilantly and responsibly the implementation of the new Department. It is essential that Governor Ridge work with Con-

gress as the Director of Homeland Security. Governor Ridge stated before the Governmental Affairs Committee last Friday that he is "going to do [his] very, very best to respond to whatever requests [he] get[s] from Congress of the United States, because we need to not only build this Department together, but we need to sustain and make sure that we work together to make it as effective as possible." We will hold him to this promise.

We must work together to effect reform. It is time to match the rhetoric and make that promise come true. I offer my assistance and wish Director Ridge all the best in his new job. Too much depends on it for Director Ridge to fail.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the nomination of Governor Tom Ridge as the first Secretary of the new Department of Homeland Security.

Sixteen months after the terrorists turned airliners into missiles and leveled the World Trade Center and damaged the Pentagon, the creation of a Department of Homeland Security and the speedy confirmation of Governor Ridge will contribute to the safety of our Nation.

Today's confirmation comes after a long struggle over the granting of statutory authority for a Department of Homeland Security. I was an early proponent of statutory authority, recognizing that the additional powers of cabinet level authority were required for the individual tasked with our Nation's security.

After Governor Ridge was appointed last year, Paul C. Light, Director of Governmental Studies at the Brookings Institution, and I wrote two op-ed pieces for the Washington Post that evaluated the performance of Governor Ridge as the director of the White House Office of Homeland Security. I will submit these for the RECORD.

What we found was that Governor Ridge was not able to do his job without statutory authority. While he had access to the information and people needed to do his job, he lacked impact. Despite influence in the budget and personnel process, the Governor's authority over the operations and management of the homeland security establishment was weak. Even with a talented staff, his input in selecting other key administration personnel was unclear.

Mr. President, that is why today I am voting in favor of Mr. Ridge's confirmation. While it is not a panacea to our Nation's security concerns, it is a step in the right direction. Giving Governor Ridge the authority to be in charge of the Department of Homeland Security will provide him with the ability to order the changes required in our newest security apparatus.

Ultimately, the reorganization of 22 agencies and 170,000 Federal employees is going to take months, if not years, to accomplish. The reality is that Americans are still vulnerable to addi-

tional terrorist attacks and the Federal Government is not adequately preparing for that threat.

Right now, we are relying heavily on the intelligence community and the FBI as the front line in our battle against terrorism. And I remain concerned about the FBI's lack of preparation and failure to answer some of the most fundamental questions about suspected terrorists who sleep among us like how many operatives of terrorist groups are within our borders.

The sooner we act to have an agency that can coordinate and provide a clear line of authority for our nation's security, the better equipped we will be to protect our nation.

I ask unanimous consent the op-ed pieces to which I referred be printed in the RECORD.

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

[From the Washington Post, Apr. 24, 2002]

A NEW JOB FOR TOM RIDGE

(By Bob Graham and Paul C. Light)

Last fall we set seven criteria for measuring Tom Ridge's performance as President Bush's appointed director of homeland security ["Tools for the Homeland Security Chief," op-ed, Nov. 22]. Although we were skeptical about whether he could do his job without statutory authority, members of Congress decided to defer to the president, who said Ridge should be given the benefit of the doubt to begin carrying out his important mission.

Over six months into his task, Ridge has had both success and frustration. He clearly has access to the information needed to do his job, which was our first criterion for evaluating his office. But that information is still muddy, its sources many, and its usefulness often mixed—as evidenced by the color-coded system of vague threat warnings his office developed. Ridge has also had access to key decision-makers such as the president, vice president and attorney general, which was our second criterion. What he apparently has not had is success in making his case on the need for sweeping reorganization of the nation's troubled homeland security agencies.

Unfortunately, no one knows for sure just what he believes about the need for reorganization—as a White House staffer, he has not been given permission to testify before Congress. There are reports that he wants much more than mere tinkering with the Immigration and Naturalization Service (INS), Border Patrol, Customs Service and other agencies. If this is true, he has not been successful in making his case. He may have access, but what he truly needs is impact.

Ridge has had his greatest success in the budget and personnel process, our third criterion. Homeland security agencies such as the INS and Coast Guard would receive more money and personnel under the new Bush budget than they could ever have expected during ordinary times. But as Ridge has argued in making the case against his testifying before the Senate Appropriations Committee, he has no power to spend, obligate, or audit money. At the end of the day, agencies must put their trust in the president's budget office for the dollars and personnel they need. That reduces Ridge's clout in ensuring that those dollars will be spent in a manner consistent with the overall plan for homeland security.

As for our fourth, fifth and sixth criteria—his staff, executive office space, and role in

selecting key presidential appointees—Ridge has had mixed success. He is still running a minimalist, though apparently talented, operation, and he is still looking for office space within shouting distance of his home in the Old Executive Office Building. But it is not at all clear that he has had a role in selecting key personnel such as the new nominees to be surgeon general or director of the National Institutes of Health—both essential players in the fight against bioterrorism.

Ridge does not have much say over the operations and management of the homeland security establishment, which was our seventh and final criterion. As the recent events at INS suggest, homeland security depends on agencies' being properly structured, staffed and led. The homeland security workforce is willing and patriotic, but its organizational infrastructure is weak. Yet Ridge can only stand on the sidelines as the media reveal one weakness after another in our security system. He can cajole, advise, influence, and arm-twist, but he cannot order anyone to do anything for good or ill.

Ridge himself may have made the most persuasive case for a stronger office of homeland security in a little-noticed speech recently. Appearing before an association of state and local emergency management officials, Ridge talked about the need for more coordination, better technology and simple accountability.

"As part of our consideration of the new 21st-century border, we are presently considering a range of options that goes from simply a new technology architecture that puts it all on the same database to a series of consolidations that could ultimately involve four or five departments," he told the National Emergency Management Association. "There is no line of accountability. As you take a look at 21st-century borders, you have got to have somebody in charge."

We believe it is time to nominate Tom Ridge for that job, both literally and figuratively.

The Senate Governmental Affairs Committee is ready to begin moving a bill that will create a Cabinet-level Department of Homeland Security, with its director to be confirmed by the Senate. The need for that authority is clear as our war on terrorism moves into the next phase.

Sen. Bob Graham (D-FL) is chairman of the Senate Select Committee on Intelligence. Paul C. Light is vice president and director of governmental studies at the Brookings Institution.

[From the Washington Post, Nov. 22, 2001]

TOOLS FOR THE HOMELAND SECURITY CHIEF

(By: Bob Graham and Paul C. Light)

Former Pennsylvania governor Tom Ridge has been on the job as homeland security director a little less than a month and a half now, and it is important to respect the president's wish that he be given time to settle in before Congress begins to move legislation to strengthen the authority Bush assigned him in his executive order.

But it is also important to lay down some criteria for evaluating his new office in the weeks and months ahead. Americans need a yardstick against which to measure this crucial job, while Congress can more responsibly assess whether Ridge needs the additional powers that can be granted only through permanent law.

These criteria range from the seemingly mundane to the broadest of goals, but we're convinced that all will prove important as Ridge finds his way in political and official Washington.

1. Ridge needs to be first in line for information.

It's hard to tell just who gets information at what point on the homeland security front. What we do know is that Ridge needs

to get the first call from the front lines, not the last. He also needs to have access to all paper moving in and out of the Oval Office, including all briefing documents from the National Security Council, if he is to have any chance of influencing key decisions.

2. He needs access to the principals.

The Office of Homeland Security cannot succeed if Ridge can't call meetings with Cabinet members and the heads of the agencies he coordinates. He should meet with his counterparts in the Cabinet, not their deputies.

3. Ridge needs to be a gatekeeper in the budget and personnel process.

Two things matter in bureaucratic politics: money and people. If Ridge is to have any hope of persuading agencies to work together, he must be able to influence the budget process and the allocation of new employees. Without access to these levers, his sole power rests on the president's willingness to intervene on his behalf, which in turn rests on Ridge's readiness to play this trump card.

Decisions are being made about the allocation of \$20 billion in emergency spending that Congress has approved for homeland security. And the Office of Management and Budget is making the key marks on fiscal 2003 budgets, including dollars for new employees. If someone from the Office of Homeland Security is not involved in those meetings, Ridge will have lost a critical lever to force needed cooperation.

4. Ridge needs a permanent staff that owes its loyalty to him, and him alone.

Ridge has made some very good appointments to his team, several of which were announced Tuesday. But many of the members of his staff are still "detailees" from a variety of federal agencies, including some from agencies he has been asked to oversee in his effort to build a strong homeland defense. No matter where they come from, Ridge should ask all those on his team, including temporary employees, to fill out the same financial disclosure forms that other White House staff must complete. That is part of ensuring the legitimacy of his effort.

5. He needs a staff within shouting distance.

Ridge has been given an office in the West Wing, close to the Oval Office and his longtime friend the president. But most of his staff will be housed miles from the White House or even the Old Executive Office Building, which former vice president Walter Mondale once described as like being in Baltimore. Ridge's staff could end up being distant players, both literally and figuratively.

6. Ridge needs a say in the selection of appointees at the agencies he oversees.

As of this week there were still 35 vacancies among the 164 Senate-confirmed positions in agencies central to the war on terrorism and homeland defense. Ridge should have a say in choosing the 14 appointees yet to be named, including the deputy director of the Federal Emergency Management Agency, the director of the National Institutes of Health and the candidate for commissioner of the Food and Drug Administration.

7. Ridge needs to be involved in all management reviews of the homeland defense establishment.

Under the Government Performance and Results Act, every federal agency is required to submit an annual performance plan outlining its agenda for action. Ridge should be asked to approve those plans, and should be given access to all Office of Inspector General audits and investigations in any of the agencies he coordinates. Ridge should be given a role in helping rebuild the homeland security workforce and should be consulted on all legislation regarding homeland security.

These criteria go to the essential questions of Tom Ridge's ability to get what he needs, and the government's ability to give what he asks.

On Oct. 8, the day he was sworn in, Ridge noted that he and his office had been given "an extraordinary mission," then added: "But we will carry it out."

We hope he is given the right tools to do so.

Ms. MURKOWSKI. Mr. President, I come to the floor today to offer my support for the confirmation of Governor Ridge as Secretary of Homeland Security. President Bush chose wisely when he nominated Tom Ridge to head this new department. Governor Ridge's adeptness in politics won him six terms as a United States Congressman and two terms as Governor of Pennsylvania. In both positions, he was praised for his intelligent leadership and attention to detail. His service in the military, in which he received a Bronze Star for Valor in Vietnam, only adds more credit to his name.

While my colleagues can further attest to Mr. Ridge's accomplishments, I would like to focus my attention on the impact that Homeland Security has on my State, and I encourage Mr. Ridge to consider Alaska's security as a means of enhancing National Security.

With nearly 50 percent of the total Coastline of the United States, Alaska has much to gain from the new Department of Homeland Security.

Our coastal communities rely on a free-flow of air and maritime traffic to meet their daily needs. Any interruption in this traffic could imperil our isolated communities.

Twenty percent of our Nation's domestic oil supply flows through the Trans-Alaska Pipeline, which spans some 800 miles from Prudhoe Bay in the north, to Valdez in the south. The Valdez terminal is the northernmost ice-free port in the United States. Its protection, therefore, is crucial to the safe and effective transport of Alaska Crude oil to the West Coast.

Another port of importance to my State is the Port of Anchorage. Nearly 80 percent of all goods destined for Alaskan cities flow through the Anchorage Port. These communities, many with populations smaller than 100 people, rely on the Anchorage Port to remain open. Providing for the security of the Port of Anchorage is essential to the well-being of the Alaskan people.

In addition to commerce, most of the people in Alaska's coastal regions rely on the Fishing industry for jobs, generating nearly half a billion dollars for the State annually. With approximately 1200 groundfish vessels operating in Alaskan waters, harvesting nearly 2 billion pounds of groundfish every year for U.S. and foreign consumers, Alaska's position as a fish leader is unquestionable. Fishing in Alaskan waters is an issue of security. The ability to maintain our own domestic food supply should be paramount to the new Department, and Alaska's role in its production is key.

The safeguarding of these fishing vessels falls to the capable men and women of the U.S. Coast Guard, one of the new Department of Homeland Security's essential agencies. Although only 4 percent of the Coast Guard is stationed in Alaska, the Kodiak Coast Guard base is the largest single Coast Guard installation in the country. It is imperative, for maritime law enforcement, search and rescue, and oil spill response that the Coast Guard maintains its mission in Alaska.

The focus of Homeland security is not limited to water, however, but encompasses all ports of entry. As an international hub, the Ted Stevens Anchorage International Airport is the busiest cargo airport in the country. Nine hours to most major destinations, the airport's location makes it an ideal crossroads for international trade, as well as for domestic travel and commerce. Airport security continues to be of great importance to this and other airports throughout Alaska.

Likewise, Alaska is home to four military bases—two air force bases, and two army bases—and new missile defense facilities. Protecting our military assets for national defense and future military engagements will require comprehensive planning with Governor Ridge and the new Department of Homeland Security.

I look forward to working with the new Secretary to provide for the security of this great Nation as well as for the State of Alaska.

Mr. SANTORUM. Mr. President, as a proud Pennsylvanian, I want to express my strong support for Governor Tom Ridge and to applaud the President for his nomination as the first Secretary for the Department of Homeland Security. Unfortunately, scheduling prevented me from introducing Governor Ridge during the nomination hearing in the Senate Governmental Affairs Committee. I would like to commend the Committee for its expedited consideration of this important nomination in order to facilitate the establishment of this critical new agency and the Senate for the quick consideration of his nomination today.

Governor Ridge has served the Commonwealth of Pennsylvania for many years and the Nation since shortly after the tragic attacks of September 11, 2001. This period of challenge has shown the greatness of our Nation in the immediate response of heroic Americans such as Todd Beamer and others who gave their lives flying over Pennsylvania in United Flight #93 and the many who have heeded the call to service and sacrifice since then. I would especially like to thank Governor Ridge today for heeding the President's call and agreeing to help in this new way to better prepare and protect our Nation from old and new threats in the midst of a changing world.

Governor Ridge was born in Munhall, PA, just outside of Pittsburgh and grew up in Erie in northwestern Pennsyl-

vania. He graduated from Harvard University and then attended my alma mater, Dickinson School of Law. He served in Vietnam as a staff sergeant in the U.S. Army and was awarded the Bronze Star for Valor. He practiced law in Erie after completing his law degree and then served as assistant district attorney. He was elected to the U.S. House of Representatives in 1982 where he served 6 terms. He was then elected for two terms as Governor of Pennsylvania where he served from 1995–2001.

Governor Ridge has prepared well for this responsibility in his service to Pennsylvania and his service to President Bush as the homeland security advisor. We are fortunate that Tom has agreed to serve the country in this new way. I also want to congratulate his wife, Michele, and their two children. I strongly support his nomination and look forward to supporting him in his new responsibility as Secretary of the Department of Homeland Security and encourage all of my colleagues to support his confirmation.

Mr. DOMENICI. Mr. President, as we are all aware, the events of September 11 have changed how we perceive our country and our own safety. For over a half century, Americans have felt safe and secure being isolated by sheer distance from our enemies.

As we have all found, we are no longer safe inside the borders of our own country. We feel vulnerable, and we are vulnerable.

We must rethink how we do business and in doing so re-organize our Government to meet the challenges of the future. We did this with the passage of the Homeland Security bill. Now we must find strong leadership to help us manage this process.

I believe Governor Tom Ridge is immensely qualified to be the first Secretary of the new Department of Homeland Security, and to begin the arduous tasks of securing our Nation against the threat of terrorism, not to mention the challenge of consolidating 22 agencies into a 170,000-employee-strong Department—the largest Government reorganization in 50 years.

Tom Ridge selflessly left his own political career as Governor of the great State of Pennsylvania, where he was his own boss, to become the point man for President Bush on homeland security and now reporting to 100 Senators.

We in Congress should all make an effort to work with Mr. Ridge. It will be our job to give him the tools in order to do his job properly.

I look forward to working with Secretary Ridge and his new organization. As the Chairman of the Energy Committee, I plan to work with the Department of Energy, particularly the National Nuclear Security Administration and our national labs to make sure they work closely with Homeland Security. Our labs were born from the Manhattan Project during World War II and it is once again time for them to step to the plate and help our country defend itself.

As a Senator from a border State, I will work with Governor Ridge to make sure that he gets the tools needed to do the job he was chosen for. This will include: more funding for equipment at our land borders; additional funding for personnel; additional funding for training; and additional funding for industry/business partnership programs along the land border.

It will be important for the border enforcement agencies of the new Department to work with the private sector on both sides of the border and reward those partners who adopt strong internal controls designed to defeat terrorist access to our country.

It is also important that the Federal Law Enforcement Training Center was transferred to the new Department. I will make sure that the transition of that Bureau from Treasury to Homeland Security goes smoothly. I know FLETC-Artesia, New Mexico will play a growing role in providing the training to the men and women who protect our country.

I fully support the nomination of Governor Tom Ridge to be the first Secretary of the Department of Homeland Security.

Mr. LAUTENBERG. Mr. President, I am pleased to support the nomination of Governor Tom Ridge as Secretary of the newly created Department of Homeland Security, DHS, when the Senate votes later this morning to confirm him.

The Governmental Affairs Committee held its hearing on Governor Ridge on Friday and reported his nomination favorably later that afternoon. The expedited action on Governor Ridge is an illustration that when the administration seeks a consensus nominee from the start, the Senate can be very accommodating. I hope that administration officials will keep that in mind as they consider candidates for the Federal judiciary.

Governor Ridge brings strong qualifications and experience to the job. He is literally battle-tested. He has served as President Bush's first and only Director of Homeland Security. He has management experience as the Governor of one of the Nation's larger States, Pennsylvania. Moreover, he has served in Congress and so knows the importance of the task we have, which is to provide adequate funding for this new department and oversee its operations.

Having said that, his task is extraordinarily large and extraordinarily difficult. Governor Ridge will preside over the biggest Federal reorganization since the creation of the Department of Defense after the end of World War II.

We feel compelled to create a Department of Homeland Security largely because of the 9/11 terrorist attacks. There were attacks on our soil before 9/11, but 9/11 has focused our Nation's attention much as the attack on Pearl Harbor did for the World War II generation.

We face a cunning and ruthless enemy determined to make our home

front the front lines. We face an enemy that deliberately targets civilians, not soldiers. We face an enemy that wants to disrupt our society by every means possible.

Keeping America safe will be an enormous challenge. Keeping America safe without trampling on the civil liberties that make us a free people will be an even bigger challenge.

The Department of Homeland Security's purpose is to prevent terrorist attacks within the U.S. and respond to such attacks that do occur. The DHS will consist of 22 agencies now scattered throughout the Federal Government and will contain four major divisions:

A division of information analysis and infrastructure protection, which will operate in concert with the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and other intelligence agencies to assess threats;

A division of science and technology that will develop and promote measures to defend against nuclear, chemical, or biological attacks;

A division of emergency preparedness and response—built on the current Federal Emergency Management Agency (FEMA)—which will prepare for and respond to natural and man-made disasters; and

A division for border and transportation security that will encompass what is now the Customs Service, the Transportation Security Administration, and the Border Patrol.

Additionally, the new Department will include the Secret Service, the Coast Guard, and a new Bureau of Citizenship and Immigration Services. The Immigration and Naturalization Service is to be abolished and nearly all of its employees are being moved to the new Department from the Justice Department. The bill would also move most of the Bureau of Alcohol, Tobacco and Firearms from the Treasury Department to the Justice Department and rename it the Bureau of Alcohol, Tobacco, Firearms and Explosives. The new Department will also have an Office for State and Local Coordination charged with helping state and local governments to implement the national strategy for combating terrorism.

So Governor Ridge must bring together 170,000 employees from disparate agencies and manage a budget that now totals \$20 billion and is expected to reach \$31 billion by 2007. That is an enormous task.

We are operating on the premise that consolidating all of these agencies and programs under one roof is a good idea. That seems like a reasonable premise, but in all candor, we will have to wait and see.

I am concerned about what will happen to the non-DHS functions of agencies moved to the new Department, such as those of the Coast Guard and FEMA. I want to make sure that the Coast Guard's traditional functions

of maritime safety, search and rescue, aid to navigation, etc., will not be hurt by the reorganization.

Port security operations accounted for 1-2 percent of Coast Guard activities before 9/11. By early October 2001, they increased to 56 percent of all operations. The Coast Guard is trying to move towards a "new normalcy" with port-security operations accounting for 20-25 percent of all operations. According to the Congressional Research Service, prior to 9/11, the Coast Guard already was been underfunded with regard to its expanding responsibilities. Over the last 25 years there has been a substantial growth in mission areas such as counter-drug operations, alien interception, pollution prevention, and fisheries enforcement. These functions will still need to be performed and have to be funded adequately.

Similarly, FEMA's non-DHS functions of natural disaster response and relief should not be weakened.

Another issue we will have to grapple with is oversight. Some of the oversight will rest with the Governmental Affairs Committee; some of it will be spread among several committees. That may be a good thing; but it could also prove to be unworkable. Again, we will have to wait and see. How we handle appropriations is another matter we will have to sort out.

Another issue is the labor rights of the DHS employees. When President Bush sent his DHS proposal to Congress, it contained anti-labor provisions that would have allowed him to strip civil service protections from Federal employees of the Department, so he could hire, fire and transfer employees as he wished.

On the Senate floor, Senator LIEBERMAN offered an amendment to maintain the current collective bargaining rights of more than 40,000 Federal employees slated to move into the new Department. At the same time, in line with long-standing Presidential prerogative, the Lieberman amendment would have given the administration the ability to suspend these employees' collective bargaining rights if new job duties are related to intelligence, counterintelligence or terrorism investigations, and collective bargaining would adversely impact national security.

President Bush threatened to veto the bill if the Lieberman amendment passed and Republicans filibustered the amendment. President Bush demanded authority to strip all employees in the department of their civil service protections. Citing national security concerns, the President claimed that the labor provisions would not give him broad enough authority to hire, fire and change job assignments at the proposed agency.

I think this course of action was regrettable. The Republicans did agree to a slight compromise on the labor issue: the department is required to consult on any workplace changes with employees' unions. In the end, though, the

President will have wider-ranging authority to waive union rights than ever before. This is an issue we will have to revisit.

We also need to be concerned about civil liberties. Of course, we need to be vigilant to protect the American people from those who would do us grave harm. But we can't sacrifice our freedom for security. Governor Ridge and the new department will have to balance the two. It won't be easy but it is absolutely necessary.

Speaking more parochially, because of New Jersey's proximity to New York, we suffered enormously on 9/11: nearly 700 New Jerseyans lost their lives. But it is not just our proximity to New York that concerns me. We have plenty of critical infrastructure targets: ports, airports, tunnels, rail lines, chemical plants, etc. We have 8.5 million people and several large population centers. I want to make sure that we aren't short-changed when the DHS allocates resources to the States to bolster their security.

I also want to make sure that Governor Ridge and the new department fulfill their responsibility to help keep guns out of the hands of terrorists. That means, to me, closing the "gun show loophole"—something President Bush pledged to do as a candidate in 2000. It is too easy for people to buy guns and other weapons at gun shows, no questions asked. We shouldn't make it easy for terrorists to buy assault weapons, .50-caliber guns, sniper rifles, etc.

In summary, the creation of the DHS has not been without controversy. As I noted, there are questions about whether the consolidation of various agencies under one roof will be an effective way to prevent and respond to terrorist attacks; whether the civil liberties of U.S. citizens—particularly immigrants—will be adequately protected with regard to border security and intelligence gathering activities; whether state and local entities will receive adequate funding for their new DHS-related responsibilities; and whether non-DHS functions of agencies will be protected.

Moving a bit farther a field, we need to consider where DHS fits in with regard to our overall priorities for fighting terrorism. The new department is responsible for preventing terrorism, but it will have nothing to do with addressing the root causes of that terrorism. Its very existence and the debate that will swirl around it could take attention and resources away from more proactive foreign policy and domestic law enforcement and social welfare efforts to reduce the impetus for terrorist acts, foreign and domestic.

While the primary responsibility to make America safer without sacrificing our freedoms will rest with Governor Ridge and the new Homeland Security Department, in fact, all Americans share that somber responsibility. We will all have to work together, and we wish Governor Ridge well in this great undertaking.

Mrs. FEINSTEIN. Mr. President, I support the nomination of Tom Ridge to be Secretary of Homeland Security. I think that Mr. Ridge is an excellent choice for the job.

If confirmed, Mr. Ridge will oversee the new Department of Homeland Security, the consolidation of more than two dozen agencies and offices that have been reorganized into a single agency with an overriding mission: protecting the United States from terrorist attack and responding to an attack should one occur.

Unlike his current position in the White House, Mr. Ridge will have budget authority and will be accountable to Congress and the people.

I introduced legislation with Senator BOB GRAHAM on September 21, 2001, long before the Homeland Security Act was signed into law, to give him such authority. I believe that it is indispensable for him to do his job adequately.

I applaud Mr. Ridge's willingness to accept the responsibility of leading the new Department. He will oversee and direct the largest Federal reorganization since the National Security Act of 1947.

It is an enormous challenge. According to historians, James Forrestal, the first Secretary of Defense after passage of the 1947 act, resigned after 2 years due to mental exhaustion caused by the difficulties of managing the new Department.

Even with all of his energy and talent, Mr. Ridge will not be able to do it alone.

We need to be sure that the Department of Homeland Security attracts and retains top people, people committed to ensuring homeland security. And we need to be sure that the department has the tools and resources it needs to protect us from and respond to terrorist attacks.

It is hard to understate the importance of getting this new Department off the ground and running.

Last November, I chaired a hearing of the Technology and Terrorism Subcommittee of the Senate Judiciary Committee on the Hart-Rudman Terrorism Task Force Report. Members of this new 17-member Hart-Rudman Task Force included two former Senators, two former Secretaries of State, two former chairmen of the Joint Chiefs of Staff, and two Nobel laureates.

The task force report is chilling to read. And its conclusion is even more disturbing. It reads: "A year after September 11, America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil. In all likelihood, the next attack will result in even greater casualties and widespread disruption to American lives and the economy."

Just a month before our hearing, CIA Director George Tenet testified before the Joint Intelligence Committee inquiry that "al-Qaeda is in an execution phase and intends to strike us both here and overseas." He also said that the terrorist threat is as bad today as it was in the summer of 2001.

The statements made by the Hart-Rudman Task Force as well as Director Tenet contrast with Mr. Ridge's recent testimony before the Senate Government Affairs Committee.

There, Mr. Ridge testified that, "America is undoubtedly safer and better prepared today than on September 10, 2001" and that "much has been accomplished" to protect Americans from terrorism.

My own view is that, while the terrorist threat remains extremely serious, I would disagree with those who argue that we have done nothing since September 11 to reduce our vulnerability to a major terrorist attack.

In fact, since September 11, the 107th Congress has passed major anti-terrorism legislation in the areas of law enforcement, intelligence, aviation security, border security, and bioterrorism.

However, what we have done so far is not enough. Much more remains to be done, particularly in the areas of intelligence, seaport security, and first responders, including the National Guard.

That is why many of us in Congress have been trying to pass additional legislation to protect our country from terrorist attack.

Let me give three examples of homeland security legislation that I plan to pursue in this Congress.

First, we need to create the position of Director of National Intelligence, whose full-time job would be to oversee the Nation's intelligence community. Under the current structure, the intelligence community is fragmented, there is a lack of coordination between agencies, and there is no effective leadership.

The concept behind the bill was endorsed by the House-Senate Intelligence Committee investigating the September 11 attacks.

Second, as the Hart-Rudman Task Force recognized, we need comprehensive, immediate action to better secure our ports. Our seaports remain a huge gaping hole in our national security.

Terrorism experts who have studied the issue believe that if terrorists try to bring weapons of mass destruction into this country, those weapons will almost certainly come in shipping containers. Only 1 to 2 percent of the 21,000 shipping containers that enter the nation's 361 ports each day are even inspected.

I introduced legislation with Senators KYL, HUTCHISON, and SNOWE in the last Congress that would thoroughly address the issue of port security from the point cargo is loaded in a foreign country to its arrival on land in the U.S. We plan to pursue similar legislation in this Congress.

Third, we should train and equip 2,700 National Guard units for emergency response.

Modeled after legislation creating the successful National Guard counterdrug program, my proposed bill would permit each governor, with over-

sight and funding from the Secretary of Defense, to create a homeland security activities plan for his or her State.

The National Governors Association, the National Guard, and the co-chairs of the Senate National Guard Caucus all support the bill. The Hart-Rudman Task Force also endorsed the idea.

One thing we should do right now is fully fund homeland security. Certainly, the last thing we should be doing is starving the new Department of resources to fight the war on terrorism.

One reason I oppose the omnibus appropriations bill is that it cuts homeland security by \$1 billion, money that has already been requested, authorized, and appropriated.

Right now, the INS will lose \$627 million for border security. First responders will lose \$132 million. And other homeland security departments and agencies will also suffer.

These cuts will make our Nation more vulnerable. They will also make Mr. Ridge's already tough job even harder.

I hope that he will be a vigorous advocate for legislation to strengthen our country against terrorists and for adequate resources to pay for such protection.

I congratulate Mr. Ridge on his nomination and look forward to working with him once he is confirmed.

Mr. DASCHLE. Mr. President, I associate myself with the comments made by the distinguished assistant Democratic leader. We asked our colleagues to file amendments by the end of the day on Tuesday. They have. There is a significant number of both Republican and Democratic amendments. I am hopeful we can finish our work on this bill by tomorrow night. There is no reason, given the excellent debate we have had on a number of issues, that we should not try to finish. I hope we can get the cooperation of all Senators in seeking time agreements and in limiting the number of amendments yet to be offered. We have had a very good debate. There will be many other occasions throughout the year when we will have opportunities to express ourselves on a number of issues.

I urge my colleagues, on both sides of the aisle—as I say, there were a good number of amendments offered by both Republican and Democratic Senators—in order to accommodate that schedule.

I come to the floor to express my support for Tom Ridge as the first Secretary of Homeland Security. Governor Ridge has created an impressive record in public service. As a Member of Congress, as Governor from the State of Pennsylvania, he has done a good job in meeting the challenges we all have faced as a country and we in particular face at the Federal level of Government in addressing the needs and concerns of our homeland—or as we sometimes say, hometown defense—over the course of the last year.

There is one very consequential concern I have as we consider the creation



of this Department and its leadership. That concern goes to resources. On several occasions over the course of the last several years, and even the last several months, we as a body, we as a Senate, have come to the conclusion we cannot fight the war on terror, we cannot do what we must do in creating a presence in the Persian Gulf, we cannot address the extraordinary challenges we face in Afghanistan, if we do not have the resources the Department of Defense needs to accommodate those missions.

What did we do? We responded, as required, by providing the resources to the Department of Defense to ensure those missions could be fulfilled. I have every expectation we will be dealing with supplementals in the not too distant future, and I would be surprised if it was not the case that the Defense Department, once again, comes to the Congress to seek approval for additional appropriations for this fiscal year. We will look at those requests, but in most cases my guess would be we will support them. We will support them because we realize they cannot carry out a mission without resources.

It is with that understanding that I am troubled this Department of Homeland Security has not had the same degree of support, does not have the same degree of commitment, has not had the resources that it must have to deal with the challenges and the mission that it faces and has faced from its very creation. Last year, the Congress passed overwhelmingly by a vote of 92-7 a supplemental appropriations bill to provide those resources. The President, for reasons that are not entirely clear to many of us, chose not to permit the \$2.5 billion in that supplemental appropriations bill for homeland defense.

Yet as I talk to Governors, as I talk to mayors, as I talk to local officials at every level of Government, they tell me the single biggest concern they have is their lack of confidence, their inability to deal with what they perceive to be a real vulnerability in protecting water supplies, energy facilities, roads, bridges, and ports. They are concerned about that vulnerability. One mayor called it homeland "insecurity." He said there was a homeland insecurity today in part because in spite of what we all profess to be our goal, there is a lack of willingness, a lack of commitment time and again on the part of the administration to provide the resources to meet that goal in dealing with the needs of the Defense Department and others as we consider our mission internationally.

The President's budget we are now debating, this omnibus appropriations bill, unfortunately, reflects the same lack of attention and priority and concern for resources. In fact, cuts have been made that devastate our ability to deal with homeland defense, devastate our ability to deal with those areas for which there is absolute unanimity about priority. The budget that is currently pending would cut 1,175

FBI agents, 1,600 Customs inspectors, and 450 food safety inspectors. The list goes on and on.

You cannot have security without resources. You cannot deal with our extraordinary challenges in law enforcement without FBI agents. We cannot deal with the problems we have with immigration without Custom inspectors. We certainly cannot deal with the insecurity our country faces today without dealing with food safety in a more consequential way.

We have a responsibility to ensure as this Department of Homeland Security becomes a reality, as we create the leadership, as we now confirm the first Secretary, we owe it to him, but far more importantly we owe it to the country to ensure that homeland insecurity is addressed, insecurity with regard to resources, insecurity with regard to our budget, insecurity in dealing with the extraordinary challenges we face in restoring confidence and building the kind of true homeland security we all want and need.

We will have more opportunities to talk about this matter as Secretary Ridge comes before the Congress. We are off to an important beginning as he is confirmed today. I hope he will come back with a comprehensive plan that will enable him to convince not only us but the American people that he will have the resources and this will be the priority we all say it is.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, there has been a lot of discussion about the funding for homeland security. I agree with my colleagues that this is an area that is going to require more resources. In particular, we want to make sure that the resources flow down to the State and local levels, that they are available to the first responders, those who are first on the scene in the event of a terrorist attack.

I do want to point out, however, that H.J. Res. 2 contains significant new funding to strengthen our homeland security. For example, the omnibus bill provides over \$5.3 billion for the Transportation Security Administration, which is a critical component in our efforts to secure our national transportation system and to ensure the freedom of movement of American people and commerce.

This funding amounts to a \$1.84 billion increase over last year, or a 53-percent increase over fiscal 2002 figures. Of this funding, a minimum of \$124 million will go toward buying explosive detection systems and trace detection systems; \$250 million in funding will go toward the installation of airport de-

tection systems. Many of us have noted the increased scrutiny of checked baggage in the recent weeks. One hundred million is for a very important purpose and that is for seaport security grants to port authorities.

In another area, let's look at the first responders, which are of special concern to me. The omnibus bill includes more than \$1.6 billion for emergency planning and assistance to help prepare our first responders. This amounts to an increase of over \$997 million from the level provided in the fiscal year 2002 budget. Of this money, \$900 million is for the FIRE Grant Program, a very popular program in the State of Maine, that helps our firefighters equip themselves and prepare for future threats. In Maine, we found that the FIRE Grant Program is particularly useful to some of our small, rural communities, which simply would not have access to the resources needed to upgrade their equipment and their training.

Mr. President, \$114 million of the money for FIRE Grant Program funding is for interoperable communications equipment for firefighters and EMS personnel. September 11 taught us very dearly how important it is for our first responders to be able to communicate with one another, to have compatible equipment.

Mr. President, \$75 million is for urban search and rescue teams and another \$75 million is for State and local emergency planning grants. We need to do so much more training and joint exercises at all levels of government to make sure we have a coordinated response to allow us to detect, prepare for, and, if necessary, respond to a terrorist attack more effectively.

Let's look at the area of bioterrorism, one of the major threats we face today. We learned right here in the Senate the amount of damage that an anthrax attack can inflict. The omnibus bill provides considerable funding for bioterrorism. It includes money for the CDC, for example, for a smallpox vaccine, for an evaluation and research on the anthrax vaccine, and it includes money to make our hospitals better able to respond to a bioterrorism attack.

I point out that the \$3.7 billion for bioterrorism preparedness is exactly the same in this omnibus bill as in the Labor-HHS-Education bill authored under different leadership last July. The bioterrorism preparedness funding includes \$940 million for upgrading State and local capacity. It includes \$300 million for the National Pharmaceutical Stockpile. It includes \$492 million for hospital preparedness. It includes \$1.5 billion for bioterrorism-related research and construction at the National Institutes of Health.

My point is that there is significant and much needed new funding included in this legislation. So we are making a genuine effort to provide the resources that are necessary to make our Nation more secure. It is not going to happen overnight. Money alone does not solve

the problem, but money, clearly, is part of the solution, and we are making a major step forward in that regard through the funding provided by this bill, the billions of dollars in funding provided by this bill.

Finally, let me touch on the Coast Guard, which is of special concern to me. The omnibus appropriations bill includes more than \$6 billion for the Coast Guard. This amounts to an increase of more than \$1 billion from last year's enacted level. I stress this because it has been of great concern to me, Senator STEVENS, and many other of my colleagues that we fully fund the Coast Guard so it does not jeopardize its traditional mission while it takes on increased responsibilities in the area of homeland security, particularly port security.

So I think it should be evident from a review of this bill that we are making a significant commitment of additional funding for homeland security. This is a very positive step forward. More resources undoubtedly will be needed and will be considered as part of the President's budget.

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.

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

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

Ms. COLLINS. Mr. President, I yield to the distinguished Senator from Utah, the chairman of the Judiciary Committee, for up to 6 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair. I thank the Senator from Maine. I sure appreciate the work that she has done on this issue. She deserves a lot of credit. This has been a big week for her with all of the things she has been able to accomplish.

Mr. President, I am pleased to rise in support of the confirmation of my colleague and friend, Tom Ridge, to serve as this Nation's first Secretary of Homeland Security.

I commend my fellow Senators for moving this nomination with the speed that it deserves. Senators COLLINS and LIEBERMAN have done an excellent job. I am very appreciative of that.

With the creation of the Department of Homeland Security, and now the confirmation of Tom Ridge to head that agency, the President finally has a unified department specifically devoted to fighting terrorism.

Tom Ridge will begin his tenure as Secretary with an enormous task: implementing the new Department that Congress has created just months ago.

This is the most comprehensive reorganization that our Federal Government has undergone in over 50 years.

Because I know Tom Ridge, I know that he is up to the task. I view his

confirmation as critical to the success of the new Department's mission.

After successfully implementing the reorganization of nearly 200,000 Federal employees, Secretary Ridge's work will just have begun.

As the first Secretary of the Department of Homeland Security, Tom Ridge will face the awesome challenges and responsibilities of safeguarding our borders and enhancing our Nation's ability to respond to future terrorist attacks. He must do so while ensuring that our cherished individual civil liberties are protected.

He will be responsible for collecting intelligence from a number of different sources, fusing it into a single coherent picture, and then ensuring that it is acted upon appropriately.

While all of us hope and pray that our Nation will not be attacked by terrorists again, we must remain ever vigilant to that real threat. The department's goals and efforts are of paramount importance to all our constituents, including those in my home state of Utah and, of course, the entire Nation.

Tom Ridge is the right man for this challenge. He was a wonderful Governor of Pennsylvania. He certainly has been a heroic figure throughout the lives of many people.

Less than 1 month after the terrorist attacks on our country, Governor Ridge was sworn in as the Director of the White House Office of Homeland Security.

He has worked there with an unwavering dedication to protect our homeland. I commend Governor Ridge on his efforts to improve our Nation's security and his dedication and courage in tackling these most difficult issues in these times of crisis.

Tom has accomplished much.

While there is much more to do to ensure the safety of our great Nation, I am comforted by his demonstrated track record of leadership and success.

Tom Ridge and the President have been a steady beacon of hope for all Americans, and I want to thank them for all their accomplishments.

By confirming Tom Ridge, we are taking a big step forward in helping to defend our Nation from terrorism.

I am confident that Secretary Ridge will work vigorously to secure our Nation and protect Americans—and to protect all of us in ways that really have to be undertaken.

I am proud to support Secretary Ridge's nomination and look forward to working with him on homeland defense and security issues in the future.

I look forward to working with my colleague from Maine and others on the other side in the future on these very important issues.

This agency is so big that it crosses over a whole raft of communities.

I again want to pay tribute to the distinguished chairman of the committee and her ranking member for having done such a good job in bringing this nomination forward at this particular time.

I reserve the remainder of my time for the chairman. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, the Senate is now about to vote on the nomination of Gov. Tom Ridge to be the new Secretary of Homeland Security. I urge all of my colleagues to vote yes on this nomination. He is truly an outstanding individual to head this important new Department.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas J. Ridge of Pennsylvania to be Secretary of Homeland Security?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

#### YEAS—94

Akaka	DeWine	McCain
Alexander	Dodd	McConnell
Allard	Dole	Mikulski
Allen	Domenici	Miller
Baucus	Dorgan	Murkowski
Bayh	Durbin	Murray
Bennett	Edwards	Nelson (FL)
Biden	Ensign	Nelson (NE)
Bingaman	Enzi	Nickles
Bond	Feingold	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (FL)	Roberts
Bunning	Graham (SC)	Rockefeller
Burns	Grassley	Santorum
Byrd	Gregg	Sarbanes
Campbell	Hagel	Schumer
Cantwell	Hatch	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Voinovich
Craig	Levin	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

#### NOT VOTING—6

Feinstein	Hollings	Kerry
Harkin	Inouye	Lieberman

The nomination was confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

## AMENDMENT NO. 40

The PRESIDING OFFICER. Who yields time on the motion to waive?

The Senator from Rhode Island.

Mr. REED. Madam President, before recognizing my colleague, Senator DURBIN, let me say the Reed-Durbin amendment would provide up to 1 million Americans who are long-term unemployed and were not assisted by the January 8 amendment we passed. This would be a positive stimulus for our economy. These benefits would be paid out until the economy came back and then automatically stop. It also recognizes the structural changes. The high-tech meltdown and the exodus of manufacturing have left many people without jobs. They need our help now.

Our economy is in distress. We have to help these hard-working Americans. We cannot wait any longer because as we wait, they invade their 401(k)s, they extend their credit cards, they do anything to make ends meet. We should help them now.

I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Rhode Island for yielding. I am happy to cosponsor this amendment with him. I am glad it has finally come to a vote.

I listened to the arguments yesterday by the Senators from Oklahoma and Iowa and others who suggested this recession is not that bad; we really should not be talking about a million people who have exhausted their unemployment benefits; things were a lot worse 12 or 13 years ago.

The unemployment rate in the United States of America has increased over 50 percent since October of 2000. We now have 6.0 percent or more who are unemployed in this country, a million of whom have exhausted their unemployment benefits. When the President said he was going to help these families, he forgot a million Americans, 53,000 in my State.

I hope my colleagues in the Senate will understand that the money we have collected over the years and we put in the unemployment trust fund is money designed specifically for this purpose.

Previous Presidents, Democrats and Republicans alike, have noted the need

to help these struggling families. We cannot turn our backs on them. We will have a chance today by voting yes on this amendment, and I hope my colleagues on both sides will join in that effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 2½ minutes. The Senator from Rhode Island has 36 seconds.

Mr. NICKLES. Madam President, I urge my colleagues to vote no on the motion to waive the budget point of order. I am afraid we are going to have to decide this many times, are we going to be waiving the budget every time we turn around?

There is a reason a budget point of order lies against this amendment. We are on an appropriations bill. Instead of trying to pass appropriations, some people are saying, let's expand entitlements.

It so happens we did this January 7. The Senate unanimously passed a bill to expand unemployment compensation, extend the present law through May, and it cost us about \$7.2 billion.

Now our colleagues are coming back and saying: This is a 13-week Federal program. Let's make it a 26-week Federal program, except let's even do more. The Federal program today is up to 13 weeks. The bill we have before us says all States get a mandatory 26 weeks. It is not coupled to what the State programs have.

We have never done that in the history of the United States. We have always coupled Federal unemployment extensions with the State program. But that is not what this amendment does. The amendment was not drafted well and was not thought out well. It is very expensive. It is about the fifth iteration we have seen, and it is still not done very well.

I urge my colleagues, if they want to do it, introduce the bill, have it referred to the appropriate committee, have that committee have hearings on it and mark it up with professional staff to do a good job. This is grossly irresponsible. It would cost \$6.3 billion.

I ask unanimous consent to have printed in the RECORD a Congressional Budget Office letter stating that fact.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 22, 2003.

Hon. DON NICKLES,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has prepared a preliminary estimate of the costs of amendment number 40 to House Joint Resolution 2. This amendment would expand the Temporary Extended Unemployment Compensation Act of 2002 (as

amended by Public Law 108-1) to provide additional weeks of federal unemployment benefits by increasing the maximum number of additional weeks of benefits available in all states from 13 to 26. The amendment also would change the number of weeks available in states with high unemployment from 13 to 7.

CBO estimates that enactment of this amendment would increase outlays by between \$5.8 billion and \$5.9 billion in 2003, and by about \$500 million in 2004, for a total cost of about \$6.3 billion. Under our most current estimates, there would be no significant budgetary effects in subsequent years. Under the March 2002 baseline assumptions, there would be an offsetting increase in revenues in later years because this spending would reduce the amount of Reed Act transfers assumed under the March projections. However, CBO has not yet estimated this effect.

If you have additional questions about this estimate, we will be pleased to provide them. The CBO staff contact is Christi Hawley Sadoti, who may be reached at 226-2820.

Sincerely,

BARRY B. ANDERSON,  
Acting Director.

Mr. NICKLES. Colleagues, let's have regular order in the Senate. Why have the Finance Committee have jurisdiction over an issue if we are just going to skip the committee and consider it on the floor? Are we going to do this with every authorizing committee? There is an appropriations bill, let's ignore the authorizing committee and come up with all kinds of entitlement expansions. That is the reason a budget point of order lies against this. That budget point of order is well taken.

This chairman of the Budget Committee plans on enforcing the budget. I urge my colleagues to vote no on the motion to waive the Budget Act.

Mr. KENNEDY. Since President Bush assumed office in January 2001, the economic well-being of America's families has significantly deteriorated, and a major cause of this crisis for so many families is the economic policy of the Bush administration, which has neglected the basic needs of working men and women, lavished extravagant tax breaks on the wealthiest taxpayers, and allowed corporate abuse and excess to go unchecked.

Today, nearly 8.6 million Americans are unemployed—2.6 million more than when President Bush took office. Due to the lack of available jobs, the number of long-term unemployed—those out of work for more than 6 months, has now soared to nearly 2 million—a 70 percent increase from last year. Long-term unemployment has increased in every month since March 2001. It is clear that Congress needs to do more for these Americans, who have worked hard, played by the rules, and are suffering because of the economic downturn.

The new law enacted earlier this month provided needed assistance for many of the unemployed, but it does nothing for the 1 million long-term unemployed who have run out of their State and Federal unemployment benefits and still have not found jobs. These Americans are struggling to make ends meet. Many have depleted their savings

and refinanced their homes. A tragic number are facing foreclosure.

In Massachusetts, nearly 170,000 workers are unemployed. Ninety thousand of those workers will be helped by the new law. But more than 30,000 of those hardest hit by the recession have run out of all of their State and Federal benefits and are still out of work.

The unemployment trust fund now contains about \$25 billion. It was intended for just this kind of situation. We now have an opportunity to extend unemployment compensation to families across this country who have lost their jobs through no fault of their own, but have not yet found a new job. They deserve this lifeline during this difficult time, before they are able to get back on their feet.

The issue is fundamental fairness.

At other times in recent years, Republicans and Democrats have come together to provide this urgently needed support. The first President Bush signed into law three benefit extensions for those who had run out of their State and Federal benefits. The same is true of the recessions of the 1970s and 1980s. Congress recognized each time that benefits were insufficient to reach the workers who were hardest hit. We acted to give them a safety net. It's time to live up to this standard now and provide unemployment benefits for these 1 million workers. These benefits are their lifeline, and Congress should act as soon as possible to provide the assistance they deserve.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment by my colleague from Rhode Island. While I understand his desire to address the problem of unemployment, I would suggest this is neither the time nor the place to do so.

First, I would remind my colleagues that this amendment would increase mandatory spending in an appropriation bill, and therefore is subject to a 60-vote point of order.

Second, let's remember what we've already done to address this issue. Last year, Congress voted to provide more than \$11 billion in federally funded benefits, and we voted earlier this month to provide an additional \$7 billion on top of that. That's a total of \$18 billion in federally funded unemployment benefits.

Third, I would suggest this amendment is based on a faulty premise. On one hand, my colleague seems to suggest unemployment is worse than ever before. On the other hand, he suggests this amendment is no more than we've done before.

I would suggest he is mistaken on both counts.

The truth is this amendment represents the greatest expansion of Federal unemployment benefits in history, and it is being proposed at a time when unemployment is well below historical recession levels.

Let's be clear about what this amendment does. It would provide a minimum of 26 weeks of federally fund-

ed unemployment benefits and a maximum of 33 weeks—at an additional cost of more than \$6 billion.

The last—and only time—Congress provided up to 33 weeks of unemployment benefits was back in 1992 when the unemployment rate reached nearly 8 percent. Today, the unemployment rate is 6 percent.

Moreover, every other time Congress has provided federally funded unemployment benefits, they have been linked to the duration of State benefits. This amendment would provide between 26 and 33 weeks of Federal benefits without regard to the duration of State benefits. This is an unprecedented expansion of the unemployment program.

It violates the insurance principles inherent in the unemployment program by breaking the link between the time someone has worked to the time that person can collect unemployment benefits. This amendment would allow someone who worked as few as 20 weeks to collect as much as 33 weeks of federally funded benefits. This is neither the right time, the right place, nor the right way to change the unemployment program.

Unemployment has not risen to the historical level of previous recessions. Moreover, a uniform duration of benefits would violate every historical precedent.

I urge my colleagues to sustain the point of order and defeat this amendment.

Mr. KERRY. Mr. President, right now the American people are dealing with tough economic times. Over 1 million Americans have exhausted their unemployment benefits without finding a job, more than 30,000 of those people are from my home State of Massachusetts. Can you imagine how hopeless these workers are to be at the end of their benefits with no job? I've heard from so many of my constituents recently about the great difficulties they're having finding jobs and how scared they are about providing for their families when their benefits run out. These are people who are desperate to work, but they've found that jobs are simply not available right now. In fact, there are 1.5 million fewer jobs today than in March 2001 when the current economic downturn began, and the number of jobs in the economy has been stagnant for several months.

I am pleased that Senator REED has offered an amendment to the omnibus appropriations bill to provide additional weeks of benefits to the long-term unemployed, to those 1 million American workers whose benefits have already expired. I am a cosponsor of Senator REED's amendment, although unfortunately I will not be present to vote in support of the motion to waive the budget act today. When we passed S. 23 on the first day of the 108th Congress, we extended benefits for one group of the unemployed, but ignored this equally deserving group. It is totally unfair to me that we have not

provided benefits to the long-term unemployed, particularly when we know that the current unemployment rate of 6.0 percent is the highest rate in nearly 9 years and is higher than when the Temporary Emergency Unemployment Compensation program was created.

Twenty percent of America's unemployed have been without work for more than twenty-six weeks and that percentage is still growing. We must not leave the long-term unemployed and their families with no where to turn. I urge my colleagues to support the Reed amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I yield 10 seconds to the Senator from Maryland.

Mr. SARBANES. Madam President, I point out that taxes have been paid into the unemployment insurance trust fund for the purpose of paying unemployment insurance in an economic downturn. That fund has close to \$25 billion in it. About \$7 billion was used in the last legislation we passed. The purpose of paying that money in good times is to be able to pay it out in bad times. I support this amendment.

Mr. REED. Madam President, we might be able to wait here for procedural niceties, but the million Americans who are desperate for jobs and can't find jobs cannot wait. I urge passage.

I request 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 assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) 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 yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—45

Akaka	Dayton	Lincoln
Baucus	Dodd	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Edwards	Nelson (NE)
Boxer	Feingold	Pryor
Breaux	Graham (FL)	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Snowe
Conrad	Lautenberg	Specter
Corzine	Leahy	Stabenow
Daschle	Levin	Wyden

## NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

## NOT VOTING—6

Feinstein	Hollings	Kerry
Harkin	Inouye	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45, 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 and the amendment falls.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 79

Mr. DASCHLE. Madam President, I call up amendment No. 79.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 79.

Mr. DASCHLE. Madam 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 emergency disaster assistance to agricultural producers)

Beginning on page 1032, strike line 21 and all that follows through page 1040, line 25, and insert the following:

## TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

### SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

### SEC. 202. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Develop-

ment, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

### SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

### SEC. 204. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount equal to the amount of funds under section 32 of that Act that—

(A) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(B) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

### SEC. 205. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

### SEC. 206. BUDGETARY TREATMENT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

The PRESIDING OFFICER. The Senator from Mississippi.

## AMENDMENT NO. 204

(Purpose: To provide agricultural assistance)

Mr. COCHRAN. Madam President, I call up Cochran amendment No. 204.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 204.

Mr. COCHRAN. Madam 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 printed in the RECORD of January 21, 2003, under "Text of Amendments.")

Mr. DASCHLE. Madam President, just for the information of all Senators, the order that has been agreed to will accommodate debate on both the Cochran amendment and the Democratic amendment simultaneously. There will be 70 minutes equally divided to accommodate Senators who wish to speak to the amendments. I am sure we will accommodate Senators on both sides of the aisle in an attempt to alternate back and forth as people wish to speak. So both amendments are pending and both amendments are subject to comment by our colleagues.

I appreciate, as always, the great willingness on the part of the chairman of the Agriculture Committee to enter into this agreement and to accommodate this debate as we anticipate it.

It has been 342 days since the effort was first initiated to bring about meaningful disaster relief to many parts of the country. During those 342 days, I don't know how many hours we spent on the Senate floor attempting to inform our colleagues and urging the Senate to act as expeditiously as it could to address the concerns of so many farmers and ranchers.

We did it first in the farm bill itself. We attempted to provide meaningful disaster assistance within the farm legislation. It passed in the Senate. In conference, I had a number of conversations with the chair of the Agriculture Committee in the House and with the Speaker, and it was the view, almost unanimously expressed in the House, that they would not be willing to support disaster assistance on the farm bill. They said: We will come back at a later date and address it in a sufficient way. So we completed our work on the farm bill and anticipated we would have an opportunity to pass meaningful assistance later in the year.

When the Interior appropriations bill came before the Senate, we offered an amendment, and it generated 79 votes. That amendment provided about \$6 billion in direct assistance to farmers and ranchers. Forty different farm organizations publicly expressed their support for the effort. Over and over again, people said: This must be urgent. You have to understand the extraordinary

urgency of what is happening and the need for this relief as quickly as you can get it to us.

Madam President, just for the record, I note that I will use my leader time to make my remarks with regard to the amendment so that I can accommodate other Senators who wish to speak.

The PRESIDING OFFICER. The leader has that privilege.

Mr. DASCHLE. So we adopted that amendment with 79 votes, with every expectation that we could get help to the farmers and ranchers who need it as quickly and as meaningfully as possible.

Almost from the beginning, the administration's position was that we just could not afford it; that the \$6 billion was out of line; that it was too expensive; that there really was not a way to provide the resources to help farmers and ranchers with the magnitude of help we proposed in the amendment.

I must say, I find it deeply troubling that at the very time the administration says we cannot afford the \$6 billion in disaster assistance, they come forth with a \$670 billion tax cut, a tax cut that helps those at the very top, with very little support for anyone else—borrowing the money, I might add.

So, on one hand, the administration is saying to the American people, somehow we can afford a tax cut, \$20 billion of which will go to 226 millionaires, at the very time we do not have the resources, we do not have the will, we do not have the support for \$6 billion for farmers and ranchers.

I have to say, over the course of the last 342 days, time and time and time again, people have come to us saying: We don't understand either, but we hope that however you ultimately decide to help us, you help us soon.

There are places in South Dakota that have not had rain for months. There are places in South Dakota where we had no crop at all last year. We have locations in our State where virtually all of the livestock population has been sold off.

In letters, in e-mails, in phone calls, farmers and ranchers—by the thousands—have contacted the Senate pleading for help, asking that we do so as quickly as possible. So this is our last chance. This is our last opportunity, at least for the foreseeable future. I cannot imagine when we can come back to the Senate floor and try this again.

So we are offering the same amendment that generated 79 votes last fall. The amendment provides help in the two categories where help is most needed—the crop disaster assistance program and the livestock assistance program—with one minor exception. Last fall, the administration shifted several hundred million dollars to ill-considered, unresponsive, and underfunded disaster efforts for those key or niche areas of livestock producers, a very small number of livestock pro-

ducers, which amounted to about 2 weeks of assistance before it expired.

This amendment replenishes what the administration took from that important account, funding for school lunch and funding for hunger relief. I must say, I hope everyone will recognize the importance of taking this action.

As I said, the Senate is already on record; 79 Senators in an overwhelming bipartisan vote, 40 organizations, including the Farmers Union, the Farm Bureau, the National Wheat Growers, the National Cattle and Beef Association, the National American Soybean Association, 40 farm organizations have said: Help us now. Do what you were not able to do last year. Join as you did last year. Pass this meaningful assistance. We have waited too long.

I hope people recognize there is a difference between the two amendments. I have the utmost respect for the Senator from Mississippi, the chairman of the Senate Agriculture Committee. He will do an outstanding job as chair of the committee itself. We don't stipulate a dollar figure in this amendment. We leave that to the administration to define. We simply say: Let's meet the need that is there, meet the need in crop assistance, meet the need in livestock assistance, but meet the need that is there.

The alternative says: We know the need is there, but we are only going to provide \$3 billion to meet that need. We recognize it may only be half but, I suppose they would argue, at least it is something.

We need more than just something. We need to provide the kind of assistance that is so desperately needed in the dead of winter to ensure that at long last, those who have waited so long get the help they truly deserve.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Madam President, let me compliment the distinguished Democratic leader for his effort to get an agreement under which we could carefully and thoughtfully consider this issue in the Senate. We have reached that agreement, and we have two alternatives now pending before the Senate: The so-called Daschle amendment and the Cochran amendment.

For the information of Senators, these are not the only efforts that have been made up to this point to deal with the disaster facing agriculture. In fairness, we have to acknowledge that the administration has been working very diligently to use existing authority to make payments to producers under the authority of current law to deal with the losses being suffered in production agriculture and in the livestock industry. Specifically, the Risk Management Agency of the Department of Agriculture has been supervising the payment of crop insurance benefits and so far \$4.1 billion in crop insurance indem-

nities have been paid to producers across the country.

In addition, the Livestock Compensation Program has been utilized to the extent of the payment of \$932 million by the Department of Agriculture, and for the Livestock Feed Assistance Program, outlays of \$150 million have been made available. Adding up these three specific instances of assistance, we can see that \$5.182 billion of benefits have been paid to agricultural producers.

I agree with what the distinguished Senator from South Dakota has said: That is not enough. So we come here today trying to define new authorities for the Department of Agriculture under which additional benefits can be made available to compensate farmers for losses that have been sustained because of not only drought, which has been devastating in some parts of the country, but also other adverse weather conditions—excessive rainfall at the time in the South where farmers were trying to get into the fields to harvest cotton, to harvest other crops, and were not able to do so because of the difficult conditions created by excessive rainfall.

All of these producers will be eligible for benefits under the Cochran amendment. It will be capped however. The CBO, the Congressional Budget Office, estimates the outlays under this amendment would amount to \$3.1 billion. The additional fact to be kept in mind is, under our scoring procedures, trying not to add to the deficit with this amendment, we have offset the spending under the Appropriations Committee bill to which this amendment is added, so that this is not going to be new spending under this amendment.

By comparison with the Daschle amendment, the \$6.5 billion that the Congressional Budget Office estimates that amendment will cost will be added to the deficit. It is not offset. It is declared an emergency. And under the Budget Act, that is one way of funding disasters that are unanticipated. I am not suggesting it is illegal, but it simply does have budget implications in terms of additions to the deficit that the Cochran amendment does not.

We also try to deal with the disaster in terms of defining the areas where benefits could be made available. These basically are in disaster counties, counties that have been declared a disaster under current law by the Department of Agriculture or by the President. Other farmers who are located outside of those designated areas, if they can prove a loss up to 35 percent, may do that, and they will be eligible for compensation just as farmers who are located in the disaster declaration areas.

We are trying to make this applicable to those who have suffered disasters. At one point some Senators raised a question about the wording of this amendment I offer today because it appeared to make available benefits to

those who might not have had a disaster or may not have suffered any economic losses due to any kind of disaster. We hope we have tightened up the definition of eligibility so only those where there have been declarations of disaster or where they can prove they suffered damages up to 35 percent will be eligible for benefits. We hope we have taken care of that difficulty. We appreciate the fact that Senators are not bashful normally and they were not in this case either when they disagreed with some parts of this amendment as it was earlier drafted and brought this to our attention.

We tried to accommodate those concerns, and we think the amendment has been improved to the extent that it merits the support of the Senate.

We hope Senators on both sides of the aisle will look at the suggestions we have made carefully. We have tried to cover livestock producers as well as row crop producers. Other specialty vegetable crops and the like are covered as well. We think this is a generous but responsible way to deal with the problem. We hope Senators will vote for the amendment.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, there are a number of our colleagues who have asked to be recognized. I don't want to take a lot of time because we have a lot of Senators who wish to be heard.

There is one difference between the two amendments of which I think all of our colleagues ought to be aware. Under the Cochran amendment, in disaster counties, counties declared disaster, every producer is eligible regardless of loss. In my State, there are counties that were declared disaster that had pockets where they had all the rain they needed, where there are livestock producers who really don't need any assistance.

What we are doing is taking away from those who need assistance to provide resources to those who don't need it by not differentiating, by not having some qualification, by not saying they have to meet this threshold.

What our amendment says is, they have to have incurred at least a 35-percent loss to be eligible for benefits, even in those counties declared disaster. There is no discretion in that regard in the Cochran amendment.

I yield 2 minutes to the distinguished Senator from Wisconsin.

Mr. KOHL. Madam President, I rise in support of the amendment being offered by Senator DASCHLE to provide much-needed assistance to our Nation's farmers who have been hard hit by a series of natural disasters, notably severe drought that has destroyed crops and harmed livestock operations in many States. Although my State of Wisconsin has not suffered the losses that most other farm States have faced these last 2 years, wise, Wisconsin farmers have been hurt by natural disasters in the past and probably will be

again in the future. And until we come up with an agriculture policy that protects farmers from ruin when drought, or floods, or tornadoes, or disease strikes, Wisconsin will stand by other farm States as they seek disaster assistance.

Before I yield the floor to other Senators who would like to speak on this amendment, I would like to take a moment to briefly comment on the fiscal year 2003 appropriations bill for Agriculture, Rural Development and Related Agencies. First I commend Senator COCHRAN on the job he has done, given the tough fiscal restraints he was facing. It is never easy to cut funding and balance multiple priorities, and I believe Senator COCHRAN has done good work, given the circumstances.

However, there are two items that have been taken out of the bill as it was originally written, which I believe warrant mention, and reconsideration.

The bill before us no longer funds an expansion of the Summer Food Service Program. This increase would have expanded to all 50 States a successful 13 State pilot program to streamline the process of setting up a summer feeding site. A report released this summer found that the 13 pilot States increased their participation in the SFSP by 8.9 percent between July 2000 and July 2001. Participation in the rest of the Nation decreased by approximately 3.3 percent during the same time period. I have an amendment to restore the funding for this important program.

I also have an amendment to fund a program authorized in the 2002 Farm Bill and funded in the Agriculture Appropriations bill passed out of committee last July. The program, initiated by the Girl Scouts of the USA, Boy Scouts of America, National FFA Organization, and National 4-H Council, allows these experienced and very successful youth organizations to increase their presence in remote rural communities. As we pare back on funds for education and other federal initiatives for our children, we should not also cripple private efforts to bring programs like Girl Scouts, Boy Scouts, 4-H and Future Farmers of America to our underserved rural youth.

Again, I thank Senator COCHRAN and his staff for their hard work. Overall, I believe this is a good bill, and I look forward to working together to try and restore the items I just mentioned in a fiscally responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Nebraska, Mr. HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Madam President, I rise in support of drought disaster aid for America's drought-stricken agricultural producers and to support the Cochran amendment to the omnibus appropriations bill.

I wish to also express my thanks to Chairman STEVENS, Chairman COCHRAN, and their staffs for their hard work and especially for finding the necessary critical funding to offset the spending in the bill.

Those of us in drought-stricken States have known for many months that our farmers and ranchers needed assistance. Unfortunately, in a year when 80 percent of U.S. counties were declared a disaster, the House and Senate adjourned last November with neither Chamber having passed 2002 drought aid.

There is no doubt that disaster relief is justified. In Nebraska, only the Dust Bowl years of 1934 and 1936 were dryer than what the State experienced last summer. Since autumn, conditions have only worsened throughout much of the Plains, as well as most of the West and Southwest. This has been one of the driest winters in these regions in more than 100 years.

Nebraska officials are becoming increasingly concerned about irrigation resources for the upcoming growing season. The water level at Lake McConaughy, Nebraska's largest reservoir, is 60 percent below capacity.

With the Federal budget deficit projected to balloon near \$300 billion in this fiscal year, Congress must demonstrate fiscal responsibility. The days of budget surpluses are gone, but at the same time we must turn our attention to this much-needed drought assistance.

Under this proposal, the Cochran amendment, disaster payments would get more attention more quickly than under the old crop disaster formula, and we would help a larger number of farmers and ranchers.

Months ago, the President made it clear that any disaster aid for agriculture must be offset. Last week, White House agriculture adviser Chuck Conner reiterated this requirement, telling farm groups that all disaster aid proposals would be judged upon three criteria: One, cost; two, available budget offsets; and, three, whether farmers would be more self-reliant in the end. The Cochran amendment complies with the President's request.

I urge my colleagues to support the proposal of the chairman of the Agriculture Committee. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I yield 4 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I thank Senator DASCHLE for his leadership on this amendment and express my high regard for Senator COCHRAN as well. We now find ourselves in a circumstance where the drought has gone on for 2001 and 2002 across much of this country, including in South Dakota, and it has been devastating. There has been a \$2 billion loss to South Dakota's economy alone based on numbers from South Dakota State University.



There is a need for urgent relief and comprehensive relief. We had 79 votes in this body for a \$6 billion package last year. Now we find ourselves in a circumstance where we are being told about fiscal constraints and yet the White House and our colleagues on the other side of the aisle are telling us they are willing to borrow \$674 billion over the coming decade—\$108 billion this next year—for a so-called tax relief plan, but we do not have the resources for a comprehensive \$6 billion drought relief bill in rural America.

If ever there was an initiative that would stimulate the economy of rural America, it is the comprehensive \$6 billion amendment before us today, and it would fit very nicely within the context of the enormous stimulus initiative coming to us from the White House and from our colleagues.

While I appreciate the work that has gone into the alternative bill presented by the Senator from Mississippi, it is half the money. With respect to aid for livestock producers, arguably the hardest hit, \$1.5 billion would be available for livestock under the bill I support and Senator DASCHLE supports as opposed to only \$250 million under the alternative version.

By applying the AMTA payments, we wind up with gross inequities in the plan offered by the other side. In one of my counties, for instance, it is a primary disaster area, but it has been determined that just 23 percent of its 1,200 farmers have experienced crop or hay losses meeting or exceeding the 30-percent threshold that normally triggers disaster relief. That means 77 percent of the farmers in that disaster county have not experienced significant crop or hay losses but will still get an AMTA payment from the alternative plan.

Meanwhile, a rancher in a western county in South Dakota with whom I spoke this morning said his average AMTA payment is just \$250 per year because he is primarily a cattle producer. Under the alternative plan, he would receive a \$250 AMTA payment, which would purchase just a couple bales of hay, and be forced to compete with other producers for just \$250 million annually remaining for livestock producers, and that is spread across the entire country.

On top of that, under the alternative plan, producers must pick drought payments from 2001 or 2002, but not from both, and there is concern over a \$10 million grant for Texas farmers and \$50 million carved out for cotton as opposed to the comprehensive crop loss coverage under the Daschle bill that I am cosponsoring.

Simply put, the amendment I have cosponsored provides real, comprehensive aid to crop farmers and livestock producers who suffered actual losses to the drought or other natural disasters. The alternative plan provides aid to producers regardless of loss. It simply is not fair.

It ought to be apparent which bill provides the real assistance and real

relief. We are seeing a hemorrhage of farmers and ranchers off the land. It hits the youngest producers worst. Those least capitalized are least able to sustain their operations throughout all of this crisis. We have rancher after rancher who have liquidated their animals. Young people are leaving the land. We are falling below the critical mass of population in many of our rural areas to sustain basic rural institutions.

At a time when this body is debating economic stimulus, I can think of no other initiative that would do more for rural America than this \$6 billion drought bill in the context of the \$108 billion that has been proposed by the White House as economic stimulus for this year alone.

It makes sense for this initiative to pass now. I ask support of the Daschle amendment.

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

Who yields time?

Mr. COCHRAN. Madam President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Madam President, I thank Senator COCHRAN for all his amendment does to deal with the drought and the severe crises in the agricultural community in our country.

I want to specifically speak about a part of this amendment that affects my home State and thank him for the support he has given to the farmers who live in south Texas and who are suffering because Mexico has refused to meet its requirements under the 1944 water treaty with the United States.

Farmers, families, and communities in the Rio Grande Valley of Texas have suffered devastating economic losses due to Mexico's refusal to comply with this treaty. The treaty obligates Mexico to allow an average of 350,000 acre feet of water to flow into the Rio Grande River annually for the United States, while obligating the United States to allow an average of 1.5 million acre feet of water to flow to Mexico from the Colorado River.

Even during the hardest times, since 1944 America has strictly complied with its obligations under the treaty of 1944, but Mexico has accrued a deficit of 1.5 million acre feet. Mexico claims that drought conditions in Chihuahua prevented it from releasing Rio Conchos water into the Rio Grande. However, Mexico's agricultural production in Chihuahua has blossomed.

Recent reports by Texas A&M University's Extension Service, accompanied by NASA satellite photographs from the University of Texas, document Mexico's increased use of irrigation water to promote high value water-dependent crops such as corn, oats, forage, and vegetables in the state of Chihuahua. We can see from this satellite photograph the Madero Reservoir's water storage is at 14-per-

cent capacity on June 25 of 2002. Even during the low 14-percent water storage, Mexico continued to irrigate its fields. However, two months later, August 28, 2002, the Madero's water storage has risen to 75 percent of its total capacity and we still couldn't get Mexico to comply with the treaty and fully deliver its water obligations to South Texas this year.

We cannot stand by and allow our farmers and ranchers to suffer because an international treaty is not being met. This satellite image clearly shows Mexico is holding the water it owes the U.S. While its reserves are full, Mexico only delivers the bare minimum this year. Furthermore, Mexico is making no effort to repay its debt. I find it incomprehensible that Mexico would not even comply this year when it clearly has the water available.

Mexico's domestic agricultural production is flourishing with U.S. treaty obligated water while the Rio Grande Valley in Texas is suffering from a decline of more than 100,000 acres of farmland, nearly a \$1 billion net loss to the regional economy and 30,000 lost jobs.

Many agricultural operations have been forced to go out of business and many are expected to fail unless the United States can resolve this issue immediately. Agricultural production and its allied industries are the economic engines of south Texas. It is one of the few weapons that south Texas has to combat—unemployment and poverty. The United States cannot afford to stand by and allow Mexico's destruction of an American industry and the communities and people whose survival depend on it.

Mexico needs to change its water management practices. I have urged the President to press Mexico to immediately comply with its obligations, and the President has done so. He has repeatedly talked to the President of Mexico, as have I, and many others. If Mexico continues its refusal to comply with the 1944 water treaty, I think the United States must consider renegotiating this treaty with Mexico and taking into consideration the 1.5 million acre feet of water that we are sending to Mexico every year from the Colorado River.

Texas has suffered severe losses and the Rio Grande Valley's economic viability and livelihood depend on this water. The United States has a duty to either force Mexico to deliver the water to South Texas or compensate Texas families who are paying the price for this abrogation of the treaty.

Senator COCHRAN's amendment has \$10 million that would be available for grants through the Texas Department of Agriculture—

The PRESIDING OFFICER. The Senator has used her 5 minutes.

Mrs. HUTCHISON. To help these farmers stay in business. I thank the Senator for helping us get through this hard time while we try to make Mexico keep its commitments.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank the Democratic leader for this time to speak about the need for disaster relief, and I commend my good friend and colleague from Mississippi, the chair of the Senate Agriculture Committee, for bringing forth his proposal.

The debate today is not simply about disaster relief. It is about economic stimulus, and it looks to me as if the debate has already begun. Part of the stimulus package will involve tax cuts. Obviously, for a State such as Nebraska, tax cuts can be helpful, but to many farmers and ranchers who have no taxable income, who are about to lose their farms, who are about to lose their ranches and everything they have owned and that has been in the family for generations, a tax cut simply is not going to be enough.

That is not an argument against the tax cut. It is an argument real stimulus. It is an argument in favor of disaster relief.

Let's put a face on this problem. Let's go to southwest Nebraska, my home area, not far from Saint Francis, KS, where the distinguished Democratic leader's wife hails from. Randy Peters, who lives on his family farm that has been in the family for generations, when I say, look, we are getting you tax cuts, he will say, I appreciate that, Senator, that is nice. I then say, maybe part of the package will be eliminating the taxes on your dividends, and he says, that is great but, Senator, but the problem is that right now I do not have any taxable income. I spent all my savings on the farm and so I do not even have any dividends to be sheltered, and besides they are raising my taxes in Lincoln. What can you do to help me?

I say to him and I say to my colleagues, the best way we can help those who are experiencing the ravages of this drought is to simply move forward and pass enough in disaster relief to take care of the problem.

I have heard, and I suspect it will be suggested, that something is better than nothing. I agree, something is better than nothing, but in this case, something is just not good enough. We ought to be talking about how we are going to do something that is good enough to take care of those who are having this unfortunate experience we are seeing today.

There seems to be no relief in sight from the drought. Every forecast, every suggestion for the future, indicates an indefinite drought, but there can be financial relief if we will step forward and make sure we provide for enough, not less than what is required.

As we debate the whole area of economic stimulus, I hope we are not going to be in a position where we say

to the White House, we know something is better than nothing and they know something is better than nothing. But we are not going to be able to do everything that is necessary because if we are going to require offsets consistently whether it is disaster relief or other spending, then I suppose the question has to be raised: Where is the offset on the stimulus package? If that is the case, maybe there is not enough. Something, of course, is better than nothing.

I do not want to make that argument then, and I do not want to hear that argument now, because something is better than nothing, we understand that. But when it is not good enough, we ought to strive towards making sure we can look Randy Peters and the family farmers and ranchers across this Nation who are experiencing these challenges in the eye and say we have done what we can do and it is not just a half a loaf to feed you for a very short period of time. Let's do enough to make sure we take care of our agricultural needs for the future.

There is not a better way to take care of rural America than to make sure our farmers and our ranchers do not lose their farms and ranches as an experience of this drought that continues today. It is not over. I have termed it "Drought David" as one way of getting it some attention so it has an identity. What I want to do is make sure we take care of those farmers and ranchers whose identity may be a little bit unknown in the hallowed Halls of the Capitol but whose pain is being felt.

The PRESIDING OFFICER. The Senator has used 4 minutes.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 3 minutes to the distinguished Senator from Wyoming, Mr. THOMAS.

Mr. THOMAS. I rise to support this disaster assistance, one of the things that is most important for us to deal with in the area I come from.

I thank the chairman of the committee for putting this bill forward and going back and making it fit the need. We have to send relief to people who have had real disasters. I thank also the Democrat leader for his work. He has worked on it for some time.

We do need, of course, to have balance in our spending. We need to have some control. We know that. We have to be reasonable about how we do that.

In Wyoming, this is probably the third year of drought. Fortunately, up until this last year, we generally had runoff and the irrigating systems worked reasonably well. This year that is less the case. We do not have the kind of storage we have had in the past. We need to deal with this issue.

In Wyoming, livestock is at least equally important as the crops. We need to adjust that, which has been done here, to make sure livestock is recognized as well.

We have had natural disasters throughout the country. We have had

tax relief. That is good. But in many cases tax relief is not sufficient because there is no income to tax. We had a farm bill this year which changed things. We had an unworkable insurance program. We need to do something about that so it does work.

We also now have a farm program that is based on loans for crops. If you do not have a crop, you do not benefit from the farm program. That has been difficult.

I am pleased we do have an option. We did have a year ago the opportunity and did vote for a disaster bill at that time. Frankly, it seemed at the time and still seems that it is very unlikely to pass. We have to have some results as opposed to just talking about it. That is what we are talking about, something that we can complete for the people throughout the country.

This bill is a good bill. The Cochran amendment moves the money quickly to those who need it. It goes to those who are needy and have had losses. That is very important.

It does include livestock. We need that, certainly. Also, it is the kind of budget recognition we need. It has an offset. I urge our support of the Cochran amendment.

Mr. DASCHLE. I yield 4 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Madam President, I hope my colleagues listen to what I have to say. We all are talking about the need for disaster assistance. That is undisputed. There are provisions in the Cochran amendment which do partially address natural disaster, particularly drought disaster, in our country. I say partially. That is wonderful. That is fine.

I am quite confident the provisions that have helped Texas producers are needed. I also understand in some parts of the country a natural disaster occurred, say, in 2002—not 2001. And the amendment before the Senate, the Cochran amendment, provides 1 year, for 2002. I can understand why some of my colleagues are in favor of the Cochran amendment because it helps them, it helps their producers.

Madam President, I can understand why there are tobacco provisions in the Cochran amendment. I am sure the producers in North Carolina and South Carolina will get significant benefit from the tobacco provisions. For all I know, it is well intended and deserved and they should have it.

We are talking here about a natural disaster. Mother Nature does not pick and choose years—2001 or 2002. Mother Nature does not choose which parts of the country it will affect or not affect. Mother Nature does not choose which farms in a certain county will be hit by disaster and which farms in the county are not hit.

I start with the good news. Fortunately, the Cochran amendment provides assistance to those parts of America that have experienced natural disasters. That is good.

Unfortunately, the Cochran amendment does not provide assistance to those other farmers who have experienced disaster in a different way, those who got hit by disaster in 2001. Nebraska is 2002. Kansas is 2002. My State of Montana is 2002, but it is also 2001. There are several years of disaster.

The amendment offered by the Senator from South Dakota is designed to help fairly producers across the country who have experienced natural disasters, irrespective of where they are, irrespective of whether they are in a certain county which on average may have 35-percent loss or not.

The Cochran amendment is unfair. It helps some producers who have not experienced disasters. That is wrong. The Daschle amendment helps producers who have experienced disasters. That is fair. That is right.

I only wish the Senators from Mississippi, North Carolina, and other Senators would come to the high plain States and see what a disaster we have. It is sad. It is stunning. It is despairing. It is so sad, looking in people's eyes. Thousands are leaving their places; they are drying up. It is worse this year even than last year, thus far. It may rain some more; we do not know.

We, across America, have a big heart. We help Americans who need help. We have helped those who have experienced hurricane losses. We helped those with earthquake damage, say, in California or New York in the Trade Towers. We knew intuitively that is what you do.

I say to my colleagues and all those who are helped, remember those who are not sufficiently helped.

To sum up in one sentence, we are talking about a few billion. That does not affect the outyear budget deficit. We can always make adjustments. We are all concerned about the deficit. Help our people who need help. In many parts of our country we need help desperately. I urge colleagues to put aside the partisanship and do what is right for America and vote for farmers who need the help, help offered in the amendment of the Senator from South Dakota.

Mr. COCHRAN. Madam President, I yield 10 minutes to the distinguished Senator from Kansas, Mr. ROBERTS.

Mr. ROBERTS. I thank the distinguished chairman of the Senate Agriculture Committee for yielding time to me.

Everyone understands, on a bipartisan basis, I say to the distinguished Senator from Montana, that we are not in very good shape with regard to farm country. It does not matter if you have been hit by hurricane, flood, or record-breaking drought.

Last spring, I warned this is exactly what would happen because the current farm bill was structured to provide assistance to producers when they had a crop, but left them dangling in the Kansas, Wyoming, Nebraska, and Montana wind when there was no crop to

harvest, not to mention other parts of the country suffering these kind of weather disasters.

It seems to me, and maybe I took it a little personal, we will not get into partisanship because we have to accomplish some degree of relief, but I was criticized on the floor of the Senate last spring. They said I didn't know anything about agriculture because producers with high prices are just fine and need no Government assistance.

Well, as everyone here knows, with the wheat, sorghum, corn, and soybean prices have experienced the highest levels in the last few years, but like most of the producers in Kansas or throughout the Great Plains or in other sections of the country, it does not do much good if all the producer had to harvest was a dust cloud. Prices are high because the drought cut production and supply.

What are we going to do about this? We heard that we have one approach that is \$6 billion. I question that, really. Not in regard to the intent of the distinguished Senators who brought it forward, but if my second-degree amendment to the \$6 billion bill as of last year was \$2.9 billion, an amendment that was not allowed because of some parliamentary maneuvers, now costs \$4.03 billion, I have to assume that the \$6 billion is probably closer to \$7 billion or \$8 billion.

But that is not really the issue. The issue is the chairman of the Agriculture Committee really brought forth this amendment and worked with many of us to ensure that we are directing the bulk of assistance to those areas that have actually experienced the crop losses in recent years.

This past year in Kansas, we have really gone through a very difficult time. Kansas State University estimates the crop losses in the State at over \$1 billion. Thankfully, these have been partially offset by \$406 million in crop insurance indemnity payments. That is the other half of the equation, and yes we had to improve the crop insurance program in 2000 but thank goodness for that.

But the losses are very substantial. Livestock losses total over \$300 million in Kansas; 26 percent of pasture conditions are rated poor to very poor. We have seen a winter, in many parts, the driest on record. And net farm income is forecast to be approximately \$10,000. When all is figured in for 2002, this is estimated to represent a shortfall of about \$35,000 in simply meeting family living expenses.

On top of all this, the total government payments on the 2002 crop were estimated to be 60 percent less than received in 2001.

That is right. Under this farm bill described by the other side as the best farm bill ever—the greatest farm bill ever, pardon me—our Kansas producers have seen a drop of 60 percent in government assistance because it is a price support program. We have high prices but no income support. That is why we

are back again, despite the predictions that we would not have another disaster bill.

I heard from many bankers who say there will be no next year for many of our producers unless we grant relief. You know, you can't take issues and promises to the bank. That is what we have. Issues do not pay bills. Promises do not pay bills. Debate will not pay bills. We need to give them hope and an assistance package that can actually pass.

Everyone here knows that the House of Representatives will not pass the proposal that has been put forth by my good friends on the other side of the aisle. It will not pass the House. There are many reasons for that: Budget reasons, any other reason you can come up with. Some sections of agriculture who do not want to open up the farm bill. It will not pass the House. It will not be signed into law by the President of the United States. That is a given.

We can argue the merits of that and the politics of that. We did all last year. But now is not the time to keep arguing about that. Put politics aside. It is not the best bill that I could possibly write or that the distinguished Senator from Mississippi could write, but it is a bill that will be passed by the House and signed into law by the President.

As I said, the amendment is not perfect, but it does give them hope. It targets assistance to those areas which were actually declared a disaster area. It provides vital livestock assistance that will aid producers throughout the country. It provides assistance for specialty crops. And it does replenish some of the section 22 account so these funds can be used for nutrition programs and purchase programs for specialty crops and the meat sector.

It doesn't bust the budget; it is paid for. It doesn't take any money out of the agriculture baseline.

The back of the envelop math is \$190 million for Kansas. I don't know what it is for the other States that are represented here on the floor. But it is substantial. Is it enough? We can argue that all day long. But this is a decision whether we have \$190 million that goes to Kansas, hard-hit Kansas producers and livestock producers, or nothing. So that is the issue.

Coming pretty close to the truth is coming pretty close, but it is still not the truth, and that is the truth. We could have an issue or a bill. Our farmers are sick and tired of being sick and tired. It may well be that if it doesn't rain, we will be back here again later on this year to try to fix the farm bill, do some technical correction, or come with additional assistance. I don't know. But right now you had better pass this \$3.1 billion package put together by the distinguished Senator from Mississippi and backed by some of us who want something as opposed to nothing. That is the way it is.

I yield the floor.

Mr. DASCHLE. I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a very disappointing debate. It seems to me, at least, in this Chamber these days, when the big interests have something they need to move through, it moves through like a greased pig, no problem at all. Today we are talking about family farmers. It is a little more difficult.

It is interesting to me to see people who, last year, with 79 votes, many of them participating in the 79 votes to support nearly \$6 billion in relief for family farmers—help for family farmers to offset the disasters they faced—now are saying somehow that is ill advised. They say the President wouldn't sign this. I will tell you this. The President cannot sign a bill he won't get. The quick way to decide the President won't get a bill is to decide he won't support the \$6 billion that is needed.

I have heard this "half a loaf" nonsense forever—a half a loaf is better. The fact is it is only a half a loaf when it comes to the little guy. I am talking about people who raise families and raise food out on the family farm. They live under the yard light, take all the risks and hope it rains, but not too much, hope the insects don't come, hope the crop disease doesn't come, hope it doesn't hail, and hope, if they get a crop, they are able to sell it at a decent price. They take all those risks, and then a disaster happens.

Let me show this disaster. This chart shows widespread extreme drought in a significant part of our country. This poster shows two different scenes in my State. This farmer is standing on farmland, but of course you can't grow on farmland inundated with water. In the same State, this farmer stands on ranchland with not a bit of vegetation. It looks like a moonscape.

Is this a disaster? Half a loaf? We can't afford to do what is necessary? Watch the talk here in this Chamber when it comes to tax cuts for those at the top of the income ladder. The sky is the limit. We don't have to offset that. Borrow the money. Give them more tax cuts. When it comes to the families out there trying to make a living, hit by a disaster they didn't cause, all of a sudden we hear all this refrain: What about an offset? What about an offset?

I know where this comes from. It comes from the White House. The President doesn't want to sign this bill. He came to my State and said to family farmers: When you need me, I'll be there. We need him, and he is not there. I think we ought to send him a bill that doesn't represent the half a loaf.

We have two choices today. One is the bill the Senate has already passed by 79 votes. If the same people who believed disaster relief was needed then

still feel the same way about family farmers, then we will pass this amendment. But if you believe we really can't do that because we need to make room for tax cuts for upper income folks—which are not offset; we will borrow the money for that—if you feel that way, if that is the choice you want to make, then don't vote for this; vote for the Cochran amendment. But I tell you, it is disappointing.

Good enough. You know. Throw somebody drowning under 20 feet of water 10 feet of rope and say: I am being a good Samaritan here. It is not being a good Samaritan, in my judgment, for the policy choice to say those economic All-Stars—who live on America's farms, who produce food for a hungry world—are not worthy, when it comes to disaster, to get the full measure of support from this country for what they do.

The operative question is, Do we want family farmers in our future? Do we care about who farms? Some don't. Some say the agrifactories can produce milk—4,000 cows a day 3 times a day—farm the entire county, get \$25 million from a farm bill that pays the big interests.

It is not what I want to be doing. I want this Congress to recognize that when disaster strikes family farmers, we stand with family farmers. We want to help. Why? Because we want a future in which families can live on the land in this country and raise food for a hungry world.

I just do not understand at all. There are people watching this debate today, who have just spent time with their bankers and their lenders, who are not going to be able to go into the field next spring, who are going to have to sell their livestock if we don't pass good disaster relief, if we don't pass the kind of disaster relief that is available in the amendment we have offered.

They wait, wondering: Will I be able to continue to farm? They call our offices, and some weep, saying: We have done this all of our life. We are not frivolous in spending money. We have done the best job we can, and we are going broke through no fault of our own. The drought has devastated our family, devastated our farm, and we need help.

In previous years, this country has said: In these circumstances, let us lend a helping hand. Let us extend our hand to say we care about you and we want you to remain on the family farm. The only way that is going to happen is if we pass the bill introduced by my colleague, Senator DASCHLE, and others of us, to make this disaster relief work for family farmers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Idaho, Mr. CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank the chairman of the Appropria-

tions subcommittee, Senator COCHRAN, for working with all of us to reshape the legislation to fit those and to compensate those and help those who truly have lost through disaster.

That is exactly what the Cochran amendment now does. In so shaping that, we are also able to fit in those livestock farmers and ranchers who lost grazing and need some more assistance for food supplementation and hay supplementation for their livestock. We already provided them in October with substantial assistance. This is in addition to that.

I am not a midwesterner. I can't talk about the extent of the drought down in the Midwest as my colleague from North Dakota just did. But I can tell you that the 44 counties of Idaho which are split by two time zones, three air sheds, and three different moisture patterns did rather well this year. With commodity prices up, they are doing better than they probably had anticipated they would at the beginning of this crop season a year ago. But 27 counties did experience extreme drought conditions. They do mostly irrigation there. The pastureland and the grazing lands there were badly damaged and livestock had to be brought in early. High-priced hay had to be purchased to feed the livestock in order to sustain or maintain the family operation. That drove up the cost of hay for the dairy farmer. While none of this goes to the dairy farmer, his costs of operation have gone up substantially.

What I think we have to recognize is what we do is a balance in the first instance. What we ought to be doing is dealing with those who truly experienced loss through natural disaster, as the Cochran amendment now does. That is what is important. That is what we ought to be about.

We have a farm bill that some of us voted for and some didn't. I can tell you it is probably not the farm bill I would have written. But we now have it. There are those in the Chamber who will claim it is their work product and that we are working to implement it and make it work. We ought not just be constantly adding to it and having it become the second largest income source for American agriculture. It doesn't work very well if we are the ones who they end up depending upon mostly. But when a natural disaster strikes—whether it be a drought or a hurricane or too much water and a flood—that is what we do best. And that is what we ought to be about.

That is exactly what the Senator from Mississippi and I and others are attempting to address in the Cochran amendment. Yes. Money will come to Idaho—not as much as to others. But I believe this is a balanced and appropriate way to deal with a bill that will get to the President's desk and that will be signed.

Mr. LEVIN. Mr. President, I would like to express my support for the amendment that has been introduced

by our distinguished Democratic leader. This amendment reflects the disaster assistance packages that the Senate passed three times last year, but in each of these cases the House of Representatives failed to go along with these measures. Most convincingly, this amendment last passed the Senate by a vote of 79-16. I cosponsored that amendment as well because it provided much needed assistance to our Nation's farmers who have suffered significant crop losses during the past 2 crop years. Farmers throughout the Nation have suffered great losses, and farmers in my home State of Michigan have been among those who have suffered most.

Two years of statewide crop failure have threatened the viability of many of Michigan's farmers, and this amendment strives to address the losses suffered by growers in the 2001 and 2002 growing years. Over the past 2 years, some farmers faced early warm temperatures followed by freezing conditions. For others, torrential rains came early in the growing season and were followed by long droughts. Still other farmers faced drought conditions at the start of the crop year and heavy rains at harvest time.

Last year, USDA Secretary Ann Veneman recognized the atypical weather conditions that greatly diminished crop production in Michigan by designating all of Michigan's 83 counties as disaster areas. If that was not bad enough, Secretary Veneman designated 82 of Michigan's 83 counties as official disaster areas in 2001.

Michigan is one of the Nation's most diverse States in terms of the sheer breadth and number of crops grown in it, and growers of many crops have been affected by adverse weather conditions. Total losses for Michigan farmers for both 2001 and 2002 are roughly estimated at \$314 million. For 2 years, I have met with many farmers who want to know if they will receive assistance. Assistance is what farmers in Michigan and throughout the Nation need.

Last year, cherry farmers in Michigan lost upwards of 95 percent of their crops, a level that threatens to devastate Michigan and the Nation's cherry industry, given that Michigan produces over 70 percent of the tart cherries in the Nation. Last summer, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst that the industry had ever suffered since crop records have been kept. Additionally, 80 percent of all Michigan apple farmers have lost upwards of 40 percent of their crop this year.

In 2001, farmers in just one area of Michigan, which is one of the leading dry bean producing regions in the Nation, lost 85 percent of their bean crop. Due to severe drought, bean growers who export every other row they grow, lost 85 percent of their crops.

Across the state, in the southwest corner of Michigan, Labrusca grape

growers lost 80 percent of their crop and they suffered similar losses this year. While the losses suffered by bean and grape growers are particularly severe, they are not the only crops to have suffered drastic losses.

Approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach, and asparagus crops, which are often grown on the same orchards as apples, will be greatly decreased. Orchard communities around the country have been devastated. Orchard operators still have very high operating expenses even if they do not harvest a crop. Orchards must be tended to all year long. Activities such as pruning and spraying are expensive to conduct, but they must be done even when there is no crop.

As farmers have left the business, small businesses and cooperatives that have been around for generations have also gone out of business, and local governments have lost significant tax revenue. This assistance will allow many growers to reduce debt and get private bank or USDA loans for the next growing season. This assistance for will give farmers the shot in the arm they need to recover from several years of low prices. This aid is the economic stimulus package for rural America.

Our Nation's farmers have not shared in the prosperity which many Americans have experienced over the past decade. No one, least of all America's farmers, likes the fact that annual emergency agriculture supplementals have seemingly become routine.

Yet, we must provide this assistance if we are to address the problems facing farmers throughout the Nation. Several growers have told me that the crop losses they suffered this past year were so severe that without emergency assistance they will most likely lose their farms. This assistance is not the answer to the problems facing our farmers and rural America, but it is an important part of an effort to keep families on their farms. I thank the Senator for South Dakota for his efforts in offering this amendment.

Mrs. CLINTON. Mr. President, I would like to express my support of the amendment introduced by my colleague, Mr. DASCHLE, because it provides emergency disaster relief to farmers. During the past 2 years, Mother Nature has not been kind to farmers and bad weather has devastated their crops and threatened the survival of family farms.

New York State experienced statewide drought this past growing season. Farmers across the State have struggled with lower crop yields and higher feed prices for their livestock. Fifty-five counties in the State have been designated as primary disaster counties by the Secretary of Agriculture, which includes all of New York's agricultural counties.

But in New York, crop damage has not come solely from drought. Unsea-

sonably high temperatures in the spring followed by frost and hailstorms have devastated specialty crops such as such as apples, peaches, pears, grapes, strawberries, stone fruits, onions, and cherries. And the disasters have not just been limited to the 2002 crop year—many farmers in New York were also hurt because of adverse weather in 2001.

The unfortunate result of this disastrous weather is that a large percentage of these farmers, particularly those that produce specialty crops, are bordering on financial ruin. I have met with the farmers and growers of New York, and their stories are heart-breaking as they talk about bankruptcy and selling off their family's farm. For many specialty crops, adequate crop insurance that would cover more than catastrophic losses is not available. Crop disaster relief is truly needed to keep these farms going as well as the rural economies that they support. Time is running short for these hard-working families in New York, and they need our help.

The funding that Senator COCHRAN has proposed would give our farmers in New York and across the Nation the relief they need. While it provides a total of \$100 million for specialty crops, these funds are not focused on those who have incurred weather-related losses. In 2002 alone, New York's apple growers sustained damage of over \$80 million. The amount provided by Senator COCHRAN is not enough to address these losses and the tremendous needs of other New York crops—such as Labrusca grapes, peaches, pears, strawberries, stone fruits, onions, and cherries. And this says nothing to the financial needs of specialty crop producers across the entire country.

In addition, the amendment by Senator Cochran would not fully replenish section 32 funds that the administration took last year from programs designed to feed impoverished urban, suburban, and rural residents. Without fully replenishing these funds, the ability of nutrition and food aid programs to assist citizens in need may be compromised. New York has many in need of food aid, and I cannot stand by while this form of assistance is in jeopardy. The amendment proposed by Senator DASCHLE does address these needs, and that is why I ask my colleagues to support this emergency disaster assistance package.

I have worked with my colleagues in the past to pass legislation that would provide financial relief to farmers who have suffered losses due to natural disasters in 2001 or 2002. I supported the farm bill last year which included disaster aid. I cosponsored S. 2800, a bill that would provide emergency disaster assistance to agricultural producers. And I cosponsored the crop disaster amendment to the Interior Appropriations that passed with 79 votes.

In the 108th Congress, I have cosponsored S. 21, which would again provide emergency disaster assistance to agricultural producers as well as restore

section 32 funding. And I support Senator DASCHLE today, in his continued efforts on behalf of this Nation's farmers who have suffered disaster, our rural communities who depend upon farm incomes, and those in this Nation who are hungry.

Mr. KERRY. Mr. President, I would like to voice my support today for Senator DASCHLE's amendment which provides emergency disaster assistance for crop and livestock producers who have suffered losses during the 2001 and 2002 agriculture production years due to natural disasters.

For U.S. farmers and ranchers, the current production disaster is multifaceted. In many areas, drought has decimated crops and has reduced water supplies available for livestock. In other regions, farmers are experiencing crop destruction and reduced yields and quality due to flooding and an increased incidence of crop pests and diseases. Especially hard hit are the specialty crops such as apples, cherries, and grapes in the Great Lakes region, the Eastern States and the Pacific Northwest that suffered frost, freeze, and drought damage this season and adverse weather in 2001.

The negative economic impact of natural disasters to American agriculture and rural communities continues to grow. In my home State of Massachusetts, the cranberry industry suffered \$10 million loss in 2002 from drought alone. The situation across the Nation is the same: our farmers are in trouble and Congress needs to step in and provide assistance.

It is for those reasons I support the Daschle amendment. Unlike the Cochran amendment, it provides equitable disaster assistance to those producers—crop and specialty crop alike—who were impacted by disasters.

Mr. ENZI. Mr. President, I rise to speak in support of the Cochran amendment. This package is the result of a concentrated effort to provide speedy and targeted assistance to agricultural producers who have suffered from drought and other disasters.

At \$3.1 billion, the size of this package is not as large as what I have supported in the past. But the time has come to support and pass assistance in the Senate that our agricultural producers actually receive. The Senate passed drought assistance numerous times in 2001, but each time the provisions were stripped by the House.

Today we have an opportunity to pass desperately needed drought assistance that for the first time has a good chance of landing in producers' pockets and not in the trash can across the street. The President has consistently asked that drought assistance be offset and that it be budget neutral. This amendment is budget neutral.

The Cochran amendment targets assistance to producers in counties that have been declared primary disaster areas. It uses a mechanism to distribute the assistance that will not burden the FSA with another long sign

up period and excessive paperwork. It is an improvement over what is currently in the omnibus bill because it specifies \$250 million for the Livestock Assistance Program.

The Cochran amendment specifically benefits Wyoming producers in a number of ways. The amendment reimburses producers in my State that grazed their own Conservation Reserve Program acres this fall for the 25 percent reduction in their CRP payment. The amendment also provides \$80 million to sugar beet producers who have suffered production losses in the 2002 crop year. Many of those sugar beet producers live in my State. I know they will be grateful for the assistance that will help them maintain a number of sugar beet cooperatives.

Wyoming's current drought situation is serious. Because the need is so great, I will support the Cochran amendment. It is better to provide a simple meal to a starving man than promise a feast and not deliver.

I urge my colleagues to support the Cochran amendment and responsibly provide drought assistance to the people who have waited so long.

Mr. BAUCUS. Mr. President, last week, I saw that \$3.1 billion was included for drought assistance in the omnibus funding bill. It was a good way to start the day, until I started to dig deeper. Montana producers will not receive meaningful relief from these funds.

I am fighting today for full funding for both 2001 and 2002 for the crop disaster program, livestock assistance program, and the American Indian livestock feed program that 79 Members of the Senate agreed to on September 10, 2002.

I have spent a lot of time visiting producers on their farms and ranches in Montana. And each time I am stunned by the desperation in their voices and in their eyes, stunned by the way the winds are blowing away their topsoil and their herds are getting smaller and smaller.

I cannot stress how important it is that we quickly pass meaningful drought disaster assistance. The unrelenting drought in Montana has brought economic hardship to our agriculture producers and our rural communities.

The same way we use emergency funds to rebuild communities hurt by tornadoes and hurricanes, we should use emergency funds to rebuild our communities hurt by drought. There is no reason that a double standard should apply to agriculture.

And the situation has become even more devastating, since many of these regions are suffering their third, fourth, or fifth year of consecutive drought conditions.

According to the New York Times on May 3, 2002, "In eastern Montana, more than a thousand wheat farmers have called it quits rather than trying to coax another crop out of the ground that has received less rain over the last

12 months than many deserts get in a year."

It is anticipated that another 1,300 Montana wheat producers will call it quits if disaster assistance is not provided.

The effects of the drought have gone beyond our farmers and ranchers. Businesses are closing their doors, employees are being laid off, and main streets are literally drying up.

According to Dale Schuler, past president of Montana Grain Growers and a farmer in Choteau County, MT, nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. That is an area the size of Delaware. "Farmers and our families have not had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year."

Dale added, "Chouteau County is the largest farming county in Montana, and yet our last farm equipment dealer had no choice but to close his doors, our local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers. I believe that we are set to see a mass exodus from Montana that has not been seen since the Great Depression of the 1930's."

On September 3, 2002, the Wall Street Journal printed an article that stated that, "the U.S. may be looking at the most expensive drought in its history, inflicting economic damage far beyond the Farm Belt."

Loans have been made with the understanding that Congress was going to provide disaster assistance because as a country and a Government that is what we as Americans do. We rush to provide assistance to victims of hurricanes and tornadoes. As we all know, that is not what has occurred with the drought.

Now we have bankers who are desperately trying to not call loans due and producers who are desperately trying to scrape enough together to make the bank hold on just a little longer.

Producers are considering selling parcels of land or pieces of equipment that they have considered vital to their operation. They will do it if it means that they can keep the farm or ranch that their family has been working for generations. Scraping that money together has never been more difficult as most of the potential buyers are in similar financial straits.

The devastation of this drought does not end at the front door of our rural homes. The enormous economic toll of this relentless drought on our communities will take years to recover.

However, the toll on our rural families is irreparable. Incidents of domestic abuse, suicides, and alcoholism have increased significantly in the past 2 years. We must not continue to let our inability to uphold our responsibilities cripple rural communities any longer.

We cannot and must not continue to ignore the impacts of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as

deserving of assistance for their suffering from the drought as the small business owner in Louisiana suffering from a hurricane.

I cannot urge more strongly my colleagues in the House and Senate to work together to pass full funding for natural disaster assistance for both 2001 and 2002. I, again, ask the President to live up to the words he spoke almost a year ago when he said that the agriculture economy is vital to the national economy. It is vital that we pass agriculture disaster assistance immediately to help our producers, to help our economy, and to help our Nation.

Mr. TALENT. Mr. President, I rise today in support of the agriculture disaster assistance funding included in the fiscal year 2003 omnibus appropriations bill. The farmers and ranchers in Missouri have suffered through bad weather and depressed prices, threatening their ability to stay in business. Agriculture is the cornerstone of the Missouri economy and I am pleased that the Senate was able to provide much needed assistance to these producers.

Over the past 3 years, the agriculture community has faced droughts, flooding and insect infestations that have damaged yields and reduced profits. This package provides a responsible level of assistance to those who have suffered or continue to suffer substantial losses as a result of natural disasters.

After months of political maneuvering, the Senate finally passed a new farm bill last year. This legislation provided increased economic resources, certainty, and stability across a wide range of agricultural and rural programs. However, the new farm bill is incapable of predicting and adequately dealing with natural disasters. The floods and droughts have deteriorated Missouri's agriculture production and exposed the shortcomings of these new farm programs.

I have heard from producers around Missouri. Our farmers need this additional assistance to secure their operating loans for the 2003 crop year. Agriculture producers and lenders can include this assistance in cashflow projections. This \$3.1 billion will give farmers great assistance as they make planting decisions for the upcoming crop year.

Depressed prices, falling farm income, weather disasters and unstable global markets present a host of challenges to production agriculture. This assistance, made through direct payments and the additional funds for the livestock compensation program, enables farmers in Missouri and across the country, to continue to produce the safest, most abundant and affordable food in the world.

I support this targeted disaster assistance measure that would bring great equity to Missouri's farmers and ranchers.

Mr. SARBANES. Mr. President, I rise today in strong support of the amend-

ment offered by the Senator from South Dakota to address the critical needs of our Nation's family farmers affected by natural disaster.

Over the past 2 years, farmers throughout the Nation have been devastated by periods of prolonged drought and other natural disasters. Last year, in my own State of Maryland, the drought was among the most destructive in our history. Over the summer, as I traveled through the rural areas of my State, I saw firsthand the damage that had been done. The fields were dry and the crops withered. According to the Department of Agriculture, corn production was down 42 percent from 2001 and both the corn crop and yield were the smallest in 14 years. Similarly, soybean production was down 46 percent from the previous year and the crop and yield were the worst in 15 years.

At the urging of the Maryland Congressional Delegation, the Secretary of Agriculture declared 21 of the State's 23 counties primary natural disaster areas. And, as a result, farmers in the disaster areas and the two contiguous counties became eligible for emergency loans. Unfortunately, for many farmers, taking on additional loans is just not possible.

The Daschle amendment will provide meaningful disaster relief to those farmers in Maryland and throughout the Nation. The amendment, similar to one that passed the Senate with my support and that of 78 of my colleagues in the last Congress, provides approximately \$6 billion in direct emergency disaster assistance to producers who have been directly impacted by drought or natural disaster. This amendment has the support of more than 40 farm, ranch, and rural organizations, including the American Farm Bureau Federation and the National Farmers Union.

In my view, this amendment will provide our farmers with a much needed safety net, one not included in the recently passed farm bill, that will allow them to maintain their livelihoods and their lands. I urge my colleagues to join me in supporting its passage.

Mr. LEAHY. Mr. President, I rise today to urge my colleagues to support the Daschle amendment providing emergency assistance to our Nation's family farmers suffering weather-related natural disaster losses in 2001 and 2002 and to oppose the Republican alternative.

The Daschle amendment offers several distinct advantages over the Republican alternative offered by Senator COCHRAN.

Unlike the Daschle amendment, the Republican alternative requires deep cuts in discretionary programs. And the cuts will have a dramatic impact on many Americans. This across-the-board cut would eliminate: 1,175 FBI Agents; 490 Food Safety Inspectors; 1,600 Customs inspectors, (fewer inspectors than pre 9/11); kick 2,722 children off early childhood education, (added

to original cuts totals 5,522 children); kick 224,689 women, infants and children off WIC; and leave 230,000 Veterans without medical services.

Never before has Congress insisted that emergency assistance be offset by cuts in other programs. We don't do this for hurricane relief. We shouldn't do it for drought relief.

Unlike the Daschle amendment, the Republican alternative doesn't target assistance to those who suffered from a disaster. In fact, it pays producers who did not suffer a disaster.

Historically, producers must show that they personally suffered a qualifying loss before receiving federal disaster assistance. But the Republican amendment does away with this important requirement.

So, under their proposal, if a single producer in a county suffers a qualifying loss, every producer in the county and every contiguous county will be eligible to receive a payment. It's wasteful and fails to ensure that those producers who really need the help get it.

Unlike the Daschle amendment, the Republican alternative fails to fully restore food assistance funds to the Section 32 account.

Back in September, the administration raided money set aside to buy food commodities for school lunches and our Nation's food banks to pay for the Livestock Compensation Program.

The payments to drought-stricken farmers were desperately needed, but the administration never should have taken these funds, which were specifically targeted for the hungry.

In his amendment, Senator COCHRAN recognizes the blatant unfairness of the administration's move and restored about half of the funds needed. But with our weak economy and growing food lines, now is not the time for half measures.

The Daschle amendment will put the food assistance program back on a sound financial footing, allowing soup kitchens and food banks to keep helping hungry families.

For these reasons, I urge my colleagues to support the Daschle amendment and to oppose the Republican alternative.

Mr. DASCHLE. Madam President, how much time remains?

The PRESIDING OFFICER. The Democrat leader has 13 minutes 31 seconds. The Senator from Mississippi has 8 minutes 25 seconds.

Mr. DASCHLE. Madam President, I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, following up on what the distinguished Senator from Idaho was talking about—operating costs—in a State such as Michigan, which has great diversity, we have a very large number of fruit and vegetable growers. I remember hearing from Fred Tubbs who has 40 acres of cherries. He says even



though he lost his crop and even though he had been devastated this year, he has to continue to spray. He has to continue to have operational costs as well.

My grave concern about the Cochran amendment is so many of our farmers—particularly family farmers—have been left out of this amendment. People such as Fred Tubbs have—with operating costs whether or not they have a crop.

We have two choices in front of us: The Daschle amendment and the Cochran amendment. The Cochran amendment is not a disaster package. That is very clear. There are farmers who did not have a disaster and may have had a bumper crop who will be helped under this amendment. States that have seen devastation in crops such as soy beans would be helped under this provision. But grape growers, apple growers, cherry growers, asparagus, peaches, plums—all of those fruit and vegetable growers who have been devastated in my State would not receive assistance under this plan.

There is a small provision in the Cochran amendment that would provide \$100 million set aside for fruits and vegetables. I will just share with my colleagues that in Michigan alone the fruit and vegetable losses are \$180 million. The amount in this bill is \$100 million for the entire country. Our farmers deserve better than this. We can do better.

I also indicate that the bill provides a small amount—\$250 million in the Cochran amendment—for section 32 as it relates to nutrition and the purchase of fruits and vegetables. Unfortunately, that is far less than the \$1 billion that was removed last year for livestock assistance.

Our fruit and vegetable growers were very pleased the first time we passed a farm bill last year that included them—that recognized our fruit and vegetable growers across the country. Yet we are seeing attempts at every turn to eliminate the assistance that was placed into the farm bill.

It is time for the Daschle amendment; it is time to provide needed disaster assistance for both losses in 2001 and 2002.

I urge my colleagues to do the right thing for our farmers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Minnesota, Mr. COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I thank the Senator for yielding the time.

I rise in support of the Cochran amendment. Last year when I was running for the U.S. Senate, I promised to get something done in the way of relief for Minnesota farmers. The picture the distinguished Senator from North Dakota showed is a picture that is close to the heart of Minnesotans who suf-

fered disasters. They have suffered flooding. They have been hurt. They have suffered losses.

Last year, the House and the Senate attempted to pass the Daschle legislation, but it never became law. Those two bills looked good on paper, but they never became law. They never lightened the load of one farmer. They never comforted one farm family. They never provided a single auction.

When I ran for the Senate, I promised to get to work to get something done for disaster relief for Minnesota farmers. I never promised to vote for something that everyone knows is going nowhere, and then shrug my shoulders and say: Gee whiz, I tried. I promised to shoot straight for the people back home and to be honest about what I think can be done and then help it become law. No one believes the alternative disaster package now scored by the Congressional Budget Office at nearly \$7 billion has support to become law. I think it is irresponsible to raise hopes and expectations to that level.

I was elected to get something done. I have some serious concerns about the \$3.1 billion disaster package in the Cochran amendment. In my view, the help provided in this bill needed to be better targeted to farmers hit by disaster. I was among a number of Senators who expressed concerns to the chairman of the Agriculture Committee. He went back to the drawing board. He made some changes to better target the help. Although he didn't go as far as I would like, we are going to get something done for Minnesota farmers. Farmers can't cashflow on promises alone. They need help now. I am told this \$3.1 billion relief package can get help to our farm families within weeks. I am going to support this \$3.1 billion package. I was elected to get things done. The Cochran amendment gets things done. Let's pass it and let us move on.

I yield the floor.

Mr. DASCHLE. Madam President, I yield 4 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I hear over and over from the other side that we can't get it done. That is a self-fulfilling prophecy. We have gotten it done for 4 years, before last year, every year. When farmers suffered a natural disaster, we responded—and we responded with the package we are offering today. This isn't some new formulation. This isn't something that has never been done before. It was done every year before when farmers suffered from a natural disaster. All of a sudden, the other side throws up their hands and says they cannot do it. The reason they can't do it is they will not vote for it. Vote for it, and we will pass it here, and then we will be able to go to the House and fight it out with them.

This notion that we should give in to what the House might agree to, I have

never heard of that working very well in the Senate. We are the masters of our destiny. We represent the people who sent us here. We should not abdicate our responsibility to what the House might do or might not do. We ought to do what has been done for 4 years in the past and reach out and help a part of the country that has been devastated.

A headline in the Wall Street Journal of today reads: "Midwest Drought Is Threatening Agriculture, Rivers and Tourism."

The article begins, "A severe drought that began in the Great Plains is engulfing the Midwest this winter, snarling the Mississippi River, crippling snow-dependent businesses, and increasing the likelihood for poor crops at a time when the nation's grain supply is precariously low."

That is the Wall Street Journal.

The package offered on the other side isn't a disaster package. A farmer isn't required to have a farm loss in order to get a payment. Let me repeat that. You do not have to have a crop loss to get a payment under the plan being offered on the other side.

No. 2, every eligible farmer—which could be as many as 97 percent of the farmers in this country—could get the same level of payment regardless of what loss they suffer. Even if they have no loss, if they are in a disaster county, they get help.

Now we see the appearance, in this proposal, of \$53 million in direct payments to tobacco producers—not tobacco producers that have had a disaster but just tobacco producers.

This is not a disaster bill. I don't know what one would term it, but it is not disaster assistance, not the disaster assistance we gave 4 years in a row before last year.

The proposal on the other side provides one-half of what was done in every previous year—one-half. That does not meet the test of what is required. We ought to pass what we know is right, what we have done before, what we have provided in assistance every time in the past when there was a natural disaster; and that is the Daschle proposal. I hope my colleagues will support it.

The difference is dramatic. In my State, if a farmer suffers a full loss, they get \$6.50 an acre under the proposal from the other side. Under the Daschle proposal, they get \$45 an acre. But under the Republican proposal, if you did not suffer a loss, you get \$6.50 an acre. If you did not have any loss—and it does not matter under the Republican proposal what level of loss you suffer—you get the same payment. We have never designed a disaster package that way.

I hope colleagues will think very carefully about this vote and provide the parts of the country that have suffered natural disaster with a natural disaster package.

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

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 2 minutes to the distinguished Senator from Montana, Mr. BURNS.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I thank my friend from Mississippi. And I thank my friend from South Dakota for his work.

I want to make a couple of points because I guess we are all trying to say the same thing; it is just that everybody has not had an opportunity to say it.

The farming business is just as competitive as any other business. But let's go back and think a little bit. You have 2 years here: 2001 and 2002. You also have a section in this bill that deals with CRP. But I am going to make sure that something gets to the President of the United States. That is what I am going to do.

I may end up supporting both of them. Somewhere in the middle we will come up with a disaster package that provides the right kind of assistance to the people who have had actual losses. That is what is important. It is not one or the other. We were operating under a different bill the last 2 or 3 years that the Senator from North Dakota was referring to, completely different. There is no question in my mind that we are looking at a year now or a Congress now where we are going to have to take a look at risk management and how we manage our risk.

I am pragmatic. I do not want to mislead my people in the State of Montana who are going into their 6th year of drought. We know what it is all about. So I will probably support both amendments. But I want to make sure we get one to conference so we can deal with some of those specific areas in order to get the money to the people who have actually experienced the impact of this drought.

I thank the chairman of the committee. I also appreciate the leadership of the Democratic leader.

I yield the floor.

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

Mr. DASCHLE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, 19 Minnesota counties were declared disaster areas last year because of severe flooding. Many of those same counties were devastated the year before. In fact, many of the same farmers lost their entire crops in both of the last 2 years.

That is real disaster. Whether it is a record drought in South Dakota or flooding in Minnesota, we know the vicissitudes of Mother Nature are ones that no farmer can predict and no farmer, in this case, can survive.

Last year the Senate bill contained disaster assistance. We understood that it did not make sense to have a bill

where if you suffered some loss—you were going to get a lower price—you were going to get a countercyclical payment, but if you suffered complete loss, you would get nothing at all. But the House would not agree to that because the administration was opposed to it.

I was confused for a while about the administration talking about "compassionate conservative" because I thought they meant both the words together. But I have concluded they mean one or the other. If it is tax breaks for the wealthiest people in this country, then they are very compassionate. If they are talking about farmers who are on the brink of disaster, they are very conservative.

For big corporations and, indeed, new tax shelters, they are very compassionate. For unemployed workers, they are very conservative.

In this case, we need more compassion. And we can also be conservative because, in fact, this package is eminently affordable.

The distinguished new chairman of the Senate Agriculture Committee was quoted as saying that the figure he had received from the administration, from the U.S. Department of Agriculture, in terms of the savings in this year's farm bill, was \$5 billion. That is almost the entire cost of Senator DASCHLE's amendment. Certainly, in the context of everything else that is being proposed by the administration, an additional \$1 billion for farmers who are destitute would be very much affordable.

I might also say this is economic stimulus. This is money that will go in the pockets of farmers who will go out literally the next day to pay for goods and services in their communities. Those dollars multiply four times through the communities in Minnesota, twice more through the State, and once more at the Federal level.

This, along with extending unemployment benefits, is the kind of economic stimulus that really gets the country moving forward and helps people who need a helping hand. It does everything that the Government ought to be doing for the people who need it rather than the people who do not.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today we have the ability to address a problem that has been neglected for the last 18 months. For 18 months farmers have been waiting for 2001, and now 2002 disaster assistance, but partisanship kept us from providing rural America with relief. Today, we will provide the remedy.

Today the Senate has the opportunity to address the issue of significant loss in the agriculture community due to natural disasters. In Iowa we have experienced both drought and flood during the last 2 years. For instance, last year the eastern side of the State—counties such as Clayton, Delaware, Jackson, Clinton, and Scott—had a disaster in 2002 due to flood. In 2001,

the southern two tiers of counties in Iowa experienced drought. Turning back to 2002 again, one of Iowa's best production years ever, we saw counties such as Harrison, Mills, Adams and Cass turn up bone dry during critical states of the growing season.

Iowa had record yields in 2002, but we did not have uniformity in state-wide averages of precipitation or production and that has made the package we are debating today very important to many family farmers in my home State.

The agriculture assistance package I have worked on with Chairman COCHRAN and other Members provides \$3.1 billion of assistance to areas and individuals with the greatest need. Our proposal will give assistance to farmers who live in "primary" designated disaster counties and to farmers who have had a 35 percent crop loss outside of those primary counties. We will be able to get checks to the farmers in the primary designated counties within 4 weeks after the President signs the bill. The farmers who can account for a 35 percent crop loss will need to go to their local FSA office and sign-up for assistance.

Our program also contains an additional \$250 million for the Livestock Assistance Programs—LAP provides direct payments to eligible livestock producers who suffered grazing losses due to natural disaster—and offers a sense of the Senate that encourages the U.S. Department of Agriculture to provide surplus dry milk supplies to pork producers to use as feed.

Some members of the Senate will try to make "political hay" out of this by opposing our proposal. They will say the need is greater than \$3.1 billion and our assistance isn't focused, but the fact is the only way the House of Representatives and the White House are going to allow us to spend more on agriculture, after we have already spent over \$180 billion on the other agriculture disaster we experienced last year, the 2002 farm bill, is if we "find" the money through offsets.

Those who choose to oppose this proposal will claim that their proposal was better for rural America, but what good is a proposal that can't pass? We tried it their way; I voted for emergency funding more than once, but the Senate leadership was unsuccessful in advancing any assistance to rural America. In fact, the last time I voted for emergency spending we couldn't even get it off the floor of the Senate. Doesn't it seem reasonable that we should actually vote on something that can actually pass? Isn't tangible assistance better than empty promises?

The assistance in our proposal will get to farmers months before the assistance in the Democratic alternative. Most farmers will get help within four weeks after the President signs the legislation, instead of waiting up to eight months under the alternative approach. Family farmers that carry significant debt, or those that have been

forced to arrange "bridge loans" because of the problems with farm bill payments need the assistance now to reduce their debt, not eight months from now when the debt has had plenty of time to build due to interest.

Chairman STEVENS worked diligently to find an offset that would provide funds to address the current need. I appreciate the work of Chairman STEVENS and thank him for his assistance. I would also like to thank Chairman COCHRAN for working with me and other members to fit this proposal to the need in rural America. Without Chairman COCHRAN'S dedication to developing the best proposal possible for rural America we would not have such broad support.

Mr. President, family farmers need disaster assistance, not "pie in the sky" empty promises that can't make it past the House of Representatives or the White House. It was important to make sure farmers who need assistance receive help as quickly as possible, and we've done that. I encourage my colleagues to support family farmers and support the Cochran amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think we have had a good discussion of these two amendments that are pending before the Senate. I continue to believe the way to get the assistance to the farmers in the most expeditious way possible is to vote for the Cochran amendment. The reason for that is, the counties that have been declared disaster counties are already a matter of record. With these computer programs that the Department of Agriculture has, sometimes it takes time to get to a point where you can actually send out checks if new information is going to be included in that program.

That is what would happen under the alternative presented by my friend from South Dakota. Farmers would have to come in and sign up for benefits. The Department of Agriculture, through the Farm Service Agency offices around the country, would have to gather that information, process it, and submit it to the Department here. I think it is not unreasonable to expect there to be months that go by before the checks would actually go to the farmers who need the help; whereas, in the Cochran amendment the funds would go out much more expeditiously—I think in a matter of weeks. That has been the experience in the past disaster situations where we have followed this kind of benefit program.

The percentage of the payment is calculated on the basis of the farm payment received by farmers in the past. That is a matter of record. The identity and the addresses, all of that is already in the computers.

This is no small matter. You cannot disregard the importance of that because farmers are hurting now. We have talked about how we don't want to put this off. If you vote for the Cochran amendment, you won't be putting

it off. You will not be putting it off for months before farmers get the benefits to which they are entitled.

I urge Senators to vote for the Cochran alternative. We have had a good description of the content of the bill. It is going to be not only approved in conference but will be signed by the President and will get the benefits to those who need it quickly.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I ask the distinguished chair of the Agriculture Committee if it is his understanding that both amendments will be up-or-down amendments as they are offered to the Senate.

Mr. COCHRAN. That is my understanding of the meaning of the agreement we reached.

Mr. DASCHLE. That is my understanding as well. I appreciate the clarification.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Democratic leader has 3 minutes. The Senator from Mississippi has 1 minute 42 seconds.

Mr. DASCHLE. Mr. President, in the final 3 minutes, let me quickly comment on a few points raised. First, to the point that we need to comply with the House prior to the time we vote in the Senate, as the distinguished Senator from North Dakota said, that is not usually the practice here. The Senate takes its stand, the House takes its stand, and we work out whatever differences there are in the two stands in conference. We don't say because the House has a position, we have to comply with the House position before we even go to conference. I hope our colleagues will not set that very dangerous precedent as their motivation for voting for the Republican amendment.

Secondly, we have gone through this many times. The formulation we have used as a body, as a government, is the formulation offered in the Democratic amendment. We give the administration latitude to administer it. We have created these programs, disaster assistance and crop assistance, for those relief benefits to be provided. That is what we do here. It is the Republican amendment that creates a new infrastructure, not the Democratic amendment. The traditional and accepted approach we have used in disaster after disaster is the one we offer again and the one for which we voted last fall and received 79 votes.

Thirdly, what troubles me the most is that the Republican amendment is one-half of what is estimated to be the need. Even though it is one-half of the need, it is written in such a way that everybody, regardless of whether they have a loss, is eligible. So what happens is you have situations such as the Senator from North Dakota described where those who are eligible, who may be entitled to a \$45-per-acre payment, will get \$6. Those who may not need

any money at all will get \$6. There are many of us who do our very best to maximize whatever value we get out of whatever dollars we commit in the programs we authorize. I just don't see why that nondiscriminating approach is not what we want to do especially if you cut in half the benefits to begin with. It seems to me you ought to maximize the benefits to those who need them. There ought to be some degree of need demonstrated, which is why we say that 35-percent threshold has to be realized. To say you are entitled to benefits with no loss at a time when you are cutting the overall cost to the program by 50 percent turns logic on its head.

For those reasons, I hope my colleagues will do what they have done before. I hope they will support this amendment. I hope we can show the same bipartisan support we did last fall, and I hope we can work out whatever differences we have with the House in conference as we have always done.

I yield the floor.

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

Mr. COCHRAN. Before I yield back the time remaining on this side of the aisle, parliamentary inquiry: The schedule under the order is for a vote to occur at this time on the Cochran amendment and then, following the vote on the Cochran amendment, a vote will occur on the Daschle amendment; is that correct?

The PRESIDING OFFICER. The agreement was for the vote on the Cochran amendment to be first, followed by the vote on the Daschle amendment.

Mr. COCHRAN. I thank the Chair. I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, may I ask for the yeas and nays on both amendments? I ask unanimous consent that that be in order.

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

Is there a sufficient second on both amendments?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 204. The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 59, nays 35, as follows:

## [Rollcall Vote No. 15 Leg.]

## YEAS—59

Alexander	Domenici	McConnell
Allard	Edwards	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hollings	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	Wyden
Dole	McCain	

## NAYS—35

Akaka	Daschle	Levin
Baucus	Dayton	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham (FL)	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Clinton	Kohl	Schumer
Conrad	Lautenberg	Stabenow
Corzine	Leahy	

## NOT VOTING—6

Dodd	Harkin	Kerry
Feinstein	Inouye	Lieberman

The amendment (No. 204) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## VOTE ON AMENDMENT NO. 79

The PRESIDING OFFICER. The question now is on agreeing to the Daschle Amendment No. 79. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 39, nays 56, as follows:

## [Rollcall Vote No. 16 Leg.]

## YEAS—39

Akaka	Dayton	Levin
Baucus	Dodd	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Edwards	Nelson (NE)
Boxer	Graham (FL)	Pryor
Byrd	Hollings	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden

## NAYS—56

Alexander	Allen	Bond
Allard	Bennett	Breaux

Brownback	Feingold	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Campbell	Graham (SC)	Roberts
Chafee	Grassley	Santorum
Chambliss	Gregg	Sessions
Cochran	Hagel	Shelby
Coleman	Hatch	Smith
Collins	Hutchison	Snowe
Cornyn	Inhofe	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
DeWine	Lincoln	Talent
Dole	Lott	Thomas
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	

## NOT VOTING—5

Feinstein	Inouye	Lieberman
Harkin	Kerry	

The amendment (No. 79) was rejected. Mr. COCHRAN. I move to reconsider the vote.

Mr. DASCHLE. 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, for the information of Senators, we now have an amendment to be offered by Senator NELSON of Florida. I am going to ask, in a minute, that we have a minute on each side to explain this amendment. After that, Senator MCCAIN has an amendment he wishes to debate. We believe we will be able to accept that amendment. Senators DURBIN and DEWINE have another amendment, and we believe we will accept that one. Following that is the Specter amendment, which will take an hour on each side. After that, we have other amendments that are going to be offered. We are going to try to get an agreement in just a few minutes that the next vote will not be before 7:45, something like that.

Mr. REID. If I may ask my friend from Alaska, the manager of this bill, is there any way we could cut the time down on this 2 hours? We have not had a 2-hour amendment in 2 days. I cannot understand why the amendment would take 2 hours.

Mr. STEVENS. What amendment?

Mr. REID. Did I hear the Senator say the Specter amendment will be an hour on each side?

Mr. STEVENS. We do not have an agreement yet. We expect to have an agreement of 1 hour total, 30 minutes each side, but we do not have that agreement yet.

Mr. REID. Fine.

Mr. STEVENS. But we do expect to get that agreement soon.

I would like to get an understanding that the next vote, after the Nelson vote, will not occur before 7:45.

Mr. REID. I apologize to my friend. I was on the telephone.

Mr. STEVENS. That is so we can work this out and try to get an idea what we can do. Perhaps we can get the amendments so we can argue them tonight and vote on them tomorrow morning, but we will not know until 7:45.

Mr. REID. I would say to my friend, we have done good work over here. We

have set an example for the majority. We have about eight or nine amendments, and the folks over here have agreed to time limits. And 30 minutes is the longest we have on any of them.

Mr. STEVENS. I congratulate my friend. He has always done very good work in this regard. The Senator from Nevada does a good job.

I want to announce that tomorrow morning I hope to be able to call up amendments four or five at a time in a block that we have intended to agree to, but if people want to object, they can at that time. We will have to pull them up and have a vote. But we think we have an agreement on a whole series of amendments.

I would say potentially there are 70 amendments that are technical in language and have de minimis amounts of money on small projects in States that we can adopt in a process tomorrow morning on a consent basis, if we can work that out. But tonight I hope to have, if we can do it, at least a couple amendments argued so we can vote on them either tonight, after 7:45, or vote tomorrow morning.

Mr. REID. Will the distinguished manager yield for another comment?

Mr. STEVENS. Yes.

Mr. REID. The reason I gave the Senator the outline of what we have been able to do is, we are going to try to stick to these times that we have. But when you talk to your folks, have them understand that these times are contingent on your times also being agreeable.

Mr. STEVENS. It is a two-way street, Madam President. I agree 100 percent. We do intend to follow that procedure.

I would be happy to yield to my colleague from the South.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from the North.

If I am correct, Madam President, we are trying to get some amendments on the table. I would be happy to ask unanimous consent to offer my amendment following Senator SPECTER.

Mr. REID. At this time we cannot do that. I say to my friend from Washington, we have a schedule. I have already told Senators what the order would be.

Mr. STEVENS. The projection is the Specter amendment would be voted on at 7:45.

## AMENDMENT NO. 97

Madam President, I now ask unanimous consent that there be a period of 1 minute on each side so the distinguished Senator from Florida can explain his amendment, and I will take the time on this side.

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

The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, this is the African famine starvation relief amendment.

Nearly two decades ago in Africa, my wife Grace held an almost lifeless,

starving child in her arms, and that changed my wife's life forever. For two decades she has been at the forefront of trying to get relief.

There was this famine 15, 17 years ago, and because of drought it is back. You have seen it. Everyone has seen it. The world has seen it: The spindly legs, the distended bellies, the thatched hair, the begging eyes.

The Senator from Alaska says he cannot accept this amendment because it is an emergency. It does not require the President to declare an emergency.

He says he will not accept any emergency amendments. If there is not an emergency, then I would ask, what is an emergency for America to share its abundance?

Mr. LEAHY. Mr. President, I rise today to speak in favor of the amendment offered by Senator NELSON that would provide \$600 million in emergency food aid to sub-Saharan Africa. I know other Senators are waiting to speak so I will make three short points.

First, there is an enormous humanitarian crisis in sub-Saharan Africa. The World Food Program estimates that there are 38 million now at risk of starvation. The situation has gone from bad to worse.

Second, humanitarian organizations with field operations in Africa, such as Catholic Relief Services and Save the Children, report that at least \$600 million is needed to address these immediate needs. What are the reasons for this shortfall?

We are debating a budget request that is almost a year old. When the request was submitted last year, this crisis in Africa had not reached this magnitude. On top of that, commodity prices have increased 30 percent.

Third, the Nelson amendment is carefully tailored to give the President the flexibility he needs to deal with the crisis. If the President does not want to spend this money, he does not have to declare an emergency. However, if he feels, as many of us do, that this money is needed now to address this growing crisis, he can declare it an emergency and provide this assistance to sub-Saharan Africa.

This is a bipartisan issue. I know Secretary Powell and Administrator Natsios care deeply about Africa. Representative WOLF just came back from Ethiopia and Eritrea and issued a compelling report on the dire situation there.

The administration does not currently have the resources to deal with this crisis. It is up to Congress to provide the resources to prevent mass starvation in Africa. We may not get another chance for months.

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

The Senator from Alaska.

Mr. STEVENS. Madam President, I regret deeply that I am faced with this dilemma. There is \$1.850 billion in Public Law 480 in the amendment I have offered. That is \$335 million above the

2002 level. That money has not been allocated yet, and it is entirely available to allocate to the cause to which the Senator from Florida seeks to send relief.

I understand his position, but we have already increased this amount in the bill. It is a sizable increase. I urge the Senate to realize that and to support my motion to table.

Mr. President, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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 Ohio (Mr. VOINOVICH) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—48

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Bunning	Frist	Roberts
Burns	Graham (SC)	Santorum
Campbell	Grassley	Sessions
Chafee	Gregg	Shelby
Chambliss	Hagel	Smith
Cochran	Hatch	Snowe
Coleman	Hutchison	Stevens
Collins	Kyl	Sununu
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Warner

NAYS—46

Akaka	DeWine	Levin
Baucus	Dodd	Lincoln
Bayh	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feingold	Pryor
Breaux	Graham (FL)	Reed
Brownback	Hollings	Reid
Byrd	Inhofe	Rockefeller
Cantwell	Jeffords	Sarbanes
Carper	Johnson	Schumer
Clinton	Kennedy	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dayton	Leahy	

NOT VOTING—6

Feinstein	Inouye	Lieberman
Harkin	Kerry	Voinovich

Mr. STEVENS. Madam 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. STEVENS. For the information of Senators, we are now going to take up Senator SPECTER's amendment. I ask unanimous consent that the vote

on the Specter amendment commence at 20 minutes after 6. That will be the last vote tonight.

We are going to debate it now. Senator SPECTER wants 25 minutes, and we will take the remainder of that time and vote at 6:20.

Mr. REID. That is going to be fine, but we would like to see the amendment. Why don't we start the debate, give us the amendment, and let us look at it.

Mr. STEVENS. The amendment has been filed. It is the Specter amendment on the airline.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. What is the number of the amendment?

The PRESIDING OFFICER. The amendment is numbered 68.

Mr. STEVENS. That is on or in relation to his amendment at 6:20.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I want the record to show I have 25 minutes of the time between now and the vote.

Mr. STEVENS. Yes, that is part of the request.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I withdraw my reservation.

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

AMENDMENT NO. 68

Mr. SPECTER. Madam 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 Pennsylvania [Mr. SPECTER] proposes an amendment numbered 68.

Mr. SPECTER. Madam President, 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 provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements)

At the appropriate place, insert:

**SEC. \_\_\_\_ . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.**

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any

plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)-3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)-3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)-3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)-3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

Mr. SPECTER. Madam President, this amendment arises out of the bankruptcy proceedings and reorganization of US Airways. It involves the effort by US Airways, with the agreement of the pilots, to restructure one of its pension plans. US Airways, as is well known, was very hard hit, as was the airline industry generally, by the events of September 11. US Airways was hit much harder because Reagan National Airport was closed down. In order to pare their expenses, the employees of US Airways made enormous concessions. The pilots made concessions of some \$650 million a year.

In order to obtain financing to get a Federal loan guarantee, there had to be substantial modifications made. One of the proposals from US Airways was to restructure its pension plan so that instead of having a 5-year payout, it would be a 30-year payout. This was agreed to by the pilots, by the employees who are affected. And the Pension Benefit Guaranty Corporation, PBGC, made a determination that it did not have the discretion to permit a plan termination and a reinstatement of the plan with a longer payout.

We had an extensive hearing in the subcommittee of the Appropriations Committee on Labor, Health and Human Services, and Education last Tuesday to inquire into this matter in some detail. It is my view that the PBGC has substantial discretion, but

in order to make a clarification, I filed this amendment.

Two weeks ago, Senator SANTORUM and I sought unanimous consent to take up this legislation as a free-standing bill. I offer it on this omnibus appropriations bill because time is of the essence and all of US Airways's reorganization proceedings have to be completed by March 31, 2003.

I am well aware of the preference not to have this sort of matter on an appropriations bill, but we have no choice if we are to have this reorganization go forward.

Key testimony last Tuesday, a week ago yesterday, was given by an expert attorney, William Kilberg, who had served as Solicitor to the Department of Labor in 1974 when the relevant statute was passed. Mr. Kilberg, along with his affiliate Gary Ford, rendered an opinion that the PBGC has the authority to allow for the plan modification, as I have just articulated. The critical language of Mr. Kilberg's working opinion is as follows: The statute "allows the PBGC to restore a plan when it is to be terminated or is in the process of termination."

Then, referring to the decision of the Supreme Court of the United States in the one case that interprets this matter, the LTV case, Mr. Kilberg said "the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect." He then enumerated the three points of the statutory structure: that is, to keep premiums at a reasonable level; to keep plans going; and to have the plans pay benefits.

Now, if the proposal by US Airways, agreed to by the Air Line Pilots Association, is not permitted, then the PBGC will have to pay the pensions. So it was in the financial interest of PBGC to have the plan adopted as US Airways and the pilots wanted.

Pilots who have worked for 30 years would be cut on their pensions by some 20 to 25 percent, which would be a drastic curtailment, especially inequitable in the context of the pilots giving up some \$650 million a year.

When unanimous consent was asked 2 weeks ago, an objection was raised by the chairman and ranking member of the Finance Committee, and hearings were contemplated during the month of January. We went ahead with hearings, as I said, from the subcommittee.

I ask unanimous consent that Senator CLINTON be added as an original cosponsor.

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

Mr. SPECTER. So the essence of it is that this would be a win-win-win situation. It would really be a win situation for the PBGC because it would not have to pay the pensions. It would be a win situation for the pilots since their pensions would not be reduced drastically, and they are the real parties of interest at risk. And it would be a win situation for US Airways, which can structure its reorganization and this

way obtain financing and obtain the appropriate guarantee.

One point to be focused on with particularity is that this does not order the PBGC to adopt the US Airways proposal. All it does is say the PBGC has the authority to do so. The Secretary of Labor, who is the dominant public official in this matter, advised me that she felt bound by the opinion of the attorneys for the PBGC.

How much time remains?

The PRESIDING OFFICER. The Senator has 18 minutes 30 seconds.

Mr. SPECTER. I reserve the remainder of my time.

Mr. ALLEN. Madam President, will the Senator from Pennsylvania yield for a series of questions?

Mr. SPECTER. I do.

Mr. ALLEN. Madam President, I ask the Senator from Pennsylvania, his amendment as best I understand it—and this is for the benefit of other Senators to understand the purpose of the amendment—the Pension Benefit Guaranty Corporation, interpreted the law and felt that they had not accorded what management and labor wanted in the restructuring of pensions, and the purpose of the amendment is, in a permissive manner, to allow those directors to make that determination where right now in their legal opinion they do not have that authority.

The point is, this is permissive as opposed to mandatory or dictating that they must accept?

Mr. SPECTER. Madam President, the Senator from Virginia has articulated the situation accurately. It is permissive. They do not have to adopt the plan. But the Secretary of Labor would then be in a position to exercise her discretion, perhaps, if it was plain that the PBGC had the authority. It is permissible only.

I go into some detail with the background of the opinions that they do have the authority because the whole statutory structure has been set up to keep these plans going, to have reasonable premiums, and to have the plans pay benefits. What the PBGC has said is that it cannot do it while everyone really agrees it ought to be done.

Mr. ALLEN. Madam President, I want to make it clear, the Senator states that the pilots union, all labor, all management, are in agreement with this amendment to try to help save this airline and help save those jobs and the service to the communities that are served by US Airways; is that correct?

Mr. SPECTER. Madam President, that is correct. The leader of the pilots association, the national president, testified Tuesday in favor of the plan and in favor of this legislation. The president of the pilots association of US Airways in Pittsburgh testified in favor. The president of US Airways, David Siegel, told me again today that he was very appreciative of my pushing this matter, that it would be very helpful to US Airways.

Mr. ALLEN. One final question. This applies only to this agreement that has

to do with US Airways, labor and management. It should not have any impact whatsoever on any other airline; is that correct?

Mr. SPECTER. Madam President, the Senator from Virginia is correct. It has never been tailored to set a precedent or open any portals for any other situation in order to eliminate or obviate the argument that others can rush in.

Madam President, when I pressed the general counsel and the executive director of the PBGC for any public policy reason not to do this, they had no reason.

I ask unanimous consent that Mr. Kilberg's testimony be printed in the RECORD.

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

#### EXCERPT OF WILLIAM KILBERG'S TESTIMONY

Senator SPECTER. Mr. Kilberg, you've heard the testimony of Mr. Keightley. What is your analysis and conclusion of it?

Mr. KILBERG. I have a great deal of respect for Mr. Keightley, but both Mr. Ford and I disagree with his opinion, the restoration or the authority to restore a plan, as stated in Section 4047. And while Mr. Ford was general counsel to PBGC, I have had the honor of being solicitor of the Department of Labor, and I was solicitor in 1974, when the statute was passed and the initial restoration authority language was put in.

It is very, very broad. It allows the PBGC to restore a plan when it is to be terminated or is in the process of termination. So a plan does not actually have to have been terminated in order to have it restored.

The Supreme Court has had an opportunity to look at this language in one case, the LTV case, the only instance where there's been a plan restoration, and in that decision, the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect.

When we look at the interest as set forth in the statute, the preamble to the statute, it is really just—just three. It is to keep premiums at a reasonable level and to keep plans going and paying benefits. And it was our conclusion that, in this instance, a plan termination and a restoration funding schedule which allowed a 30-year period of amortization would do precisely that.

The PBGC and Mr. Keightley, in his opinion, says that funding relief is not a proper purpose. I can't disagree with that, but I would assert, respectfully, that it is a proper method permitted by the statute in order to achieve the statutory objectives of maintenance of plans and their benefits and to keep PBGC premiums at a reasonable level.

That's basically the sum and substance of our disagreement. There's relatively little case law. You will note that Mr. Keightley's opinion doesn't cite any. There's just the LTV decision. But we believe that that, combined with the language of the statute and its purposes, would support the argument that the PBGC has discretion to work out a restoration funding schedule if it chose to do so with an employer like U.S. Air that is in bankruptcy, where there is no question but that a distress termination would be appropriate, where it is able to fund those benefits over time, and, frankly, where it has received unprecedented concessions from its unions, giving up going-forward benefits that make the ability to fund this plan over time a great likelihood.

Senator SPECTER. Would you amplify your analysis of the one decision by the Supreme Court of the United States on this general

area, which signifies to you the Supreme Court's interpretation of legislative intent and the public policy in this matter?

Mr. KILBERG. Well, in LTV it was LTV's decision to create a follow-on plan which mirrored the plan that it had terminated that caused the PBGC to first take the position that the termination was a sham and then to insist that it could restore the plan to LTV and create a new funding schedule.

That case was hotly litigated. It went to the Supreme Court, and the Supreme Court interpreted the statute to give the PBGC an extraordinarily broad grant of discretion, as I indicated, to restore a plan when restoration would further the interest that Title IV of ERISA is designed to protect.

The court went further and said that in carrying out this specific and what it called an unambiguous statutory mandate, the PBGC is not required to focus on the policies and goals of other statutes. In other words, one of the arguments that LTV was making was that because of the Internal Revenue code and other statutes, the PBGC could not exercise its authority to restore the plan and to impose a funding requirement upon LTV. The court said that PBGC, in fact, has that very, very broad authority.

Senator SPECTER. Mr. Keightley, would you care to comment on Mr. Kilberg's testimony?

Mr. KEIGHTLEY. First, I'd like to comment that the Supreme Court, contrary to the trial court as well as the Court of Appeals, deferred to the interpretation of the PBGC as to what a statutory authority was in that particular case. And that particular case was not at all analogous to the situation. In that case, the LTV plans had been terminated in order to avoid shut-down benefits. After that took place, the unions and management agreed to, basically, pension plans that made retirees, as I understand and read the opinions, one-hundred percent whole and many of the others substantially whole, with the PBGC paying the basic benefits, and then they made up the rest in this, what we would call an abusive follow-on plan. So they were letting us absorb their pension cost; and, to the extent you view that as a labor cost. That is completely—and the court said we had the authority to construe the restoration authority in that context.

In my view, that has no connection with the current situation at all. I would say that they said we had broad authority in interpreting our statute in order to come to that result, but they deferred to our interpretation and agreed with us. And, as I say, I just don't see taking that language. There are limits to what I think we can do under that statute, and I think you folks are, you know, U.S. Air folks are asking us to go beyond that.

I might point out that there is no question that the purpose, reading from the joint opinion, of the termination restoration, is to provide funding relief for U.S. Airways and pension plans. There's just no question about that. And so, again, we think Congress addressed that issue, told everybody who had that authority, limited the waivers. If you remember the waivers in the IRS context are, you get to waive it and spread the funding over, say, five years, I believe, much shorter period of time.

So Congress has addressed that issue and built that limited waiver provision into ERISA, and that's how I get to the conclusion that PBGC does not have that statutory authority, and other government agencies only have a very limited statutory authority, which U.S. Air has advised us does not meet their needs financially.

Senator SPECTER. While there's no doubt that the LTV case is very different factually, your response doesn't really go to the basic

point that Mr. Kilberg made with respect to the Supreme Court's determination that the PBGC has broad authority and broad discretion to interpret the statute. Do you disagree with Mr. Kilberg's statement as to the Supreme Court's decision in that respect?

Mr. KEIGHTLEY. We have broad authority within the statutory limits.

Senator SPECTER. Well, do you think if you made a finding, as Mr. Kilberg says you have the authority to do so, if that was your decision within your broad discretion, that that would be upheld by the Supreme Court?

Mr. KEIGHTLEY. I do not believe—if the purpose was the termination, to provide funding relief for U.S. Airways, I do not believe the Supreme Court, or for that matter, any other court, would uphold that position.

Mr. KILBERG. I do.

Senator SPECTER. Senator Santorum, anything further?

Mr. KEIGHTLEY. One last point. I might point out that in the bankruptcy proceedings in response to our opposition to their termination restoration, they have abandoned that position and are now pursuing legislative relief plus a termination, and we intend to be working with them on some other solution. But at this time, they're not pushing that, and litigating it in the bankruptcy court is the point.

Mr. KILBERG. With all due respect to Mr. Keightley, no one questions that the PBGC has discretion. The PBGC does not have to agree to terminate a plan. The PBGC does not have to agree to restore a plan. It certainly does not have to agree to a particular restoration funding schedule if it does decide to restore a plan. So this is all within the agency's discretion, and we respect the agency's decision in this regard. There's not much choice about it. We wouldn't have standing to raise a complaint, bankruptcy court or anywhere else.

Senator SANTORUM. Because what you would raise is they have the discretion, so you certainly can litigate something where you're saying they have discretion and then argue that you abuse—I guess you could argue they abused the discretion.

Mr. KILBERG. Well, that would be a very difficult argument. Certainly the PBGC has policy reasons. We may not agree with them, but that doesn't mean that their use of discretion for them to assert them.

Mr. KEIGHTLEY. I continue to say we don't believe it is a discretionary area when the sole purpose is altering the funding. That's the purpose—that's the reason we're being asked for this, and that is beyond our statutory authority. There may be other areas where we have discretion that is within that authority, but it doesn't extend this far.

Senator SANTORUM. Do you agree that that's the purpose?

Mr. KILBERG. No. I mean, that's the method, obviously. And I had the same point, Senator, that you had earlier, the confusion between a restoration funding schedule and a waiver of funding.

A waiver of funding is a term of art. It does go to the Internal Revenue Service. There are very, very strict limitations. They would not help U.S. Air in this instance. They're really not for this purpose. What we're looking for, clearly, is something far more creative, but something we believe that, if it could be achieved, would help U.S. Air to come out of bankruptcy and would serve the interest of its employees as well as the company.

Mr. KEIGHTLEY. May I read one sentence for the record from the December 13th memorandum signed by Mr. Kilberg? "The purpose"—

Senator SPECTER. Where are you reading from?

Mr. KEIGHTLEY. I'm reading from the December 13th memo of Mr. Kilberg and Mr. Ford.



Senator SPECTER. I understand that, but where from the memo?

Mr. KEIGHTLEY. Oh, in the first paragraph. "The purpose of the termination restoration"—I underscore "purpose"—"is to provide funding relief for U.S. Airways' pension plans."

Senator SANTORUM. Mr. Kilberg? Senator SPECTER. Well, there's no doubt about that, is there?

Mr. KILBERG. There's no doubt, there is no doubt about that, but that is our purpose. The question earlier was "purpose under the statute." They said that that was not a purpose under the statute. When we use the term "purpose," we're using it as a method. That's the method that we thought—

Senator SANTORUM. To accomplish what purpose under the statute?

Mr. KILBERG. To accomplish a purpose under the statute that would, from the PBGC's standpoint, that would maintain premiums, and from the company employees' standpoint that would restore the plan and would allow the employees to obtain the benefits under the plan. Those are the statutory purposes.

We used the term "purpose" here—we weren't talking about statutory purpose; we were talking about our purpose.

Senator SANTORUM. Mr. Keightley, is the purpose, is the method by which Mr. Kilberg has suggested U.S. Airways wants to achieve its purposes proscribed by the statute?

Mr. KEIGHTLEY. Yes, it's beyond our statutory authority, whether it's a method or a purpose.

Senator SANTORUM. Is it proscribed by the statute . . .

Mr. SPECTER. Anyone can examine the record. There was simply no public policy reason given. When I talked about this to my colleagues, the argument has been raised, well, it is complicated. Well, we have not had hearings before the other committees. We had a very extensive hearing before the subcommittee on labor in the Appropriations Committee. I say, this is win-win all the way around.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER (Mr. AL-EXANDER). The Senator has 14 minutes 32 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I will yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I thank the Senator for yielding this time.

I understand what the Senator from Pennsylvania is trying to do here, but I am concerned that the Finance Committee has not had a chance to look into this issue, the impact on the Pension Benefit Guaranty Corporation. Neither has the Commerce Committee. I am also concerned about the precedent that is being set here.

It is a rifleshoot for one company. The other companies would like to have this same opportunity, perhaps. They are all involved in this Pension Benefit Guaranty Corporation. It may be permissive, as was pointed out, I believe, by the Senator from Virginia. But if this company, US Airways, does not

make it in the end, as I understand it, the other companies that pay into this benefit plan will be responsible for covering the losses. Whether or not that is accurate, I am not positive what the impact would be. So that has been my concern, as I expressed to the Senator earlier today.

It may have some merit. We may even want to look at setting this precedent. But I don't think we have yet fully thought it through, and I am concerned we may be making a mistake here that could cause tremendous additional damage to the rest of the aviation industry.

I am going to be working with Senator MCCAIN, Senator HUTCHISON, and Senator ROCKEFELLER on this issue this year. We need to take a serious look at aviation as a whole, not only the airlines but labor, obviously—their needs. How we deal with their pensions, what we do about security, the costs they are faced with. It is going to take some time to do this. To do this one rifleshoot at this time, I would have to raise questions about it.

I would like to be able to work with the Senator from Pennsylvania because I know how committed he is to doing the right thing for the men and women who work for this company, but I express my reservation at this time on this bill.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is fine to talk about working this out this year, but that will be too late, and the pilots will then have 25 percent of their pensions remaining. We talked to the Finance Committee two weeks ago about scheduling a hearing in January. No hearing has been scheduled for the Finance Committee during the month of January, as was anticipated. When the Senator from Mississippi makes a point that the other airlines will have to pay the pensions of US Airways pilots, that is precisely what is going to happen if this plan is not adopted. The PBGC is going to have to pay the pension benefits. So, at worst, if US Airways does not succeed, in any event, PBGC will be no worse off if this is adopted than if US Airways fails.

I reserve the remainder of my time.

Mr. ROCKEFELLER. Mr. President, I have strong concerns about the very narrow manner in which this provision is written. In general, I am not in favor of legislating in a way that deals with one specific company. Furthermore, as a member of the Senate Committee on Finance and the Senate Committee on Commerce, Science & Transportation, I regret that this matter was not considered via the normal committee process. I hope that we can have a broad discussion in the days ahead about ways to address pension issues at struggling companies. Despite these concerns, however, I am supporting the amendment of the senior Senator from Pennsylvania, particularly since this provision will place no additional burden on

the American taxpayer. I also support its goal of protecting employees' pensions. Furthermore, this provision is important to US Airways' effort to secure a loan from the Air Transportation Stabilization Board. As a critical provider of air service to West Virginia, I am committed to doing everything I can to ensure US Airways' long-term viability.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, will the Senator yield me 2 minutes?

Mr. GRASSLEY. Yes.

Mr. MCCAIN. I have the same concerns as articulated by the chairman of the Subcommittee on Aviation of the Commerce Committee, Senator LOTT. I know he and I would both be willing to look into this situation.

We are in great sympathy for the entire airline industry. United Airlines is in bankruptcy. They have similar problems.

As far as this giving any leeway is concerned, it says right here:

. . . funding rules [for certain plans] shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan. . . .

Then it goes on to describe USAir.

Then later on it says:

. . . the minimum funding requirements under this paragraph shall be the requirements. . . .

This is clearly a mandate. There is no flexibility in this. We all know what "shall" mean in appropriations bills.

I am in sympathy for the entire airline industry. That is why the first hearing we had in the Commerce Committee was on the status of the airline industry. CEOs of these industries came before us. They are in bad shape. They are in very bad shape. They are hemorrhaging hundreds of millions of dollars every year.

USAir is in bankruptcy. United is in bankruptcy. Others border on bankruptcy. This needs to be viewed in the context of the entire airline industry. As much sympathy as I have for USAir, I don't think we can do something such as this at this particular time on an omnibus appropriations bill.

I want to commit to the Senator from Pennsylvania, I appreciate his dedication to the people of Pittsburgh and to the people who are employed by USAir, and I look forward to working with him.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield 5 minutes to my colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in support of the Specter amendment. I understand, just listening to the Senator from Arizona, that this is a complex issue and there are a lot of carriers involved in bankruptcies or financial distress. For this carrier timing is the issue. They have to file this complete reorganization by the end of March.

We have a situation where hearings and study by the Commerce Committee, Finance Committee, HELP Committee—whatever—are great for looking at the overall picture of pensions and what we are going to do with funding of distressed plans, but that doesn't solve the problem of US Airways. US Airways went about solving their own problem, and they did so by working in a very aggressive fashion with a labor union that is most involved, which is the pilots, and got enormous concessions. They got enormous concessions from the pilots union, in this case, to dramatically reduce their pension benefits in order for the airline to survive.

This was actually a model of labor-management cooperation. They came to the administration believing—as Senator SPECTER has outlined, justifiably so—because their counsel, who is a former PBGC lawyer, suggested they had the discretion to do so—they could get this plan approved. That is because it was a model of how to restructure a pension plan to: No. 1, provide a reduction of expenses to allow the company to go forward and emerge from bankruptcy—and that is what this plan does; it reduces US Airways' expenses to allow them to emerge from bankruptcy; No. 2, provide the best possible compensation for a pilots union, for pilots who obviously have very good benefits, but they were willing to take a hit, but not as much as would be the case if the PBGC took over the plan. So it was a good compromise; and, No. 3—and this is something our colleagues should be concerned about—it doesn't cost the Federal Government any money. If the PBGC takes over the plan—if the plan is terminated and the PBGC takes over this plan, it is a half a billion dollars. That is what is going to be the cost if we don't agree to this amendment and don't give the administration the flexibility to adopt the US Airways-pilots union agreement.

So we have here a situation where we would be encouraging positive cooperation between labor and management; saving the Federal Government money; and, according to the provisions we enacted here after 9/11, where airlines effectively were eligible for these loan guarantees but we wanted to be sure if these guarantees were given, the companies would do the things necessary to run a good financial operation, US Airways has dramatically reduced their costs at the direction of the board we set up to help stabilize the airlines.

So US Airways has done everything we would want a company to do: Reduce costs to make them competitive; get agreements with their labor unions to reduce costs but at the same time not in a draconian way; and save the Federal Government money. The administration has come back and said: That may be all well and good, but we don't have the authority to do this and we just don't think it is good policy. But even if we did think it was good policy, we don't have the authority to do it.

Fine. This amendment gives them the authority to do it. It doesn't force them to do it.

So I say to my colleagues who suggest what we are doing here is opening Pandora's box by allowing other companies to come in under this USAir exemption, all this does is give them the flexibility to deal with this situation. It doesn't force them to adopt the US Airways proposal.

So I think this is a prudent step. It is in response to the PBGC saying they do not have the authority. I am not sure—and I don't know whether Senator SPECTER has commented on this—whether they would even exercise that authority if this amendment is agreed to. But what it does is it gives them the opportunity, or hopefully the incentive, to relook at their decision based on the facts as to what would be in the best interests of the fund, the people who actually contribute to the pension system. So it is not taxpayers' dollars but it is employee contributions.

So it would, in fact, be beneficial, I believe, saving money, encouraging labor-management cooperation, and encouraging companies, airlines in particular, to restructure in a way that is going to give them the chance to be profitable over the long term.

That is a win-win-win for us. Hopefully, we will be successful in agreeing to Senator SPECTER's amendment.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. SPECTER. Mr. President, in response to the arguments raised by the Senator from Arizona, he points out the "shalls" in the pending amendment. But each of the "shalls" relate to preexisting obligations under which the PBGC can put this plan into effect. The two "shalls" in subsection (2)(A) say that "the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation." So it establishes the funding in accordance with existing regulations. What it does not say is that the PBGC has to put the plan into effect.

The later provision under (B)(i) says that "the plan shall be treated as having met the requirements of Treasury Regulation," and specifies the technical compliance. But it does not in any way require that the PBGC has to carry this plan forward.

Let me add as cosponsors Senators WARNER, ALLEN, DOLE, CLINTON, and Senator SANTORUM, whom I believe I should have mentioned earlier as an original cosponsor to the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the same issue which the Senator from

Arizona raised not too long ago. It has serious deficiencies: No. 1, that it only applies, as I understand it, to one carrier and not to other carriers, which on its face raises many serious questions.

No. 2, I said to the Senator from Pennsylvania at that time, if I were in the position to influence whether we would have hearings on this subject in the near future, I would certainly do so. Time has passed. We have a new chairman of the Finance Committee. But I still hold the same view; namely, that we should have a good opportunity to address this issue more broadly and more fairly and deal with other airlines that face, to some degree, the same issues; otherwise, this is a single-shot amendment. It is unfair to other airlines. We should have more time to consider the right way to deal with this issue.

I respectfully urge Senators not to adopt this amendment so we can more appropriately deal with the matter at an appropriate time.

Mr. GRASSLEY. Mr. President, I yield myself the 1 minute remaining. At the end of the time being used up, I will make a motion to table. I will not do that yet.

But I want to reiterate what my colleague from Montana said; that this is a problem bigger than USAir and requires the time of our committee to work on it. The statistic the distinguished chairman of the Appropriations Committee gave me is that there are about 125 companies in one shape or another that are working in unison to try to find a global solution. So taking care of the situation for US Airways ought to be taken care of in conjunction with the issues that other companies have before the Congress instead of using a rifleshoot. This is within the jurisdiction of the Senate Finance Committee. Nothing has been said about those left, but the chairman of the Senate Appropriations Committee is trying to write an appropriations bill that would avoid the blue slip problem with the House of Representatives.

So this has a lot of problems. We have to deal with it in the committee.

Mr. DOMENICI. Mr. President, could I ask a question of Senator SPECTER? Do we have time?

The PRESIDING OFFICER. Senator SPECTER will have to yield time.

Mr. SPECTER. I yield.

Mr. DOMENICI. Mr. President, I have a very simple question. If in fact this amendment is agreed to, and let us assume the next step is that the board grants it—although you were saying that is optional, let us assume it is granted—do the other airlines have a chance of losing money as far as that fund is concerned now or in the future because of this incident?

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico for his question. The answer is they do not have any chance of losing money unless you say the competitors of US Airways stay in flight. But that is very

much in the competitive interest of the United States.

Mr. DOMENICI. I should have said other than they will retain a competitor.

Mr. SPECTER. They lose absolutely nothing.

Mr. DOMENICI. If you have to extend the program in terms of the payoff, does that mean it takes care of itself and that United Airlines money put into that plan takes care of that, not the other airlines? The other airlines don't pay for it in any way?

Mr. SPECTER. Mr. President, that is exactly correct. It is the money of US Airways paid over a longer period of time which meets the obligations to the pension. The other side of that coin is if the plan is not adopted, PBGC has to pay the pensions.

I yield 1 minute to my colleague from Pennsylvania.

Mr. SANTORUM. I thank the Senator. I want to make a point, too, that this is not a pension fund that has been underfunded for a long period of time. This isn't like a lot of the industries that have been in bad shape for years. I believe this pension fund is overfunded as recently as 2½ years ago. So this is not a chronically bad pension fund that all of a sudden is now coming into bankruptcy and asking for help. This is a fund that has been dramatically affected by two things: No. 1, obviously, September 11. One can make the argument that no other airline was affected more by 9/11 than US Airways. Why? Because they closed the most profitable place they operate—Reagan National Airport. Who did that? The Federal Government. They closed their most profitable center at Reagan National Airport for an extended period of time—the place that was the most effective with air travellers for US Airways. That is where the traveling fell off most dramatically. That had a huge impact on their ability to pay into their pension. No. 2, obviously the decline in the market.

The "perfect storm," if you will, hit US Airways and put them in a particularly bad situation. And for them to come to the PBGC and say: Look, this is not a long-term problem, this is a problem that happened which is a very unusual event. Give us an opportunity to work ourselves out of the hole.

Mr. SPECTER. Would my colleague yield for a question? How much longer is he going to take?

Mr. SANTORUM. I just wanted to know if the Senator from Pennsylvania agrees.

Mr. SPECTER. Take another minute.

Mr. SANTORUM. I wanted to know if the Senator from Pennsylvania happened to agree with my analysis.

Mr. SPECTER. Absolutely.

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

Mr. SPECTER. No. I don't have enough time, I regret to say. Let me make a concluding argument. If time remains, I will yield for a question from the Senator from Montana.

We have heard this business of a single shot. That is what we do around here. We fire single shots. We have a problem, and we try to structure legislation to answer the problem. We should fire single shots.

The most fascinating part about this argument today is that not one public policy argument has been advanced against this proposition. Nobody has said this is bad public policy. They have said that it is the jurisdiction of the Finance Committee. Senator SANTORUM and I were on this floor on January 9 asking unanimous consent to take up the bill, and the Senator from Montana, then the chairman, and the Senator from Iowa, then the ranking member now reversed, said we will try to give you a hearing in January. No hearing has been scheduled. We went ahead in the Appropriations Committee. We heard from the executive director of the PBGC and the general counsel. They had not one public policy argument to advance against what we have said.

Mr. BAUCUS. Mr. President, will the Senator yield on that very point about the public policy argument?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. SPECTER. Twenty seconds.

Mr. BAUCUS. Will the Senator agree, strong public policy, which this body has adopted, is that a company does not borrow from their pension funds for their own corporate purposes? That is a strong public policy point.

Mr. SPECTER. Mr. President, has the time expired?

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

Mr. SPECTER. Mr. President, the business about borrowing from the pension plan is a purple herring. It does not even rise to the level of being a red herring. Nobody has said anything about borrowing from the pension plan.

Here we have an amendment which is a rifleshoot to protect the pensions of thousands of pilots. Otherwise, the PBGC is going to have to pay out money. This jurisdictional business does not have any standing when the equities are so strong in favor of this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. SPECTER. Mr. President, in summation, I believe the arguments are overwhelmingly in favor of this amendment. I am joined by Senator SANTORUM, Senator WARNER, Senator ALLEN, Senator DOLE and Senator CLINTON.

A beneficial question was asked by Senator DOMENICI. We deal in rifleshoots. We deal in protecting our constituents. And Pennsylvania has a big constituent interest, but so does America. This is the country's sixth biggest airline.

The PRESIDING OFFICER. The time has expired.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—64

Akaka	Dayton	McCain
Alexander	Dorgan	McConnell
Allard	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham (FL)	Nickles
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reid
Bunning	Hagel	Roberts
Burns	Hatch	Sessions
Campbell	Hollings	Smith
Chafee	Hutchison	Stabenow
Chambliss	Inhofe	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Conrad	Kyl	Thomas
Cornyn	Lautenberg	Voinovich
Corzine	Levin	Wyden
Craig	Lincoln	
Daschle	Lott	

NAYS—31

Allen	Dole	Reed
Biden	Domenici	Rockefeller
Boxer	Durbin	Santorum
Byrd	Edwards	Sarbanes
Cantwell	Gregg	Schumer
Carper	Jeffords	Shelby
Clinton	Kennedy	Snowe
Collins	Landrieu	Specter
Crapo	Leahy	Warner
DeWine	Lugar	
Dodd	Mikulski	

NOT VOTING—5

Feinstein	Inouye	Lieberman
Harkin	Kerry	

The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator DURBIN be allowed to call up an amendment which we will accept and then Senator MCCAIN call up an amendment which we will accept. We are working on a unanimous consent request and, if it is accepted, there will be no more votes tonight. We have not quite gotten that straight yet. We cannot announce that yet. As soon as we get this unanimous consent request adopted, we will be able to make that announcement.

For the time being, does the Senator have a time limit on his amendment?

Mr. DURBIN. Five minutes.

Mr. STEVENS. Five minutes on the Durbin amendment. How much time on the McCain amendment?

Mr. MCCAIN. Senator KYL and I would both like 15 minutes, if that is agreeable.

Mr. STEVENS. Each?

Mr. MCCAIN. Ten each.

Mr. STEVENS. Ten each.

Mr. DURBIN. Mr. President, I say to the Senator from Alaska, I note the presence of my colleague, Senator DEWINE, who would also like 5 minutes. A total of 10 minutes.

Mr. STEVENS. Fifteen minutes for Senator DURBIN and Senator DEWINE, and 20 minutes for Senator MCCAIN and Senator KYL—10 minutes each for Senator KYL and Senator MCCAIN. Is that agreeable?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. After which we will accept the amendments.

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

Mr. STEVENS. And that no amendments be in order to these amendments. I ask there be no amendments in order.

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

The PRESIDING OFFICER. The Senator from Illinois.

#### AMENDMENT NO. 127

Mr. DURBIN. Mr. President, I express my gratitude to my colleague and cosponsor of this amendment, Senator DEWINE from Ohio. It has been a bipartisan effort from the start, and we would not be at this successful moment without him. I thank him from the bottom of my heart for his dedication to this cause. I particularly thank the Senator from Alaska. He led the effort to fund the first effort to deal with the AIDS epidemic. I salute him for his leadership.

I call up amendment No. 127.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DEWINE, Mr. DASCHLE, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. CLINTON, Mr. BIDEN, Ms. LANDRIEU, Mr. CORZINE, Mr. EDWARDS, Mr. LAUTENBERG, Mr. COLEMAN, Ms. COLLINS, Mr. BROWNBACK, Mr. SMITH, Mrs. DOLE, Mr. SPECTER, and Ms. SNOWE, proposes an amendment numbered 127.

Mr. DURBIN. Mr. President, 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 provide an additional amount for funding global HIV/AIDS programs)

On page 311, between lines 7 and 8, insert the following:

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT CHILD SURVIVAL AND HEALTH PROGRAMS FUND ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, \$180,000,000, to remain available until September 30, 2004: *Provided*, That of such amount, not less than \$100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): *Provided, further*, That, of the additional amount appropriated under this heading, up to \$25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: *Provided, further*, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not be derived from amounts made available for contribution and transfer under the preceding provisos.

Mr. DURBIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators CLINTON, BIDEN, LANDRIEU, CORZINE, EDWARDS, COLEMAN, COLLINS, BROWNBACK, SMITH, DOLE, SPECTER, and SNOWE.

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

Mr. DURBIN. Mr. President, I will speak briefly to the substance of this amendment.

This amendment adds \$180 million to the U.S. effort to fight the global AIDS epidemic. I believe future generations will judge our work by many standards. One of the first tests of public service will be what we did to respond to the most devastating epidemic in history. The challenge of global AIDS is a challenge to each and every one of us blessed with good health, a bountiful life, and a conscience. Today, with this amendment, the United States will increase its spending on the global AIDS crisis by 50 percent over last year's level. With these dollars, children will not be orphaned, communities will have hope, and we will extend a hand to help the least of our brothers and sisters.

Now we turn to the world community and ask that they join us, increasing their commitment with the United States to this struggle, showing our mutual resolve to commit the resources, the energy, and the leadership to save a world at risk.

I am hoping that by the end of this week, Senator DEWINE, Senator GRAHAM of Florida, and a few others will be able to make a trip with me to visit Haiti. As far as my experience is concerned, it is the first time—Senator DEWINE has been there many times—to see that the AIDS epidemic is not across the ocean, it is in our backyard. It is in every part of this world. It threatens us from every direction. Once one has seen it face to face, they will never, ever be the same.

Two years ago, I went to Africa and saw it myself. I saw it in Uganda, where I sat on a porch with mothers who were HIV positive, who were gathering scrapbooks, photos, notes, and little memorabilia of their lives to leave to their children who were in the yard playing, children who had been orphaned already, losing one parent, and were about to lose their second parent.

There are 42 million AIDS victims worldwide, most of them in sub-Saharan Africa. When one meets these victims, sees their courage, and sees what little it takes to fight this AIDS epidemic successfully, as they have in Uganda and a few other countries, they realize that our leadership and our commitment at this moment in history can make such a difference.

The United States has again shown leadership with this amendment. I thank Senator STEVENS and my colleagues in the Senate for joining what I consider to be a historic moment. We have made a commitment on behalf of our country, which we hope others in the world will join, and in so doing, I believe we can catch, and I hope apprehend, this epidemic before it is out of control, bringing peace and joy to the minds of many who today are suffering around the world.

I thank my colleague Senator DEWINE. It has been a genuine joy to work with him on this. I thank him for his commitment.

I ask unanimous consent that Senator DODD be added as a cosponsor of this amendment as well.

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

The Senator from Connecticut.

Mr. DODD. I thank my colleague for adding me as a cosponsor. I commend my colleague from Illinois for taking the leadership on this effort. I also commend our colleagues on both sides of the aisle for endorsing and supporting this proposal.

Over the last number of days, there have been rare occasions when we have found some common ground. At this late hour on Wednesday night, it is refreshing to know that on this matter, and I think eventually on the matter raised by Senator NELSON of Florida earlier, the issue of starvation and hunger, we will eventually find some common ground as well.

The leadership of Senator DURBIN is something that ought to make all of us proud as Members of this body that the United States can step up to the forefront and try to do everything we possibly can to alleviate the hardships

caused by this scourge. I commend him for his efforts. I thank others who have joined Senator DURBIN as a cosponsor and thank Senator STEVENS for his willingness to accept this amendment and to endorse it.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in the support of Senator DURBIN and Senator DEWINE's amendment to increase U.S. support for the fight against the HIV/AIDS pandemic. As a 10-year member of the Senate Subcommittee on African Affairs—and over half of those years have been as either the ranking minority member or the chairman—I have seen the terrible unfolding of the pandemic. I have read and repeated the numbing statistics that grow more horrifying every year. In 2002 alone, 3.1 million people died of AIDS. Five million were infected with HIV over the course of the year, and 42 million people were living with the virus by the end of the year. Ten million children have been orphaned by AIDS, and that number is expected to quadruple in the next 10 years. And I have seen the reality of these statistics in individual faces; I have met with orphans, with the sick, with the dying, and with the mourning. And while most of my own experience with this disaster has been in the African context, this is not only an African problem. In India, China, Russia, and the countries of the Caribbean, the terrible statistics have begun their own march steadily upward as the pandemic is taking hold.

The devastation is all the more appalling each year not just because the numbers grow, but because each year we have more tools at our disposal to fight this catastrophe. We know more about what works in terms of prevention and public awareness; we have improved treatment protocols and developed more effective methods for stopping the transmission of HIV from mother to child. But we still have not developed the will to scale up our activities and to use these tools on a grand scale.

The world simply must do more. Whole communities are being gutted—robbed of their core of productive adults. Whole societies—whole countries, even—are at risk. I urge my colleagues to consider the magnitude of the crisis, consider the human tragedy involved, consider the consequences of massive destabilization in the developing world, and to support this amendment. It is not going to solve the problem before us, but it is a step in the right direction, and we must take these steps at our every opportunity.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator DURBIN for the great work he has done. I thank Senator DODD, Senator COLEMAN, and all of those who have worked on this bill to bring us to this point. I also thank Senator TED

STEVENS for raising the amount of money that this bill originally had by \$50 million, at our request. And then coming along, he brought this bill to the floor and agreed to this amendment. I am very grateful. He has been a leader in this area.

I also thank the majority leader, BILL FRIST, who has great vision in this area and great compassion as well. My colleague from Illinois has said it very well. When you travel to Africa or, as my wife Fran and I have, to Haiti, when you see these children, when you hold them, touch them, talk to the people who care for them, when you know these children whom you see or are holding in all likelihood many of them are going to die, it truly does change you forever. When you leave those countries and when you leave those children, you know you cannot just leave. You know you have to try to do something. That is an experience I had, it was an experience my wife Fran had, but we are not unique. I know my colleague BILL FRIST has traveled to Africa. When he goes there, he can do much more than I can. He can work as a medical doctor. I know Senator INHOFE goes, as well as many other people, and they see this, and they come back. I have talked with so many of my colleagues.

This amendment says to the world that the United States of America does not just care, does not just want to use its rhetoric, but that we are going to back that up with our dollars and that we are going to do something about it and that, as the richest country in the world, we are going to lead in this area. We are going to be a leader in the world.

In the last several years, we have done a lot better. My colleague has said our spending level in this area has gone up significantly, and I compliment my colleagues on the Appropriations Committee for that. With this amendment, we are upping that a lot more. It is \$150 million more. That money goes a long way. That money can be used primarily in two significant ways. One is to help in the area of the transmission from mothers who have AIDS to their babies. It is an amazing statistic. We know, medical science tells us and the experts tell us, if we can reach these mothers early enough, before they give birth to that child who will have AIDS because the mom has AIDS, and get medical treatment to her and get the proper drugs to her that really cost comparatively little, we can save that child.

Two out of three of the children who will be born, if the mother gets the appropriate drugs, will not have AIDS. Think of the savings in dollars and cents, let alone the human savings. We can do that. Yet children are being born every single day with AIDS who needlessly would not have to have AIDS.

With the great plagues in Africa today and the great plagues in Haiti today, there are a number of children

who are orphans. All throughout this little country of Haiti, there are thousands of orphans. Why? Because there are not the drugs to keep the parents alive. And that is transforming that little country of Haiti. For the next year, there will be just as many incidents of AIDS in Haiti, a country of 8 million people, as there will be in the entire United States of America. We can see this is a problem not just in sub-Saharan Africa, it is a problem in a country that is only a 1-hour flight from Miami.

So this bill goes a long way to deal with this problem. It speaks volumes. It says we care and we are going to put our money where our mouth is. It is a step forward.

It does not do everything, we have a long way to go, but I think it is a great bipartisan effort. I thank all of my colleagues for getting behind this. I thank Senator STEVENS for accepting the amendment. I again pay tribute to Senator DURBIN, who has been a real bulldog on this. I thank all of my colleagues who have really made a great commitment to it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Mr. President, I support this amendment and I congratulate my friend from Illinois, Senator DURBIN. He has been a passionate, relentless advocate for increased funding to fight the horrific scourge of AIDS.

The foreign operations portion of this omnibus appropriations bill contains \$791 million for international programs to fight AIDS. That is a lot of money, and I applaud Senator MCCONNELL, the chairman of the Foreign Operations Subcommittee, for including those funds, which is similar to the amount that was reported by the Appropriations Committee last July.

It is a lot more than we were spending to combat AIDS just 2 or 3 years ago. But think about it another way. The amount we expect to provide in 2003 on AIDS, which threatens the lives of each of the world's 6 billion people—is less than what my own State of Vermont, with a population of only 600,000 people, will spend on health care during that same period.

So while the United States is doing more than ever, and we can point to successes in several countries such as Uganda, Thailand, and Brazil, the reality is that the AIDS pandemic is out of control.

It is spreading faster, not slower. Forty million people are infected. Almost nobody is receiving treatment. Twenty five million people have died from AIDS-related causes, and at the current rate that number is expected to exceed 65 million by the year 2020.

The reality is that despite everything we have done and are doing, we are failing miserably to control this pandemic. Until we develop a strategy that

matches the challenge, and until we start thinking in terms of billions, not millions, of dollars, we will continue to fail.

The alternative is unthinkable, but it is by no means far-fetched. 100 million deaths, 200 million, 400 million, this virus spreads exponentially and so does the cost of controlling it.

Imagine waking up tomorrow morning and learning that every single man, woman, and child—every single person—in Miami, Minneapolis, Atlanta, Denver, Boston, Seattle, Washington, DC, New York City, Los Angeles, Chicago, Houston, Philadelphia, San Diego, Detroit, and Dallas combined had a virus for which there was no cure.

That is the reality in Africa today. Every hour—hour, not day, not week not month, every hour—AIDS buries another 250 Africans.

Within the next decade, at the current rate, more than 40 million children in Africa will lose one or both parents to AIDS.

Many of these children will end up on the streets, turning to crime, drugs or prostitution, driving the rates of HIV even higher, perpetuating this vicious cycle.

This is an enormous challenge for Africa, but it is an even greater challenge for the world.

Every day, another 12,000 people are infected and millions more continue to suffer needlessly.

In India, the infection rate is skyrocketing. In China, only 4 percent of the Chinese population even knows how AIDS is spread.

It is a grim picture, but there is a great deal we can do. We do not have a cure for AIDS and there is no vaccine in sight, but we know how to protect ourselves from the HIV virus. We can provide basic care to the sick, and mobilize communities to support the growing number of AIDS orphans.

We know how, for pennies a day, to treat the half of all AIDS patients who will otherwise die from the pneumonia, tuberculosis, or meningitis that prey upon weak immune systems. We have to get these drugs, as well as antiretroviral drugs which have been available in wealthy countries for years, to people in poor countries that need them.

We know how to reduce the transmission of AIDS from mothers to children. We must also care for the mothers who are sick, because a young child without a mother in these countries cannot survive.

We know all these things but, even so, we are failing. The disease is spreading out of control. What we lack, even after all these years, is a global plan.

This administration, as the one before it and the one before that, has no plan for how to mount a global campaign to combat the most deadly virus in history. There is no strategy for dealing with 40 million AIDS orphans, no strategy for getting treatment to

the 40 million people infected today, or the 50 million who will be infected in another 3 years, no strategy for expanding education and prevention programs on the scale that is called for.

It is not enough to point to a few success stories, as important as they are. You have to look at the big picture. Despite everything we have done and are doing, we have failed miserably. This deadly pandemic is out of control, and the amount of money being spent is a pittance of what is needed.

If we are going to conquer—or at least control—this disease, we need to think differently about it. It sounds cliché and it has probably been said many times before, but we need the health equivalent of the Manhattan Project or putting a man on the moon. We need to increase our investment not linearly but exponentially. Where we are spending millions we need to spend billions.

Unless we start treating AIDS as a global health catastrophe, not just someone else's problem, we will face a far worse, and far more costly, crisis in the future.

The world faces immense challenges—from global warming to the threat of nuclear, chemical and biological weapons, to poverty on a vast scale. We cannot ignore any of challenges because they all affect the security of future generations of Americans.

But when those same future generations look back at this time and place, I believe they will judge us, more than anything, on how we responded to AIDS. It is the most urgent, the most compelling, moral issue of our time.

This amendment is a step, and an important one. I urge President Bush, who has shown real leadership in focusing our country and the world on combating terrorism, to think differently about AIDS. As serious a threat as international terrorism is, and we are spending many billions of dollars to protect ourselves from terrorists, measured by the number of victims it pales compared to AIDS.

Last year, the White House opposed an earlier amendment by Senator DURBIN, to provide \$500 million in emergency funding to combat AIDS. Because of the White House's objection, that amendment was defeated. I hope we do not repeat that mistake today because if AIDS is not an emergency, nothing is.

To those who would say we cannot afford the additional \$180 million provided in this amendment, I say look at the past decade. Look at the past two decades. If we had only acted then. We could have saved tens of millions of lives and billions of dollars. Instead, there was monumental failure of leadership, and today we are facing costs that were unthinkable then.

Have we learned nothing? I hope we have. Let us pass this amendment.

Mr. KENNEDY. Mr. President, I join in support of the amendment offered by the Senator from Illinois, Senator DUR-

BIN, and by the Senator from Ohio, Senator DEWINE, to provide urgently needed help in the international battle against AIDS, TB, and malaria.

AIDS killed 3 million people last year, TB almost 2 million, and malaria killed more than 1 million, mostly children in Africa. These terrible diseases end lives, destroy families, undermine economies, and threaten the stability and progress of entire nations.

AIDS, TB, and malaria rob poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost 7 million farmers needed to meet the food needs of entire nations. These diseases plunge poor nations into even deeper, more desperate poverty.

We must carry the fight against AIDS, TB, and malaria to every corner of the globe. And the Durbin-DeWine amendment would help the United States and the world to meet this extraordinary challenge.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these lifesaving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, TB, and malaria, and to treat those infected by these deadly diseases.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live.

Governments can make the difference in battling this epidemic.

Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive antiretroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than 1 percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

The Durbin-DeWine amendment would help the United States and the world to meet the extraordinary challenges of AIDS, TB, and malaria. By supporting this amendment to increase the funding for bilateral AIDS prevention, care and treatment, as well as the United States commitment to the Global Fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN and Senator DEWINE for offering the amendment, and I urge my colleagues to support it.

Mr. DURBIN. I yield 2 minutes to my colleague from Minnesota. I precede this by saying I was particularly touched by his decision to add his name as a cosponsor of this amendment. He is new in the Senate. I do not know him well. But he has made a fabulous first impression on me that he would stand up so early in his Senate career for such an important issue.

I yield 2 minutes to the new Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my distinguished colleague from Illinois for yielding the floor and giving me this opportunity.

Two weeks ago yesterday, I was sworn in as a Senator. This is the very first amendment I signed onto. I appreciate this opportunity.

All too often, we talk about all politics being local, but there is a global aspect. We are touched by what happens around the world. The Jewish philosopher Maimonides said we each should view ourselves as if the world were held in balance and any single act of goodness on our part can tip the scales.

The reality is the impact of this amendment will tip the scales again and again and again and it will change the world.

As my colleague from Ohio discussed, we reach one mother, we save one child. I believe this is a national security issue. If we do not deal with the plague and the plight of AIDS, it will have a tremendous impact upon our security here.

I believe this is a humanitarian issue. We are doing the right thing.

I thank my colleague from Illinois for his leadership in helping me be part of doing what is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I conclude briefly by saying there are many people in this world who do not understand the United States of America. There are many people in this world who hate the United States of America. They do not understand who we are. They do not understand our values.

Tonight, the Senate, with this small effort, is trying to say to the world that we care, we are part of this global community that wants to make this a better Earth, better for everyone to live on. I hope that some who judge us will judge us by what we have done tonight.

I express my gratitude to all the Senators who have joined me in this effort, particularly Senator DEWINE, in passing this important amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 127) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Could I ask the regular order?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator is to be recognized to offer an amendment.

#### AMENDMENT NO. 54

Mr. MCCAIN. On behalf of Senator KENNEDY, Senator KYL, Senator FEINSTEIN, and myself, I believe there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. KYL, for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 54.

Mr. MCCAIN. Mr. President, 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 make funds available for the Entry Exit System)

On page 95, line 7, strike "\$3,076,509,000" and insert the following: "\$3,241,787,000: *Provided*, That of the amount appropriated under this heading \$80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That, of the amounts made available in the preceding proviso, \$42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: *Provided further*,

That \$25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and \$12,300,000 shall only be available for system development: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107-117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107-77: *Provided further*, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies."

Mr. MCCAIN. Mr. President, I join my friend, Senator KYL, and thank him, Senator KENNEDY, Senator FEINSTEIN, and Senator FEINGOLD. I also thank Senator STEVENS for his agreement to this amendment which we think is a very important amendment.

I understand that under the previous order, I have 10 minutes and the other Senator from Arizona has 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, this amendment restores \$165 million, which was the level of funding requested by the President, to the INS for development and implementation of the exit-entry systems to be used at ports of entry across the United States.

Before any of my colleagues might have an impression that somehow I am breaking some of my iron rules, the fact is this amount of money was requested by the President in the President's budget, so what Senator KYL and



I are achieving here is the restoration of at least some of those funds for this very important program.

This morning, on the front page of the Wall Street Journal:

A Ranger's Death Shows New Hazards Of a Venerable Job. Law Enforcement Has Become A Bigger Part of Duties; Some Bridle at the Change. A Gunfight on the Border.

Organ Pipe Cactus National Monument, Ariz.

In the ovenlike afternoon heat last Aug. 9, Kris Eggle got a call for help.

Mexican police were chasing a truck that was about to cross the poorly marked national border into this desert park. Mr. Eggle, a 28-year-old park ranger, raced to the scene and found the truck stuck in a dust-filled pothole on the U.S. side. Several men spilled out and ran.

Mr. Eggle spotted one of them trying to hide behind a bush. He approached the suspect and prepared to arrest him, when the man whipped out an AK-47 automatic rifle and fired.

Mr. Eggle, a dedicated member of the U.S. Park Service, was killed in that encounter. He is the fourth park ranger to be killed in recent times as we are experiencing an increasing level of violence on our southern border.

We are in a crisis on our southern border—not just Arizona, but Arizona, unfortunately, is experiencing a majority of these problems because there have been crackdowns in California and in Texas, which has then funneled people up through Arizona.

This is a tragedy—a tragedy. Last year, 320 illegal immigrants died in the desert of Arizona trying to get across, usually exploited by unscrupulous coyotes, as they are called, who brought them across the border and said, "Tucson is right over the next hill," and left them to die in the desert of Arizona.

By the way, the motivation of those who died, I am sure, was simply to get a job so they could feed their families. The ones with the drug smugglers and the coyotes and the bad people, they don't starve in the desert because they know how to survive and they know where to go. Innocent people are dying every day in the deserts of Arizona and across this Nation. These innocent people, very frankly, are coming here because they want a better life in the United States. That is the same reason my ancestors came here and any of us who are not Native Americans.

There is a crisis in health care in Arizona. Emergency rooms are being shut down. Over \$100 million in medical expenses was incurred by the State of Arizona last year because of medical services paid for by illegal immigrants. Senator KYL will talk about the fact that it is the INS people who are waving medical emergencies across the border. That is a Federal responsibility. It is not a State responsibility. It is a Federal responsibility. Enforcement of our border is a Federal responsibility.

Do you know what else is happening? An interesting and very alarming thing is happening. People, believing—correctly—that the Federal Government

won't take care of its responsibilities, are beginning to want to take these responsibilities in their own hands in the form of vigilantism.

The Arizona Daily Star, January 3, 2003:

Bisbee militia leader Chris Simcox says he is set today to launch the first patrols along the border with members of his Civil Homeland Defense group.

Simcox has said he plans to have groups of armed citizens patrolling three areas of the Arizona-Mexico line, though he wouldn't specify the sites.

Do you know what vigilantism leads to, Mr. President? There is no doubt what it leads to; that is the death of innocent people. Our border is uncontrolled. If we are going to win a war on terrorism, how do we know who those 1,000 people a day are? A thousand people a day who are coming across the Arizona border into our country are not just people who are seeking a job, not even just drug smugglers, but could be terrorists, as well.

This amendment is attacking a small part of a major problem that we have in this Nation. I don't think it is a parochial attitude toward my own State when the facts are that three out of every five illegal aliens who are coming into the United States of America are apprehended in the State of Arizona. There are miles and miles and miles of border. What separates the United States of America from Mexico is seven strands of barbed wire. The latest tactic—I don't mean to take too much of my colleagues' time—is to take an SUV, put something in front of it, and bust right through the barbed-wire fence and bring in the drugs and bring in the illegals and everybody else who wants to get in. Senator KYL went down and talked to a rancher—11 times in 1 week SUVs have driven right across his property, a couple of them armed. Our citizens deserve better than that; those who live along the border, those who run health care facilities along the border, deserve better than that and certainly the citizens of this country deserve a better enforcement of our national borders than they are receiving today.

I say in closing that Senator KYL and I, along with other border State Senators, intend to make this an issue this year because it has to be addressed. It has to be addressed.

If we are going to preserve the security of this Nation, we have to have protection of our borders. It may cost money. It may be a difficult task to achieve. But the consequences of a failure to act are unacceptable.

I yield the remainder of my time and again I thank Senator STEVENS for helping us with this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment, and I ask it be adopted.

The PRESIDING OFFICER. There is time remaining.

Mr. KYL. I would like to speak on it as well.

Mr. STEVENS. I am sorry, I thought the Senator had already spoken. I withhold my motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me take a couple of minutes to amplify a couple of points my colleague, Senator MCCAIN, made and also I ask unanimous consent Senator DOMENICI of New Mexico be added as a cosponsor of the amendment.

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

Mr. KYL. Mr. President, as Senator MCCAIN just noted, we have a crisis on the southern border with Mexico. We have drug and human smuggling daily. There are over 500,000 illegal immigrants a year crossing into the United States; 320 people died last year crossing into the desert area of Arizona. There is a significant degradation of the environment that has occurred because of the large number of people and vehicles coming across. The ranchers' operations are disrupted, their cattle are sent scurrying, their fences are cut, their water is taken. We have hundreds of millions of dollars of medical costs that are unreimbursed because of the emergency care that is being provided to illegal immigrants. We have the vigilantes that Senator MCCAIN talked about springing up now, an understandable reaction to a problem but not an appropriate one. We have attacks on the Border Patrol every day, and even park rangers are being killed.

This is a crisis and it has to be dealt with. I thank Senator STEVENS and the other Senators who were helpful, for helping us to restore some of the funding the President had requested, and for their willingness to accept this amendment to begin to deal with at least one aspect of this problem.

We have not only, however, a problem of controlling the border at the border, but we also have a problem of dealing with the people who come to the United States legally but stay here illegally. That is one of the specific focuses of this amendment. I would like to take just a second to talk about it.

Did you know that half of the approximately 10 million people who are here in the United States illegally today came here legally and they overstayed their visas? The problem is, we don't have an effective system in our country that can track the people who are here illegally. We have mandated it three times in the law now. It is called an Entry Exit System. One of the things this amendment will do is to restore about \$80 million to help fund this Entry Exit System.

This was originally left out of the Senate version of the bill, but as I said, thanks to the work of Senator GREGG and Senator HOLLINGS, Senator BYRD and Senator STEVENS, we were able to get this funding back into the bill.

The Entry Exit System was originally authorized in 1996 through the Illegal Immigrant and Immigrant Responsibility Act of 1996, and then it was

strengthened again in the U.S.A. Patriot Act after September 11, and again in the Border Security and Visa Entry Reform Act. In all three cases we need to basically mandate the Federal Government to institute and administer this program.

Finally, Congress has gotten the attention of the appropriate officials, and we are beginning to get this done. It makes no sense to spend all of the resources we spend to control the border and then totally ignore the fact that half of the people who are here illegally got here legally, but we have no way of tracking them and determining where they are at a given time.

There are a lot of reasons this is important, but just think about the terrorism aspect for just a moment. This will help us identify terrorists, someone who arrived on a valid visa but hasn't exited the country because they want to stay here and engage in some nefarious activity. Just imagine if we had an effective system working at the time the September 11 hijackers came here. All of them came legally but of course they weren't all remaining in the country legally after they arrived.

It will also obviously help in a lot of other ways. As a matter of fact, when someone exits the country, if our law enforcement officials need to question them for any reason, they can be stopped and therefore they can be questioned because of the effectiveness of this system.

I want to make a final comment for the benefit of the administration because Congress is now acting to begin the funding of this program.

Senator GREGG, the chairman of the Appropriations Subcommittee, has made the point in the past it always has not been a wise expenditure of money by Congress to fund INS systems because the money doesn't seem to be spent very wisely. What we are saying is, as a result of this amendment, we are willing to put confidence in the INS, in the new Homeland Security Department, Justice Department, Border Patrol, and the other agencies that have this responsibility. But we expect them to follow through on the laws that we pass so when we mandate a system, it is implemented, and we expect it to be implemented on time.

We are going to be restoring the funding so they can do that. We expect them to do their part of the job and put these systems into effect. Not only is it important to help us with the problems of illegal drug smuggling and illegal immigration and general crime control, but it is now very important to deal with the problem of terrorism and the terrorist threat to our country.

I thank Senators STEVENS, GREGG, and HOLLINGS. I thank the cosponsors of this legislation. I am very much looking forward to working with them on the problems that Senator MCCAIN and I have identified in many other areas that we are going to have to deal with this year to deal with this crisis situation on the border between the United States and Mexico.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment offered by the Senators from Arizona.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 54) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 80, AS MODIFIED

Mr. REID. Mr. President, is amendment No. 80 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. REID. On behalf of Senator DAYTON, I ask unanimous consent the Dayton amendment be modified with the changes that are now at desk, the amendment as modified be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No. I thank the Senator from Nevada for his great work on this amendment.

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

The amendment (No. 80), as modified, was agreed to, as follows:

(Purpose: To amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security, and for other purposes)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by striking subsection (d) and inserting the following:

"(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security."

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. If the Senator will yield? The Senator from Connecticut wishes to make a short statement. We have a unanimous consent agreement we wish to enter into.

Mr. STEVENS. Yes. I have a unanimous consent request to offer as soon as the Senator from Connecticut is finished.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I believe the unanimous consent request needs to be made to

withdraw both the Dodd and the Gregg amendments and then I will offer what will be a substitute for those two amendments. I think it needs to proceed in that order, if I am not mistaken.

Mr. STEVENS. We do plan to offer a unanimous consent request that would bring up amendment No. 217. Is that what the Senator is referring to?

Mr. DODD. I believe so.

#### AMENDMENTS NOS. 71 AND 78 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent the Dodd and Gregg amendments be withdrawn. Would you like to have that adopted first?

Mr. DODD. I think we ought to do that first.

Mr. STEVENS. I ask unanimous consent the pending Dodd and Gregg amendments be withdrawn. Further, that Senator DODD be recognized to call up amendment No. 217, that the amendment be modified with the changes that I, Senator GREGG, and Senator DODD have agreed to, and will send to the desk, that the amendment be agreed to and the motion to reconsider be laid on the table. After that, I will ask the Senate proceed to other amendments.

Does the Senator from Connecticut wish to be heard at this time?

Mr. REID. Mr. President, reserving right to object, I ask the Senator to complete the request. Let us get it finished.

Mr. STEVENS. Does the Senator from Connecticut withhold?

I further ask unanimous consent that the Senate then proceed to the consideration of the following amendments in the following order and that the designated times in relation to the amendments be equally divided in the usual form:

Senator FEINGOLD, amendment No. 200, 30 minutes;

Senator MIKULSKI, amendment No. 61, 20 minutes;

Senator MURRAY, amendment No. 30, 20 minutes.

I further ask consent that following debate on each amendment, the amendment be temporarily set aside and a vote occur in relation to each amendment on Thursday at a time determined by the leader, with no second-degree amendments in order to any amendments prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator FEINGOLD has graciously consented to limit his time to 20 minutes equally divided.

Mr. STEVENS. Mr. President, I amend that request to 20 minutes instead of 30.

Mr. DODD. Mr. President, reserving the right to object, may I inquire, if I may have 1 minute.

Mr. STEVENS. It is my intention to ask that the Senator from Connecticut be recognized for whatever time he needs.

Mr. DODD. I would like 3 or 4 minutes to explain what the amendment will achieve.

Mr. STEVENS. Mr. President, may we have the consent agreement agreed to?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the Senator from Connecticut be recognized.

AMENDMENT NO. 217, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. STEVENS, Mr. GREGG, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, Mr. SCHUMER, Mr. BAUCUS, and Mr. KOHL, proposes an amendment numbered 217, as modified.

Mr. DODD. 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 additional funding for special education programs)

At the appropriate place, add the following:

SEC. . Funding for the Individuals with Disabilities Education Act. Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for support of Part B of the Individuals with Disabilities Education Act other than section 619 of such part the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003-2004: Provided, That notwithstanding any other provision of this Act, funds provided under this section shall not result in a further across-the-board rescission under section 601 of Division N.

Mr. REID. Mr. President, if I could direct a question to the manager of the bill, it is my understanding that the majority leader has said there will be no more rollcall votes tonight.

Mr. STEVENS. Mr. President, it is my privilege to announce that. I was going to do that after the Senator from Connecticut was finished. I assume he is not going to want any further votes. I announce in behalf of the majority leader that there will be no further votes this evening. The next vote will occur tomorrow at probably around 11 o'clock.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS, and Senator GREGG, and, of course, my colleagues Senator MIKULSKI and others who spoke eloquently on this subject matter a few days ago regarding special education funding. I say to my colleague from Alaska that he has been a great help.

This \$1.5 billion for special education is going to make a huge difference for schools and communities during the

2003-2004 school year. This is 1-year funding—it is not fully funding special education as we have promised, but it is a great step. As I look at the Presiding Officer, a former mayor, I know that Governors all across this country, as well as mayors, consistently put special education funding at or near the top of their list of priorities. And, it is especially important to note that unlike some other amendments that the Senate has adopted the past few days, this funding will not come through across the board cuts that include such critical programs as Head Start, WIC, and others that I have talked about. This is the way for us to address our priorities.

I am very grateful to my colleagues for supporting this. I will not take a lot of time this evening to go into it. Obviously, it makes a huge difference to our States, our communities, and, of course, families and children who will be the direct beneficiaries of these efforts.

Our colleague from Alabama spoke the other day about the importance of reform in this area. I agree that we need to review these programs to make sure the dollars are reaching the families who need them. And we will be reauthorizing IDEA in this Congress as we have in the past. But in the midst of a lot of pressure, I say to the Senator from Alaska, the chairman of the committee, that this is a special moment.

While it is late evening, and there will be no other recorded votes tonight, I want to thank him immensely for working out a solution to this. This may not be perfect. I know that some are a little bit disgruntled over how we managed to get this done. But this will truly make a difference in the lives of children and families. It is a special moment as we begin this 108th Congress. So, again, I thank the Senator from Alaska, and his staff, for working this out with us.

And, I thank my colleagues who have been stalwart. Senators HARKIN, JEFFORDS, and HAGEL, among others, who have done, and I know will continue to do, a tremendous amount of work in this area.

Finally, I hope and expect that this amendment, which includes not only myself and the many other Democrats I listed as co-sponsors, but also Senator STEVENS, the chair of the Appropriations Committee, and Senator GREGG, the chair of the Health, Education, Labor, and Pensions Committee, will be maintained in conference. I urge the conferees to oppose any effort to strip this provision that is so critical to our children and families.

Mrs. MURRAY. Mr. President, I would like to add my wholehearted support for the amendment offered by my friend from Connecticut.

The passage of IDEA was a watershed event—for children with disabilities and for all Americans.

By opening the doors of our public schools, we enabled millions of tal-

ented students to join their peers in becoming productive members of society.

Equally important, we improved education for all students by allowing them to know the strength and richness that diverse people with different experiences, challenges, and abilities bring to our lives.

Finally, we took yet another critical step on our journey to becoming a country that lives out our ideals of democracy, opportunity, and equality.

Because we have not lived up to the commitments made in IDEA, the full promise of this law has yet to be fulfilled.

Having failed to provide the full 40 percent of excess cost that was committed over 25 years ago, we have cheated students of the high-quality education they deserve.

This amendment gives us another chance to right that wrong and move forward on a path to full funding.

Last year during the ESEA debate, this body unanimously adopted an amendment that would have fully funded IDEA over the next 6 years.

The Dodd amendment would add the first increment of the full funding to the appropriations bill.

I hope my colleagues have not changed their minds about the importance of funding special education. I hope this amendment will also be adopted unanimously.

Frankly, given my home State's projected budget shortfall of \$2.4 billion, these funds are even more desperately needed to maintain and improve education for children with disabilities.

We have all agreed time and again that it is important to fully fund IDEA. Now we can actually provide the dollars to back up those statements. With this amendment, we have the opportunity to make an important choice for our children's future.

Are we going to make the investment in education that all our children deserve?

Or are we going to offer another false promise?

Cheating children of their education cheats them of their chance to succeed.

This is especially true for children with disabilities, who already face a more challenging future. We must do everything in our power to ensure all children have that chance.

I ask my colleagues to join me in supporting this amendment.

Mr. President, recently I received a note from an educator in my state reminding me what this money could mean for our students.

Northport School District is a small, rural school district nestled between the Idaho panhandle and the border with British Columbia. It serves 202 students in grades K-12.

Mary Swaim is both the special education director and the only special education teacher in Northport, WA. She has one aide, who spends the majority of her day giving physical therapy to six students.

Mary told me that they currently have 15 special needs students with disabilities that range from Autism to

muscular dystrophy and from Down's Syndrome to learning disabilities.

According to Mary, one of these students costs the district \$30,000 a year. They have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls.

But Mary's concern is not the cost of educating these children. She is worried that this small school cannot afford the staff to provide the quality education these students deserve.

According to Mary, fully funding IDEA would give Northport the money to hire another special education teacher, and would greatly improve these children's chance to learn and to succeed.

Mary told me:

I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

I believe we need to do more than ask Mary's opinion. I believe we need to listen to her valid concerns and act, as we can today, to make a difference for the students about whom she is so rightly concerned.

Mr. President, I ask unanimous consent that a letter from Mary Swaim be printed in the RECORD.

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

Dear Senator MURRAY: You asked what difference it would make to me and my students if IDEA were funded at 40 percent. Northport School District is a small, rural school with 202 students K-12 and we have a B-3 Early Headstart program/4-5 year old EACAP program renting space on our campus. We currently have 15 special needs students that include Autism, multiple handicaps, muscular dystrophy, mental retardation and specific learning disabilities. We could hire a full time teacher on what it costs this district for the autistic student alone (\$30,000.00). The muscular dystrophy student costs at least \$12,000.00 a year over the funding we receive for him. We have an autistic student who will be three years old in March and will be added to our program and we have two multiple handicapped kindergarten students who require speech, occupational therapy and physical therapy. We have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls. I am the special education teacher/director. I have one full time aide and the majority of her day is spent delivering physical therapy to six students. We receive only a small portion back from Medicaid on what we put out on our students. This small school cannot afford the staff to provide a quality education to these students. I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

Mary Swaim, Northport School District #211

Mr. STEVENS. Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 217), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 200

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) for himself, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, and Mr. DURBIN, proposes an amendment numbered 200.

Mr. FEINGOLD. 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 restrict funds made available for IMET assistance for Indonesian military personnel to "Expanded International Military Education and Training" assistance unless certain conditions are met)

Before the period at the end of the undesignated paragraph under the heading "International Military Education and Training", insert the following: "Provided further, That funds made available under this heading for Indonesian military personnel shall be available only for "Expanded International Military Education and Training" assistance, unless the President determines and reports to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002, terrorist attack on Bali, which killed United States citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002, attack, which resulted in the deaths of United States citizens, and in other gross violations of human rights: *Provided further*, That nothing in the preceding proviso prohibits the United States from conducting ongoing contacts and training with the Indonesian Armed Forces, including sales of non-lethal defense articles, counterterrorism training, officer visits, port visits, educational exchanges, or Expanded International Military Educational and Training for military officers and civilians".

Mr. FEINGOLD. Mr. President, I ask that Senators LEAHY, WYDEN, BOXER, and DURBIN be added as cosponsors of this amendment.

Mr. FEINGOLD. Mr. President, I rise today to offer a very simple amendment to this bill.

This amendment restricts Indonesian participation in the International Military Education and Training program, or IMET, limiting that participation to Expanded-IMET only, until the President can determine that Indonesia is doing two things—demonstrating a commitment to assist U.S. efforts to combat terrorism and taking effective

measures, including cooperating with the FBI, to bring to just those members of the Indonesian Armed Forces and militia groups against whom there is credible evidence of involvement in the August attack on American citizens.

On August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded when they were ambushed on a mountain road in Papua, Indonesia. Press reports indicate that Indonesian garrisons control all access to the remote road where the attack occurred. The attackers sprayed their targets with automatic weapons—weapons that would be rare to find in the hands of separatists in the area. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to the military, which, not surprisingly, has proven unwilling to investigate itself, and unwilling to fully cooperate with the FBI. In November, the Washington Post reported that intelligence agencies had obtained information indicating that, prior to the ambush, senior Indonesian military officials discussed an operation targeting Freeport and intended to discredit Papuan separatists.

The survivors of the attack, and the widows of the murdered, want their government to pressure the Indonesians to uncover the truth about the attack and to bring those responsible to justice. This Senate should support them.

I want to be very clear about what this amendment does not do. It does not cut off military contacts with Indonesia. Rather, it explicitly states that nothing in the amendment shall prohibit important national security contacts and programs, including counter-terrorism training, sales on non-lethal defense articles, officer visits, port visits, participation in conferences, or educational exchanges. The amendment explicitly permits Indonesian civilians and military personnel to participate in the expanded-IMET program, which offers a wide range of courses highly relevant to the reform efforts so important to the future of the military in Indonesia's new democratic system.

I believe that the United States should work with Indonesia to support such reforms, and should work within Indonesia and other states around the world in making the coalition against terrorism ever stronger.

The October 12 terrorist attack in Bali made plain that international terrorism threatens Indonesia just as it threatens the rest of the world, and I am encouraged by the many positive steps that Indonesia has taken in the wake of that horrific event—steps to track down those responsible using solid law enforcement methods, and

broader steps to acknowledge the reality of international terrorism's link to Indonesia. These efforts marked a welcome change from an initial reluctance in Jakarta to acknowledge the fact on the ground. More work remains ahead. The International Crisis Group recently published a powerful report on the Jamaah Islamiyah terrorist network, a group that is linked to dozens of attacks across Southeast Asia and that is believed by intelligence officials to be associated with al Qaeda. It is my hope that cooperation with Indonesia will continue to grow stronger.

But I also believe that our relations with Indonesia and the Indonesian military cannot be characterized by a business-as-usual approach until they have made a commitment to cooperate in investigating the murder of American citizens. In late December, when American citizens were brutally murdered in Yemen, the White House spoke plainly, stating that "it is our intention to bring to justice any and all people who were responsible for these murders." The White House was right to make that perfectly clear, and I take them at their word. And it is all the more important in the Indonesian case—where one of the institutions of the state may well be responsible for the murder of American citizens, where we find a long history abusive and extortionate military practices and an urgent need for military reform—it is all the more important, in this case, the U.S. make its intentions plain. We must be equally clear with the Indonesians, equally resolute in our commitment to get to the bottom of the murders in Papua. I hope that my colleagues will join me in this effort, and support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment. It addresses a problem that has been a concern of mine for years, which is the involvement of the Indonesian military in deliberate attacks against American citizens.

I fully appreciate that Indonesia is an important country with an elected president. We want to support Indonesia in every way we can, and we are doing so. The foreign operations portion of this omnibus appropriations bill provides \$150,000,000 in economic assistance for Indonesia, a significant increase above the amount requested by the President.

We are also supporting the Indonesian military. Our armed forces are engaging with the Indonesian military at all levels, including providing them millions of dollars in antiterrorism training assistance.

So no one should be under any illusion that we are not engaging with the Indonesian military or that we are not working with them to thwart international terrorism. We are training them and we are working with them.

We are doing that despite the fact—and this is widely known—that the Indonesian military was responsible for creating and arming some of the most

radical Muslim terrorist groups in that country.

But that is not what this amendment is about. This amendment focuses on a separate, \$400,000 military training program, which was suspended in 1999 after senior Indonesian military officers orchestrated the massacre of some 1,000 people in East Timor, and then lied about it.

It was criminal, it was shameful, and it was universally condemned.

At that time, we, the Congress, said that we would resume that IMET training program when the Indonesian military took steps to bring to justice those responsible. Was that too much to ask? No one thought so at the time. Not here, not in the Pentagon.

There has been no justice. In fact, the Indonesian military has flagrantly obstructed justice, intimidating, judges and threatening witnesses.

But even worse, there is credible evidence that 5 months ago—last August—the Indonesian military purposefully singled out American citizens for assassination. That they planned an attack which left two American teachers dead and several others wounded. Since then, they have actively tried to obstruct the police investigation of the crime.

We all agree that Indonesia is an important country, and that we need to work with the Indonesian government to combat international terrorism, and on other issues. We are doing that. But should we not at least expect the Indonesian military to cooperate with the investigation of the murders of American citizens.

Is that too much to ask? It is not about the money. The amount of money is insignificant. It is about the message it sends. This amendment says that before we resume this tiny military training program, the deaths of Americans need to be investigated and the people involved brought to justice.

If the military had not actively obstructed the investigation, this amendment would not be necessary. There is even evidence that an army officer shot at a police investigator, and that a police vehicle was attacked. Only after months of refusals and obfuscation, have they finally agreed to let the FBI assist in the investigation, and we do not yet know what access to witnesses or other evidence the FBI will have.

This amendment does not cut off anti-terrorism training and it does not cut off the IMET program. In fact, it reinstates the IMET program. There should be no confusion about that. The Feingold amendment reinstates the IMET program. But not for combat training—not until they meet the conditions in the amendment.

It is a timely and reasonable amendment. It is a simple amendment. It is a victims rights amendment.

Mr. FEINGOLD. I yield the remainder of my time.

Mr. SESSIONS. Mr. President, I yield back time in opposition to this amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. FEINGOLD. Mr. President, it is my understanding we will be allotted a moment to summarize prior to the vote on the amendment tomorrow.

The PRESIDING OFFICER. There is no order to that effect at this time.

Mr. FEINGOLD. I ask the minority whip, what is the intention?

Mr. REID. Mr. President, Senator STEVENS and Senator BYRD, the two managers of the bill and all these amendments, have allowed the participants to have a minute on each side. I am sure that will happen tomorrow.

Mr. FEINGOLD. Mr. President, has the other side yielded back their time?

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand there are two more amendments to be called up by Senators MIKULSKI and MURRAY. For each I believe we have 20 minutes to speak on behalf of those amendments.

I see Senator MIKULSKI.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 61

Ms. MIKULSKI. Mr. President, I call up amendment No. 61 dealing with the contracting out of employment of Federal employees.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY, proposes an amendment numbered 61.

Ms. MIKULSKI. 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 prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions, and for other purposes)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other Administrative regulation, directive, or policy.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my colleague, Senator HARRY REID, be added as a cosponsor of the amendment.

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

Ms. MIKULSKI. Mr. President, my amendment will prevent the arbitrary privatization of almost a million Federal workers. It prevents agencies from

establishing or applying or enforcing any numerical goal, target, or quota for the contracting out of Federal jobs either by public-private competitions or by directly converting jobs to the private sector.

I want to be very clear, I am not against privatization, but I believe the privatization should be based on thoughtful criteria, not arbitrary numerical quotas.

This administration has stated, in another arena, they are absolutely against quotas. So am I. But they seem to use quotas when it is convenient. I do not understand why OMB wants to use quotas to get rid of Federal employees. Let's not use quotas at all, whether it is to get into college or to get rid of Federal workers.

Right now, many people are thinking about how to reform the Federal workforce. Excellent thinking. Former Federal Reserve Chairman Volcker and Senator VOINOVICH—leaders in this area—have put a lot of work into this issue. What they are saying, loud and clear, is, we need to be able to recruit the best, we need to be able to retain the best, we need to be able to maintain the integrity of the civil service system and make sure it never lapses into cronyism or political patronage. I am for their approach.

Why am I offering this amendment? And why would that go against the thinking I have just talked about? Because the Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to get rid of 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. No agency would be immune from these cuts. And, more importantly, there is no criteria for the cuts. Managers will be forced to meet arbitrary targets, sometimes against their will or even their better judgment—without careful criteria, without rationale, without guidelines; and without considering: Would privatization of these jobs affect national security? Is it cost-effective for the taxpayer? What is its impact on the mission of each agency? And what would arbitrary, cavalier, swashbuckling privatization mean?

I think it is a dangerous trend with our Federal employees. Look at the Customs Service. Recently, they were made part of the Homeland Security Department. Their top priority should be protecting our borders and our ports, like stopping the millennium bomber. They should be searching for terrorists instead of wasting their time searching for private companies to do part of their job.

Next let's look at DOD. We may be going to war. Yet the Army would have to contract out as many as 200,000 jobs. Transferring these jobs to the private sector could seriously erode morale and readiness. While the military is fighting a war against terrorism, and maybe even a war in Iraq, let's not have a war within the Pentagon over who gets to keep their job.

Who are the kinds of people I am talking about? I am thinking about a secretary at the FBI in the Baltimore field office who has worked there for close to 50 years. During the terrible sniper case that gripped our whole Capital region, the FBI was on the job with our local law enforcement, along with the BATF, and it was the people in the back office keeping the agency support.

What are we going to say to that secretary who has worked with field officers, who has helped keep the FBI going for over 48 years and went to the same high school I went to and, by the way, Congresswoman PELOSI? Hello. Thank you very much. You are part of a quota. You are going to be replaced by a Kelly Girl. There is nothing wrong with Kelly Girls, but there is nothing wrong with a dedicated secretary who stuck with the FBI for 50 years so they could be effective and out there on the job protecting us.

So I am not seeking an end to privatization, but I think we should follow the FAIR Act. I think we should follow OMB's A-76 circular on these kinds of things.

Privatization is a code word to go after Federal employees. I do not know why OMB wants to do this. There is even a question of whether it will save money.

First of all, we have now the smallest Federal workforce since the 1960s. Also, at the same time, we know, from Federal managers themselves, that they are really nervous about this OMB directive because they think it will, first, undermine morale; and, second, there is no clear criteria. And instead of doing the job, they now have to justify the job.

I do not know why we are so prickly, hostile to our Federal employees. Who are the Federal employees? They are the Customs inspectors, they are the nurses at our VA hospitals, and they are the people at Social Security who make sure the seniors get their checks on time.

I am a Senator from Maryland, and I am really proud of it. I represent over 100,000 Federal employees. I wish you could meet them the way I do: on the job, at supermarkets. I represent people who are Nobel Prize winners at the National Institutes of Health and the National Institute of Standards and Technology. I represent people who work for the Coast Guard who are out there protecting our coast. I represent FBI agents. I represent the National Security Agency, the faculty at the United States Naval Academy that is getting our next generation of leaders ready.

They work hard every day to guard our borders, protect our homes, get America ready for the future. Workers in the FDA are protecting our food supply and making sure our pharmaceuticals are safe. They are also the Federal employees in other parts of America, the ones who died at the World Trade Center. How about the

ones who died at the Pentagon? How about the ones who lost their lives in Oklahoma City? They were protecting our Nation. They were protecting our communities.

We said a grateful Nation will never forget. Well, let's not forget them when it comes to pushing out their colleagues from the Federal workforce. I know what Federal employees do. They work hard. They think for themselves first as citizens of the United States and second as workers at missions-driven agencies.

Let me just close by saying this. We need to have a civil service in this country. And we need to have a civil service that is reliable and has integrity and is independent.

We have gone from an age of patronage politics to an age of partisan politics. I believe the American people want us to be in an age of performance politics. That means keeping a civil service. Do not fool around with the civil service. Don't just contract it out and reward your pals through cronyism or a new form of patronage.

I fought a political machine to get into politics, and I will fight a political machine that will try to destroy the civil service of the United States.

Let's keep a strong nonpolitical Federal workforce. Let's get rid of the quotas for the OMB circular, and let's take a rational approach maintaining the civil service but privatizing those jobs that are appropriate.

I yield the floor and reserve time that I might need for rebuttal.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment offered by the Senator from Maryland, Ms. MIKULSKI, of which I am a cosponsor.

I have long been concerned about the costs and benefits associated with the process by which the Federal Government contracts out work. In particular, I am concerned about the lack of data on whether these contracts actually achieve real savings for taxpayers, and about the effects of outsourcing on the pay and benefits of Federal workers.

I do not oppose contracting out. Such a process is often appropriate. I am concerned, however, that the arbitrary quotas proposed by the Office of Management and Budget will encourage Federal agencies to circumvent the existing public-private competition process for contracting out work without regard for what is the best use of taxpayer dollars. Contracting out affects the jobs of thousands of dedicated Government employees each year. These men and women deserve the chance to compete for this work—and for their jobs—on a level playing field.

The amendment offered by the Senator from Maryland would prohibit OMB from using numerical targets to privatize jobs currently filled by Federal employees. It would not prevent Federal agencies from contracting out. Instead, it would ensure that contracting decisions are based on what is

best for American taxpayers, rather than on arbitrary quotas set by OMB.

The language included in the Mikulski amendment was adopted by the Senate Appropriations Committee last year as part of the fiscal year 2003 Treasury-Postal appropriations bill. It was also adopted overwhelmingly by the House of Representatives by a vote of 261-166 during that body's consideration of the fiscal year 2003 Treasury-Postal appropriations bill.

I remain concerned about the administration's push to contract out hundreds of thousands of Federal jobs with little regard for true public-private competition. Late last year, OMB released its proposed changes to the Circular A-76 process, that, if adopted, would result in the privatization of 850,000 Federal jobs nearly half of the Federal workforce. The proposed revisions would allow agencies to contract out jobs currently held by Federal employees without public-private competition. In addition, the proposal would force agencies to privatize work without competition if they fail to meet arbitrary deadlines for contracting out work.

The proposal further undermines competition by rarely allowing Federal employees to compete for new work or work that is currently being done by contractors. It would also switch to a so-called "best value" system of competition, rather than continuing the current cost-based system that takes into account quality of work.

OMB's proposal does nothing to improve the tracking of costs and benefits of contracted work or to ensure that there is oversight to determine whether the contractors are providing quality services or otherwise complying with the terms of their contracts. Further, once a contractor has been awarded a job, there is no mechanism to re-compete the work at a later date to ensure that taxpayers are actually receiving the best work for the best price.

I agree that the Federal contracting system needs reform. But to rush to outsource the positions of nearly half of the Federal workforce in an arbitrary manner, and without allowing these dedicated workers to compete to keep their jobs, is shortsighted. We should proceed cautiously to ensure that the contracting process is fair to Federal workers and that it actually results in a quality, cost-effective product for taxpayers. OMB's current plan for arbitrary quotas and little public-private competition will not achieve these goals.

I urge my colleagues to support this amendment.

Mr. AKAKA. Mr. President, I rise today to support and cosponsor Senator MIKULSKI's amendment to the omnibus appropriations bill. Our amendment would prevent funds appropriated by this bill from being used to impose privatization quotas on Federal agencies. This amendment would promote sensible procurement policies by elimi-

nating the need to contract out Federal work just to meet subjective targets. Decisions to contract out Federal work, which would reduce the Federal workforce, should never be based on political objectives. This amendment is an important step towards preventing contracting decisions based on arbitrary quotas.

Under proposed regulations governing privatization, up to 850,000 Federal employee jobs will be reviewed for privatization. At minimum, the administration intends to open up at least 425,000 Federal jobs to competition by the end of 2004. The decision to do so is not based on data or hard science. How did the administration choose that number? I want my colleagues to know that there is no evidence that outsourcing such a sizeable number of Federal jobs so quickly will achieve any cost savings at all. The proposed revisions to A-76, the regulations governing the contracting of Federal work, support outsourcing quotas by forcing agencies to outsource jobs without first holding public-private competitions, regardless of whether the move to privatization saves the Government any money.

Arbitrary quotas serve no purpose, and they place Federal workers in the unenviable position of never knowing whether their job will be eliminated. Even if employees were to understand the regulations governing Federal contracting, they would be competing in a system that is skewed toward private-sector bidders. Moreover, Federal managers are ill-prepared and undertrained to deal with large-scale outsourcing of government work. Federal employees are being forced to compete for jobs they already hold with very little, if any, training or guidance on how to enter the Federal contracting process and successfully compete with seasoned bidders. The past performance of Federal employees will not be taken into account when analyzing whether a Government contract should be awarded. However, a great value will be placed on the past performance of a private contractor.

As a member of the Governmental Affairs Committee, I am committed to an efficient, effective, and responsive Federal Government. However, as we look for ways to achieve this, we must ensure that contracting objectives are fair to our Federal workforce and result in cost savings. I do not believe that these goals are mutually exclusive. I will continue to work toward ensuring that Federal procurement policies are fair to Federal workers and cost-effective. The Mikulski amendment achieves this end, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield back the time on this side.

Ms. MIKULSKI. Mr. President, if the other side yields back its time, I therefore yield back my time and know that there will be an agreement to vote on

my amendment that will be concluded at the end of the evening.

I thank my colleague from Alabama. I hope all my debates are that easy.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

AMENDMENT NO. 39

Mrs. MURRAY. Mr. President, I call up amendment No. 39 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. DODD, Ms. CANTWELL, and Ms. STABENOW, proposes an amendment numbered 39.

Mrs. MURRAY. 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 funding for the community access program)

On page 570, line 19, insert before the period the following: "Provided further, That \$120,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay".

Mrs. MURRAY. Mr. President, I am offering this amendment on behalf of myself, Senators KENNEDY, REED, CLINTON, BINGAMAN, DODD, STABENOW, and CANTWELL.

The amendment I have called up is very simple. It restores the \$120 million to the Community Access Program that was cut in the managers' amendment. This \$120 million level is exactly the same level as we appropriated in fiscal year 2002, and it is the same level that was included in the fiscal year 2003 Labor-HHS-Education appropriations bill which we marked up last year.

The Community Access Program helps increase the capacity and effectiveness of community health care institutions and providers that serve patients regardless of their ability to pay.

It is a community-based program that seeks to coordinate care for the uninsured. It has been very successful, and it enjoys broad bipartisan support.

It is difficult for me to understand why the President's budget eliminates a program that seeks to get care for the uninsured at a time when the ranks of the uninsured continue to grow. Without a coordinated community-based approach to accessing care, the uninsured simply end up in our emergency rooms or go without care, and both of those results add to our growing health care crisis.

I know firsthand how successful this program has been. Washington State has four CAP grantees that have worked to expand access to quality, comprehensive care for those who have no health care safety net. They are



based in Spokane, Wenatchee, Olympia, and Seattle.

As I have met with our CAP grantees, they have shown me a glimpse into what I think is the future of health care.

In October I visited the Odessa Brown Children's Clinic. I saw a doctor, a dentist, and a psychologist in the same room, not just treating body parts but actually treating the whole child in a comprehensive, compassionate way. Today that project is known as "Kids Get Care," and it is connecting more than 3,000 children to comprehensive health care.

These kinds of efforts are making a real difference for low-income families, and they need more investment. Our CAP grantees have worked to ensure that our increased investment in community health centers reaps the greatest benefit possible. They have worked with vulnerable populations to tear down barriers to care and not just economic barriers. They use the small investment to better serve the uninsured. We should be strengthening efforts like this right now, not eliminating them.

Currently in my home State of Washington, one in nine residents is uninsured. And with my State's ongoing economic crisis—and I am sure across the country—demand is going to grow for programs that provide care for the uninsured. We need to meet the immediate needs of these families who today can only get access in the emergency room.

CAP provides the seed money that gives community health care providers the ability to serve those who have nowhere else to go.

As a member of the HELP Committee, I am disappointed that the majority has proposed eliminating this program. The HELP Committee worked in a bipartisan manner, under the leadership of Senators KENNEDY, GREGG, and FRIST, and secured passage of a 4-year health care safety net authorization bill. Last year that provided an authorization of this CAP program. That legislation was, in fact, unanimously adopted by the Senate in October of 2002 and signed by the President on October 26, 2002.

The purpose of the authorization is spelled out now in Public Law 107-251. I want to read the committee report. The purpose is:

To provide assistance to communities and to consortia of health care providers, in order to develop or strengthen an integrated health care delivery system that coordinates health services for individuals who are uninsured and individuals who are underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions.

Those are goals we must achieve. I understand the fiscal pressures facing the chairman of the Appropriations Committee and Chairman SPECTER, but we are facing a major health care crisis in this country. This is not just a crisis of the uninsured but a crisis of increasing costs. The impact of this will only mean higher Federal expenditures in

programs such as Medicare and Medicaid, not to mention the human toll on our uninsured citizens.

I applaud the recent comments by the new majority leader in discussing the racial inequities in our health care delivery system, and I look forward to working with him to address this injustice and to ensure greater access to care for all Americans. Fair and just access to care is a civil rights issue.

Being uninsured does not have to mean going without. We can offer a safety net to provide comprehensive care to the uninsured through programs such as CAP and community health centers.

I believe that CAP provides us a model for closing the gaps in health care and eliminating racial inequities. If we truly hope to provide fair and equal access, we must not eliminate CAP in this bill.

CAP is certainly not the only solution, but we all know that in order to address our health care crisis, we have to find innovative solutions that use our resources more effectively, and CAP does just that. It supports innovative community-based programs.

I urge my colleagues to support this amendment. I remind them, it was authorized by the full committee last year, unanimously passed the Senate, and has broad bipartisan support. We need to back our words in that bill with the resources for these communities to provide care for the uninsured and the growing ranks of uninsured across this country. We need to strengthen our fragile health care safety net across this country, and this amendment will help us do that.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Washington for her comments. I had the pleasure a little over a year ago to travel to five different rural health clinics in Alabama, many of these in areas where minority citizens live, and was very pleased to have the chief Assistant Secretary of Health and Human Services, Claude Allen, to do that, an African-American himself, the chief deputy to Tommy Thompson.

My understanding is the administration does support rural health clinics; in fact, it has plans to expand them. Properly done, it would be the right way to go. I will be looking at the Senator's amendment and reviewing that as we go forward.

I think the general policy and the general direction of this administration will be to expand those clinics rather than to reduce them.

Mr. SESSIONS. Mr. President, we are waiting for the assistant Democratic leader, and while Senator MURRAY is here, I will add further on that subject that we visited rural health clinics in Alabama. They do a lot of work. Somehow we have created a system of health care where it is not easy for physicians

and health care professionals to choose to live in rural areas, and it has taken Government programs to meet the crisis need. I wish we could figure out a way to incentivize it so a person who might like to live in a small town could practice medicine there and make a decent living and have a nice life. Somehow we have not done that effectively. That is the reason we have felt the need to create these clinics with Government support.

#### TEXTILE TRANSHIPMENTS

Mrs. DOLE. Mr. President, it is my understanding that in the 107th Congress, \$9.5 million was authorized by the Trade Promotion Authority Act for the hiring of up to 71 new customs agents to more vigorously enforce the existing textile trade agreements. I ask Senator CAMPBELL, is that correct?

Mr. CAMPBELL. Yes, it is.

Mrs. DOLE. And it is also my understanding that this funding was not included in the final version of the bill before us. Is that also correct?

Mr. CAMPBELL. Yes, that is correct.

Mrs. DOLE. I understand the severe budget restraints you and the committee were working under to produce this final bill. I wish that the committee had been able to fund this very important measure.

Since 1996, 65,700 jobs have been lost in North Carolina alone in the textile industry. However, contrary to some opinions, the North Carolina textile industry can compete domestically and worldwide if, and I strongly emphasize "if," the Federal Government allocates the resources to its customs agents to do their jobs and enforce existing trade agreements.

Chuck Hayes, the former head of the American Textile Manufacturers Institute, once said that thousands of textile jobs could have been saved in North Carolina if the United States had rigorously enforced our existing textile trade agreements.

But in order to do that, the Customs Service needs to hire many more experienced agents to be able to investigate cases of illegally shipped textile products into the United States through our ports. It is a massive undertaking but one that we must pursue in order to save the remaining textile jobs in North Carolina and elsewhere and put our domestic textile industry on a more equal basis versus overseas manufacturers.

Mr. CAMPBELL. I fully understand and appreciate the Senator's feelings on this matter and I will work with her on this problem in the next appropriations cycle for fiscal year 2004.

Mrs. DOLE. I thank the Senator for that pledge to work with me. The health and welfare of thousands of hard-working North Carolina families depends on enforcing the textile trade agreements we now have in force. I will continue to stay in close contact with you and the committee on this issue.

#### PORT SECURITY

Mrs. MURRAY. Mr. President, I rise to request to enter into a colloquy with

the chairman and the ranking member on the Treasury and General Government Appropriations Subcommittee, the distinguished Senators from Colorado and North Dakota, regarding port security.

Mr. DORGAN. Mr. President, the security of our Nation's ports is of extreme importance to me, so I gladly will engage in a colloquy with the senior Senator from Washington. Being from a northern border state, like the senior Senator from Washington, I am particularly concerned about how others may try to use the border to circumvent our security. Furthermore, it is important that improving our security doesn't unnecessarily infringe upon commerce that travels over our northern border.

Mr. CAMPBELL. Mr. President, I also agree that securing our Nation's ports and points of entry is critical to protecting our citizens.

Mrs. MURRAY. Mr. President, on October 31, 2002, the U.S. Customs Service published regulations requiring sea carriers to provide cargo manifests 24 hours prior to the lading of containerized cargo at foreign ports for shipment to the United States. In short, since December 2, 2002, the Customs Service has been asking for a detailed list of all cargo entering a U.S. port and detailed information regarding the shipper. This will allow Customs agents to identify at-risk cargo, thus making our ports safer.

My State of Washington includes the ports of Seattle and Tacoma. These ports combined represent the Nation's third largest intermodal container gateway. So I applaud this initiative, which will allow customs agents the opportunity to identify at risk cargo, while expediting the process for low-risk cargo.

Having said that, I am concerned that if this rule is not adopted by the Customs authorities in countries with whom we share a border, we could actually make our borders even less secure. There is a substantial flow of overseas containerized goods coming over the Canadian and Mexican borders, especially the Canadian border, into the U.S. annually. If those goods are not subject to the 24-hour rule, as overseas containerized goods coming through U.S. ports are, we have defeated the intent of the rule. In addition, we are actually providing an incentive for shippers to use the Canadian or Mexican gateways instead of bringing their goods through U.S. ports. This scenario hurts us in two ways. First, it diminishes the security at our borders if the same rules do not apply to overseas containerized goods coming through Canada or Mexico, and second, if shipping lines flock to ports located in our northern and southern neighbors to bring goods into the U.S. due to the "hassle factor," it takes jobs and the potential for economic growth from our communities.

For this reason, I am gratified to learn that the Canadian government is

in the process of considering port security regulations of its own. U.S. Customs has thus far been able to work successfully with Canadian Customs on programs such as the Smart Border Accord, the Container Security Initiative, and the Customs Trade Partnership Against Terrorism effort.

So I am asking the distinguished Senators from Colorado and North Dakota regardless of whether the Canadian Government does or does not implement a similar advanced manifest information requirement, to with me to see our Government require the same manifest information on all container traffic that is destined to the United States on a through-bill-of-lading via a Canadian or Mexican port.

Mr. DORGAN. Mr. President, I thank the distinguished Senator from Washington for raising this issue with me. Congress must be vigilant in making sure that all cargo entering this country via any method—sea, air, or rail—faces the same level of scrutiny. Should the perception develop that it is easier to move goods into the U.S. through Canada, not only would our Nation's ports be disadvantaged economically, but our country would face a greater security risk. As you point out, regulation on ship traffic is moving ahead. I understand that Customs Commissioner Bonner has directed that regulations regarding rail, air, and truck shipments be kept on track. I certainly will work with the distinguished Senator from Washington and the Customs Service to ensure that all cargo entering the United States receives equal scrutiny.

Mr. CAMPBELL. Mr. President, I will work with the Senator from Washington, my ranking member, and the Customs Service to achieve this important goal. We must work hard to plug the security holes that exist, and this is one we should fix.

#### PROVIDENCE PERFORMING ARTS CENTER

Mr. CHAFEE. Mr. President, as we move forward on this measure, I noted in the Senate Report accompanying the FY 2003 Commerce, Justice, State, and the Judiciary Appropriations bill that the Appropriations Committee urged the Economic Development Administration (EDA) to evaluate several worthwhile proposals for projects which may be eligible for funding under the various EDA programs.

Mr. GREGG. That is correct. The committee listed six such proposals.

Mr. CHAFEE. I would like to make the Senator from New Hampshire, the Chairman of the Commerce Appropriations Subcommittee, aware of a strong economic development proposal from my home state of Rhode Island.

The proposal focuses on the renovation of the restored historic theater at the Providence Performing Arts Center, PPAC, in our capital city of Providence. Listed on the National Register of Historic Places, the facility was recently named an Official Project of the Save America's Treasures program directed by the National Trust for His-

toric Preservation and the White House Millennium Council. The full renovation of the theater, both structural and mechanical, is the ultimate goal of the non-profit entity that operates the center. A renovated PPAC has the potential to be one of the major economic development stimulants in the old downtown. I know from my membership on the Environment and Public Works Committee, which has authorizing jurisdiction over the EDA, that this project is very similar to others funded by the agency.

I ask the chairman if the Providence initiative is in keeping with the projects recommended by the committee and listed in the report?

Mr. GREGG. It is. In fact, the proposal to renovate and operate a vibrant theater appears to be just the type of job-creating project EDA should be encouraging in our downtowns.

Mr. CHAFEE. That being so, I ask the chairman if he would deem the Providence project part of the committee's recommendation to the EDA.

Mr. GREGG. Although we cannot amend the report at this point, I would urge the EDA to evaluate the Providence Performing Arts Center project along with the other projects listed in the committee report. The project should be given every consideration within applicable procedures and guidelines by the Economic Development Administration.

Mr. CHAFEE. I thank the Senator and look forward to working with the committee and EDA to generate positive economic development in downtown Providence.

#### MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### CRISIS IN ETHIOPIA

Mr. KENNEDY. Mr. President, our colleague in the House of Representatives, FRANK WOLF, recently returned from a visit to Ethiopia and Eritrea. His report on the trip describes the dire health and humanitarian crisis in these countries.

Congressman WOLF states that, without urgently needed support, an additional 11 million people may perish because of the famine exacerbated by drought, because of the HIV/AIDS epidemic, and because of the lingering effects of those countries' 2½ year border war.

These issues are extremely serious, and the international community can and must do more to help alleviate this crisis. I believe that Congressman WOLF's report will be of interest to all of us in the Senate, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

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

TRIP REPORT: ETHIOPIA AND ERITREA—  
DECEMBER 29, 2002–JANUARY 4, 2003

Babies wailing and screeching, desperately trying to get nourishment from their mothers' breasts.

Two- and three-year-olds so severely malnourished that they cannot stand, much less crawl or walk, their pencil-thin legs so frail that they could be snapped like a twig with little or no effort.

Young boys and girls with bloated bellies. A teenager whose legs are no thicker than my wrist.

Drinking water almost non-existent—a four-hour walk each way just to find some. Fields scorched. Crops failed.

River beds dry as a bone. Hand-dug collecting ponds for rain so sun-baked that the earth has cracked.

Disease. Despair.

These are some of the horrific sites I witnessed last week in Ethiopia, which once again is facing a famine of catastrophic proportions.

I spent a week in Ethiopia in 1984—when nearly one million people died of starvation—including two nights in a feeding camp. The squalid conditions of the camps and the suffering faces of the children, mothers and elderly were haunting and unforgettable. What I saw—and experienced—changed me forever. I never thought I would see something like that again. I have. Last week.

By Easter, thousands of Ethiopians could be dead from starvation. Children living in villages just 90 miles from the capital city, Addis Ababa, which is easily accessible by truck, are already near death. Conditions in villages in more remote areas of the country are significantly worse.

#### DIRE SITUATION

While the government of Ethiopia is out in front of trying to draw attention to the crisis—unlike in 1984 when the Mengistu government tried to keep the famine secret until a BBC camera crew broke the story—what makes this year's crisis more horrific is that the population of Ethiopia has increased from 45 million in 1984 to 69 million today. In addition, HIV/AIDS is spreading throughout the country and Ethiopia's 2½-year border was with neighboring Eritrea has drained precious resources and led to thousands of displaced people and families, particularly in remote areas of the country.

With each crisis—drought, war, disease—more families become destitute and completely dependent on others for their welfare and survival. The repeated droughts have made more people vulnerable to hunger and hunger-related diseases, sharply increasing the danger of outright starvation among groups that may have been able to survive previous crop failures and livestock losses.

This also is a tough neighborhood, with Sudan bordering to the west and Somalia to the east. These countries are struggling to overcome internal turmoil of their own and refugees from each have crossed into Ethiopia and are living in refugee camps.

But perhaps the greatest difficulty is getting the world to respond. The focus in capital cities around the globe is the war on terror, Iraq and North Korea.

#### HOW COULD THIS HAPPEN?

I do not believe this situation should ever have been allowed to develop. Does anyone really believe that the world would turn a blind eye if this crisis were unfolding in France or Australia? If the photographs in this report were of Norwegian children wouldn't the world be rushing to help? Is not

the value of an Ethiopian child or Eritrean mother the same in the eyes of God?

This disaster has been building since last fall, yet there has been little mention of it in the Western media, let alone any in depth reports. Without graphic photographs and video-tape, foreign governments will not feel the pressure to act.

The situation in Ethiopia is dire and many believe if immediate action is not taken to address the looming crisis, the number of people who could die from starvation could surpass those who perished during the 1984–1985 drought. In 1984, 8 million were in need of food aid. Today, more than 11 million people—just slightly less than the combined population of Maryland and Virginia—are presently at risk and that number is growing every day.

Last year's crops produced little or nothing, even in parts of the country that normally provide surpluses of food. The demand for international food aid is tremendous. I was told there is enough food in the country to meet January's needs and part of February's, although at reduced levels. Incredibly, there is nothing in the pipeline to deal with March, April, May, or the rest of the year. Even if ships loaded with grain were to leave today, many would not make it in time to avert disaster.

Villagers are living on about 900 calories a day. The average American lives on 2,200 to 2,400 calories a day.

An elderly woman at a feeding station in the northern part of the country showed me her monthly allotment of wheat: it would have fit into a bowling ball bag.

A man working under the hot African sun with fellow villagers to dig a massive rain collecting pond—each carrying 50-pound bags of dirt up from the bottom of the pit—told me he had not had a drink of water all day and didn't know if he would eat that night. It would depend on whether his children had food.

#### NO WATER

Water—for drinking and bathing—is almost non-existent, and what is available, is putrid. There is no medicine—and even if there was something as simple as an aspirin there is no water with which to wash it down. Disease is rampant.

During my trip I visited villages in both the north and south of the country. I went to a food distribution center and a health clinic. I talked with farmers who had already begun to sell off their livestock and mothers who did not know where or when their children would get their next meal. I met with U.S. State Department officials and NGOs. I also met with Prime Minister Meles and a number of relief officials in his government.

The government's decision not to establish feeding camps is a wise one. The camps only exacerbate the crisis because they allow diseases to spread much more quickly and take people away from their homes and albeit limited support systems. In 1984, many families traveled great distances to reach the camps and by the time they got there were often near death. Moreover, villagers who left for the camps and somehow managed to survive had nothing to return to because they had lost their homes and sold their livestock.

Fortunately, relief organizations, including U.S. AID and the United Nations World Food Programme, have developed an early warning system to better predict the effects of the looming crisis and have been sounding the alarm since the fall.

Nevertheless, they are facing an uphill battle. Donor fatigue is a very real problem.

#### COMPETING WORLD CRISIS

Getting the world—and the United States, in particular—to focus on the issue is dif-

ficult because of the war on terrorism, the situation in Iraq and the growing crisis in North Korea.

Since August 2002, the United States has provided approximately 430,000 metric tons of food, valued at \$179 million. This amount constitutes approximately 25 percent of the total need in the country. The U.S. government will need to do more to avert a disaster of biblical proportions.

Before leaving on the trip, a number of well read people in the Washington area looked at me quizzically when I told them I was going to Ethiopia. They all asked why? When I told them that the country was facing another famine along the scale of 1984, they were dumbfounded.

Time is of the essence. A village can slip dramatically in just a matter of weeks. Many of the children I saw last week will be dead by early February and those who do somehow miraculously survive will be severely retarded. The world cannot afford to wait any longer.

I also visited neighboring Eritrea, where the situation is not much better. Widespread crop failures are expected as a result of the drought. Compounding the situation are the lingering effects of its war with Ethiopia, which ended in December 2000. While nearly 200,000 refugees and displaced persons have been reintegrated into society following the truce, almost 60,000 have been unable to return to their homes due to the presence of land mines, unexploded ordnance, insecurity or the simple fact that the infrastructure near their homes has been completely destroyed.

#### RECOMMENDATIONS

Donors, including the United States, must make prompt and significant food-aid pledges to help Ethiopia overcome its current crisis. The food pipeline could break down as early as next month if donors do not act immediately. There are a number of countries, Canada and France, for instance, that can and should do more.

The Office of Management and Budget (OMB) must work to ensure that the U.S. assistance is released as quickly as possible.

When President Bush visits Africa, he should consider going to Ethiopia. I believe he would be moved by what he sees.

The Bush Administration should make an effort to rally public support similar to what was done during the 1984–85 famine. Perhaps the new director of faith-based initiatives at USAID should serve as the coordinator for such an effort.

Donor support also must include water, seeds and medicine as well as veterinary assistance.

The Ethiopian government should take its case to capitals around the globe, sending representatives to donor nations armed with photographs of dying children to put a face on the growing crisis. Regrettably, if they do not ask, they will not receive.

The Ethiopian government must contribute additional food aid from its own resources as it did in 2000 and 2002 as a sign of leadership and commitment to the welfare of its people.

More must be done to develop long-term strategies to tackle the root causes of the food shortages in Ethiopia, like improving irrigation and developing drought-resistant crops. The government must develop a 10- or 15-year plan designed to help end the constant cycle of massive food shortages. A well developed plan would go a long way toward reassuring the international community that the country wants to end its dependence on handouts.

The Ethiopian government also should do more to help diversify its economy. Its largest export—coffee—is subject to huge price

fluctuations in the world market and rather than exporting hides and leather to Italy and China—only to come back as belts, purses and shoes—the government should work to attract business that will make these products on Ethiopian soil.

The government of Ethiopia also should consider a sweeping land reform policy that would allow farmers to own their property rather than the government owning all the country's land, a vestige of the country's socialist days.

The media needs to more aggressively pursue this looming crisis. It was responsible for making the world aware of the terrible famine that was occurring in 1984 and has the ability to let the world know about the tragedy unfolding again.

Many of the same issues that apply to Ethiopia apply to Eritrea. Both countries are in desperate need of assistance.

In closing, I want to thank all the people—from government officials in both Ethiopia and Eritrea to U.S. officials and NGOs and missionaries in both countries—who are working around the clock to deal with this crisis. I also want to thank U.S. Ambassador to Eritrea Donald McConnell and U.S. Ambassador to Ethiopia Auzerlia Brazeal and their respective staffs for all they do. They are outstanding representatives of the U.S. government. Special thanks go to Jack Douthrich in Eritrea and Karen Freeman, Jo Raisin and Makeda Tsegaye in Ethiopia. Roy "Reb" Brownell with USAID in Washington also deserves special recognition.

Finally, I want to thank Lt. Col. Malcom Shorter, who accompanied me on the trip, and Dan Scandling, my chief of staff, who took all the photographs and videotaped the trip.

#### REAUTHORIZATION FUNDING

Mr. BINGAMAN. Mr. President, I would like to take a few minutes in morning business to speak about my priorities this year in Federal transportation funding. I think all Senators are probably aware that Congress must reauthorize the 6-year surface transportation bill in 2003.

As I travel around my State, I continue to hear frequently from citizens about the need to improve our basic transportation infrastructure, including highways and transit. Access to a high-quality transportation system is an essential element in economic development, and I believe the Federal Government has an important role to play in helping communities build and maintain the basic transportation infrastructure that businesses need.

Thus, the reauthorization this year of Federal transportation funding will be essential if New Mexico is to have the high-quality transportation system it needs to attract new jobs and businesses to our State. Safe and efficient highways and public transit are especially important for economic developments in the rural parts of my State. Basic transportation infrastructure is also vital to our communities, schools, and families, and helps support everyday life.

The most recent 6-year transportation act, known as TEA-21, was enacted in 1998. TEA-21 has been a good piece of legislation for my State, and I was pleased to support the bill. One of

the key improvements Congress made in 1998 was to establish a firewall that, for the first time, ensured all tax receipts deposited in the Highway trust fund were fully used each year for transportation projects.

Under TEA-21, New Mexico has made substantial progress in upgrading key highways and transit programs in both urban and rural areas all across the State. As a result of the higher Federal highway funding provided under the act, in the past 6 years New Mexico has been able to complete a number of much-needed transportation projects.

For example, Highway 285 was upgraded to four lanes between Carlsbad and Interstate 40; US 550 is now four lanes all the way from Bernalillo to Bloomfield; the Big I in Albuquerque was completely rebuilt; US 54 is now four-lanes between El Paso and Tularosa; and the Santa Fe bypass was opened. In addition, US 70 will soon be upgraded to four lanes from Las Cruces to Texico, and work is now underway to upgrade US 84/285 between Santa Fe and Poloaque. I do believe each of these projects will contribute significantly to improving highway safety and efficiency in my State.

TEA-21 has also helped New Mexico improve transit services both in our cities and in rural areas. A number of communities have been able to obtain new transit vehicles and equipment with grants from the Federal Transit Administration. For example, the Alvarado transit center was opened in Albuquerque and Federal funds have been used to purchase new transit equipment and facilities in communities including Albuquerque, Santa Fe, Las Cruces, Rio Rancho, Farmington, Taos, Angel Fire, Carlsbad, Clovis, and Los Lunas. In addition, Albuquerque initiated a study of a new high-capacity transportation system, and steps are being taken to preserve the Santa-Fe-to-El-Dorado rail line for future use.

Throughout its history, New Mexico has played a key role in the transportation system of this country. The original Spanish settlers established the Camino Real between Santa Fe and Mexico City. In the last century, our Nation's first transcontinental highway, Route 66, passed through New Mexico.

Today, New Mexico continues to provide a critical link in our Nation's interstate and international transportation network, including trade with Mexico. However, we are a State with limited financial resources to deal with the transportation needs of what is essentially our portion of a vast national system.

Mr. President, in total land area New Mexico is the fifth largest state in the Union, but we have only 0.6 percent of the national population. At the same time, New Mexico has over 2 percent of the interstate highway system miles and slightly less than 2 percent of the total miles on the national highway system. Moreover, because of our vast land area and predominantly rural

character, New Mexicans average more miles of driving per capita than the residents of every other State but one.

Clearly, in light of its size and vast network of roads, the transportation needs of my State far outstrip the ability of New Mexico's sparse population to provide the funds needed to maintain and improve the State's critical piece of the national transportation system.

Consequently, my top priority in the reauthorization of the highway bill will be to ensure that New Mexico receives its fair share of Federal transportation dollars for both highways and transit programs. The majority of the funding in the transportation bill is distributed directly to States and local governments under congressionally set formulas. I will be working to make sure the new formulae fully reflect New Mexico's transportation needs, including our extensive miles of important national roads and highways.

Mr. President, another of my top priorities in the reauthorization will be to continue a number of the critical programs in TEA-21 that greatly benefit New Mexico. Two of these important programs are the Congestion Mitigation and Air Quality program, known as CMAQ, and the Enhancements program, both of which help manage some of the negative impacts of transportation on our communities.

At the same time, I will oppose efforts to weaken rules that protect the environment. I will also oppose attempts to limit the ability of local communities to participate in the planning and development of transportation projects that affect them.

In addition, I fully support reauthorizing the Scenic Byways program that helps communities in New Mexico enhance facilities for visitors traveling our rural highways. New Mexico now has 27 scenic byways, including six that have achieved the designation of National Scenic Byways.

I also believe we should continue to make progress in improving the safety of our highways as well as in reducing the staggering number of traffic fatalities and injuries caused by drunk drivers. I will be looking for ways to strengthen both of these important Federal programs when Congress debates the bill this year.

In addition to supporting the continuation of a number of important programs already in TEA-21, I will be authoring a series of bills that I hope the Senate will include in the final reauthorization bill.

First, I will reintroduce my bill to authorize a new Federal program to upgrade rural two-lane roads on the national highway system to four-lane highways. This \$1.8 million, 6-year national program targets funds to four-lane roads in New Mexico such as US 64/87 between Clayton and Raton, US 54 from Tularosa to Nara Visa, US 62/180 south of Carlsbad, and US 666 south of Shiprock.

Second, I will introduce legislation to extend and expand the Indian Reservation Roads Program, which is so important to Indian communities in New Mexico. This program provides direct funding to tribes in 33 states to improve transportation. My bill increase the annual funding for tribal roads from \$275 million to \$500 million, reestablishes a separate \$15 million per-year program to repair bridges on tribal lands, and dedicates \$20 million per year in new Federal funding for tribal transit projects.

Third, I will introduce legislation to establish a new University Technology Center at New Mexico State University in collaboration with the University of Oklahoma and Oklahoma State University. The focus of the new center is on nondestructive methods to measure the wear and tear on highway bridges.

Fourth, I will reintroduce a bill to designate US Highway 54 between El Paso, Texas, and Wichita, Kansas, as the SPIRIT High Priority Corridor on the national highway system. In New Mexico, the route runs for about 350 miles from the southern border with Texas, through Alamogordo, Carrizozo, Vaughn, Santa Rosa, and Tucumcari, to Nara Visa. This designation will help focus attention on the need to upgrade this heavily traveled highway to four lanes. The bill was cosponsored last year by Senators ROBERTS, INHOFE, HUTCHISON, and DOMENICI.

Fifth, I will introduce legislation to reauthorize the special funding that goes directly to San Juan and McKinley Counties in New Mexico, as well as neighboring counties in Arizona and Utah, to help maintain roads used by school buses on the Navajo Reservation. In TEA-21, Congress provided \$1.5 million per year for 6 years to counties in the three States to help ensure that buses carrying children to school have passable roads. It is not acceptable when Indian children can't attend school simply because their school buses couldn't get through on the many poor quality roads in the region.

Sixth, I will reintroduce my bill to authorize Los Alamos National Laboratory to continue its advanced computer-modeling project to develop the National Transportation Modeling and Analysis Program, or NATMAP. The program will provide a valuable tool for analyzing the national transportation system, including cars, trucks, railroads, barges and airplanes, as a single integrated system. The program will also be valuable in assessing the impacts of disruptions to any portion of the transportation network.

I hope each of these bills will gain bipartisan support and will be included in the comprehensive 6-year reauthorization bill. I will have more to say about each of these six initiatives over the next few weeks as the bills are introduced.

Finally, one of the other important parts of the transportation bill is the authorization of funding for individual high-priority highway and transit

projects around the State. In 1998, I helped secure funding for a number of highway projects throughout New Mexico, including upgrades of highways 84/285 and 70, Unser Boulevard, Paseo del Norte, and the uptown and northwest areas of Albuquerque and Rio Rancho.

This year, some of the projects for which I intend to pursue funding include reconstruction of the access road from Interstate 40 to the Double Eagle II airport in anticipation of the relocation of Eclipse Aviation; construction of a new Paseo del Volcán on the northwest side of Albuquerque and Rio Rancho; reconstruction of the I-40 and Coors Boulevard interchange; construction of a new interchange on Interstate 25 to serve Mesa del Sol; and expansion of the I-25 interchange in Belen.

In the rural areas of New Mexico, I will be seeking Federal funding to complete four-lane upgrades of the Ports-to-Plains corridor along US 64/87 between Clayton and Raton, US 54 from Tularosa to Nara Visa, US 62/180 south of Carlsbad, and US 666 south of Shiprock.

For transit projects, one of my priorities will be an authorization for the design and construction of a high-capacity transit corridor in Albuquerque. This effort was first initiated in 1998. The project has now been through the required preliminary studies and is ready to move forward with preliminary design for either a light-rail system or a system with dedicated bus lanes. In addition, I will be seeking an authorization to continue efforts to preserve the Santa Fe El Dorado rail line as a possible commuter route.

In addition to funding for my priority highway and transit projects, a large number of additional projects will be funded directly by the State and local governments with formula grants funds provided under the 6-year transportation bill.

I know reauthorizing the transportation bill is a massive effort. A number of committees here in the Senate will be involved, including the Finance Committee where I am a member. I look forward to working this year with the Environment and Public Works Committee, including Chairman INHOFE and Senator JEFFORDS, on the highway programs in the bill, and with the Banking, Housing and Urban Affairs Committee, including Chairman SHELBY and Senator SARBANES, on the transit portion of this important legislation. I do believe that reauthorization of the transportation bill is critical to the citizens of New Mexico and to the Nation. I hope we can complete a bipartisan bill this year in a timely manner.

#### PROMOTING DEMOCRACY AND HUMAN RIGHTS IN IRAN

Mr. McCONNELL. Mr. President, included in the omnibus bill is a provision I authored permitting the use of fiscal year 2003 foreign operations funds to support the advancement of

democracy and human rights in Iran. While I believe that Iran rightly belongs in the Axis of Evil, I also recognize that the people of Iran, those residing in the country and abroad, are growing increasingly weary of the repression imposed upon them by Iran's ruling clerics.

We all know how these clerics came to power, and today, many Americans appreciate the demographic changes underway in that country. To put it simply, with each new birth in Iran, the popularity and control of the regime is further undermined. An estimated 50 percent of Iran's 70 million people were born after our compatriots were held hostage for 444 days. The call of the clerics is falling on increasingly deaf ears, and Iran's youth are already in the streets demanding good governance, accountability, and economic opportunity from Iranian hardliners.

The ingredients for political and economic change in Iran already exist. Our task must be to consider how best to support these efforts. I propose worthwhile endeavors include funding for Iranian newscasts, publication of Iranian political journals, development of websites, and dissemination of information on democracy, the concepts of nonviolent struggle, and secularism.

As I am familiar with democracy programs that have been implemented in other parts of the world, including the former Yugoslavia and Burma, I am well aware of the challenges posed in funding democracy and human rights programs in Iran. But I am confident that it can be done.

I will have more to say on this topic at a later date, but I appreciate the attention of my colleagues on this important issue.

Let me close by thanking Jennifer Chartrand for her five years of service with the Foreign Operations Subcommittee. Jennifer left earlier this year to work with the Defense Subcommittee, and she will be missed. In addition to managing her accounts in a professional and effective manner, Jennifer deserves special recognition for helping the people of Burma in their struggle for democracy and human rights. As this is a cause close to my heart, I am particularly grateful for all her hard work on this issue. I wish Jennifer all the best in her new position, and I look forward to continue to work with her in her new capacity.

#### A CENTENNIAL SALUTE TO THE SALT RIVER PROJECT

Mr. MCCAIN. Mr. President, as this Congress deals with the large and complex challenges facing our Nation in the 21st century, we do well to remember local histories and the great public endeavors of our people that have helped make America great.

In my home State of Arizona, we remember and celebrate the vision and commitment that, 100 years ago on February 7, launched an organization that helped a great metropolis bloom in the desert.

A century ago, the Salt River Project (SRP) was formed by settlers to sustain central Arizona's small farming communities through times of drought, flooding, and heat. Through the SRP, with the assistance of the Federal Government, many people worked to build the great Theodore Roosevelt Dam which sits on the Salt River, east of the Phoenix metropolitan area.

The dam, completed a year before statehood, stood as the largest masonry dam of its day. It provided the lifegiving water and flood protection that enabled downstream communities to flourish and grow.

People of all walks and faiths, including Native Americans and immigrant Italian stonemasons, helped build the roads, pack the mules, drive the wagons, and carve the great blocks that created Roosevelt Dam. In 1911, Teddy Roosevelt, then years past his final term, came to Arizona to dedicate the dam and the great labors that made the project a reality.

The water supplies assured by the structure nurtured a growing economy, and hydroelectric facilities were developed to power our growth. The dam crated Roosevelt Lake, a major conservation and recreational resource enjoyed by so many of our residents and visitors.

Over the years through the SFP's efforts, other water storage facilities were constructed helping to provide the water, power, flood control, conservation and recreation that sustains our communities and one of the Nation's most vibrant economies.

Today, the SRP serves some 780,000 electric customers and supplies water to more than 1.5 million people. It is the Nation's oldest multi-purpose reclamation project, the largest water supplier in central Arizona and a major public power utility, helping to sustain a quality of life and economic vigor of which Arizonans are richly proud.

Mr. Speaker, it is with pleasure that I offer this tribute to the Salt River Project and the people it represents. Arizona looks forward to a future for the SRP that is as successful as its past and to ensuring that our great public works continue to serve the best interests of our great people in the hundred years to come.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 17, 2001 in Springfield, MO. An African-American man, Maurice Wilson, was stabbed three times by one of six men whom witnesses described as skinheads and

white supremacists. Police said the stabbing appeared to be racially motivated. The victim had walked into a diner with his girlfriend, who is white, and another interracial couple. A fight ensued between the victim and the group of alleged white supremacists when one of the group pulled out a knife and stabbed the victim.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### 30TH ANNIVERSARY OF ROE V. WADE

Ms. CANTWELL. Mr. President, I rise today to speak on the 30th anniversary of the Roe v. Wade decision.

Thirty years ago, in 1973, the U.S. Supreme Court held that women have a constitutional right to an abortion. That decision, Roe v. Wade, was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. Roe v. Wade held that women have a constitutional right to an abortion, but after viability, States can ban abortions as long as they allow exceptions when a woman's life or health is endangered. Since then, while the Court has consistently ruled in favor of this right, there is no doubt that this right is being eroded.

And today, the thirtieth anniversary of that landmark decision, I especially want to thank those who are continuing to provide safe and legal reproductive health care to the women of our community. In the face of crippling challenges, especially violence and threats of violence, these health care workers have held fast in their commitment to provide the quality health care that all women deserve.

Like most Americans, I believe that we must work to reduce the number of unwanted pregnancies through education and family planning. But I also believe that our Constitution protects a woman's right to privacy, and that this constitutional right encompasses the decision of whether to terminate a pregnancy.

Unfortunately, we are seeing a concerted effort by those who seek to overturn this right to stack our courts with ideological conservatives who seek not only to weaken the right to make personal decisions about one's own body, but also to make exercising that right a criminal offense. As a Senator, I take my responsibility to advise and consent on nominees to the Federal judiciary extremely seriously. While I recognize the privilege of the President to select his nominees, I believe it is critical that we conduct a comprehensive evaluation of each nominee, since, unlike members of the President's cabinet and other executive branch ap-

pointees, Federal judges receive lifetime appointments, and are expected to interpret our Nation's laws in a fair and balanced manner.

I am especially concerned that President Bush has chosen to renominate several extremists on this issue, especially Priscilla Owen. Her record demonstrates that, as a member of the strongly conservative Texas Supreme Court, she was an activist judge, interpreting the law to fit her ideological ends. Indeed, while President Bush's current White House Counsel was serving on the Texas Supreme Court, then-Justice Alberto Gonzales called one of her rulings "an unconscionable act of judicial activism."

Many of my colleagues and I spend much of our time, and must continue to do so, defending the actual right to have an abortion. But in my mind, the easiest way to reduce the number of abortions is to prevent unwanted pregnancies in the first place. And I simply don't understand why so many anti-choice members don't understand that connection.

Studies show that the use of family planning reduces the probability of a woman having an abortion by 85 percent. Unfortunately, the U.S. still has 3 million unintended pregnancies each year in the United States, half of which end in abortion. This is why I support the Equity in Prescription Contraceptive Coverage Act, authored by Senator OLYMPIA SNOWE of Maine, and why I will be cosponsoring that bill when she reintroduces it.

The women in the Senate are in a unique position to fight against the erosion of Roe. I stand with them today to honor those who came before me in fighting for this right. Together we will continue to make sure that the women of America have the right to privacy, and the fundamental freedom of choice in our lives.

#### ADDITIONAL STATEMENTS

#### CONGRATULATIONS ON THE RETIREMENT OF MAJOR GENERAL GORDON E. STUMP, ADJUTANT GENERAL OF THE MICHIGAN NATIONAL GUARD

• Mr. LEVIN. Mr. President, January 31 of this year will be the last day that MG Gordon E. Stump serves as the head of the Michigan National Guard. This will bring to a close the tenure of the longest serving adjutant general in the Nation. For 12 years, GEN Stump has embodied the pride, professionalism and dedication that is the hallmark of the citizen soldiers of the National Guard.

Increasingly, our Nation's military relies on the men and women of the National Guard and Reserve to serve seamlessly alongside of our active duty military. The ability of these citizen soldiers to pick up, leave their families and serve where they are needed is a tribute to them and to the ability of

their leadership to prepare them for service. It is because of the dynamic leadership and vision of men and women like GEN Stump that our National Guard is able to operate with such professionalism.

Since I have had the pleasure of first working with GEN Stump, I have witnessed a man who had a clear vision for the future of the Michigan National Guard. To that end, he has tirelessly worked to improve the tools available to the soldiers under his command. He has worked to improve their hardware, facilities and training opportunities, and he has achieved success in each of these efforts. Today, the Michigan Army Guard possesses the UH-60 Black Hawk instead of the Vietnam era Huey Cobra helicopter. Additionally, airlift capacity has been enhanced with the addition of C-130 aircraft, F-16s have been upgraded with the addition of Litening targeting pods, and the Multiple Launch Rocket System is now available for use by the soldiers of the Michigan National Guard.

In just over a decade, GEN Stump has upgraded Michigan's Guard facilities by securing \$179 million in military construction funds that have been used for 32 projects throughout Michigan. Among these facilities is Selfridge Air National Guard Base, ANGB, a unique base because it is the only Air National Guard facility in the United States with all the branches of the service represented on the base. This is also the base where GEN Stump maintained his aeronautical skills and became qualified as an F-16 pilot.

Under GEN Stump's leadership, Michigan became one of 23 States to participate in the Department of Defense's State Partnership program that paired States with nations that were once part of the former Soviet Union. These partnerships sought to teach the militaries of these nations about the standards required by members of the North Atlantic Treaty Organization, NATO.

GEN Stump worked to develop the Michigan Youth Challenge program, a program that works with at-risk youth enabling them to earn their general equivalency diploma while enabling them to develop the skills needed to succeed in life. Additionally, GEN Stump was able to work with the State of Michigan to initiate a program with 18 colleges and universities in the State that coupled with the Montgomery GI Bill, virtually guarantees a free education for Michigan guard members. These programs have resulted in a manning increase from 84 percent to over 99 percent for the Michigan National Guard.

All of these efforts have paid important dividends for Michigan and the Nation. The Michigan National Guard has participated in over 10 Department of Defense missions including Operations Desert Shield, Desert Storm, Joint Endeavor, Noble Eagle, and Enduring Freedom. Forces have also been provided to the 1996 Summer Olympics,

humanitarian missions throughout the world, and disaster relief efforts in Michigan. In the days and months following September 11, residents of Michigan saw the Michigan National Guard come to the aid of their fellow citizens. Guard members protected key sites, assisted at airports and aided Customs officials with their duties along the northern border between the United States and Canada. Their hard work helped our Nation remain secure and maintain the free flow of commerce between both nations.

GEN Stump's leadership has been recognized by his peers. He has been appointed to serve on the Reserve Forces Policy Board, the Adjutant Generals Association, and for the past 2 years as the president of the National Guard Association of the United States. GEN Stump has left an indelible impression upon the Michigan National Guard. I look forward to working with his successor, GEN Thomas Cutler, and I know that the new Adjutant General of Michigan will agree with me that his job has been made easier because of the hard work and dedication of GEN Stump. I commend GEN Gordon E. Stump for his long and distinguished career of service to the United States Air Force, the Michigan National Guard, and his Nation, and I know my Senate colleagues will join me in wishing him well in the years to come.●

#### HONORING ELSIE MEEKS

● Mr. JOHNSON. Mr. President, I rise today to publicly honor Elsie Meeks of Kyle, SD, on her appointment to the Federal Reserve Board's Consumer Advisory Council.

Elsie will join 29 other members, selected from 167 nominees, on the Council for a 3-year term. Established by Congress in 1976, the Consumer Advisory Council advises the Federal Reserve Board on the exercise of its duties under the consumer credit protection laws and on other consumer-related matters, representing the interests both of consumers and the financial community.

Elsie's numerous accomplishments are remarkable. An enrolled member of the Oglala Lakota Tribe, she helped develop and was Executive Director of the Lakota Fund, a Native American community development financial institution on the Pine Ridge Indian Reservation in South Dakota. Co-owner of the Long Creek Grocery in Wanblee, she received the distinguished "South Dakota Minority Small Business Advocate of the Year" award. In 1998 Elsie was nominated for Lieutenant Governor, becoming the first Native American woman nominated by a major party on a gubernatorial ticket in South Dakota. She was appointed by Senator DASCHLE in 1999 to serve as the first Native American on the U.S. Commission on Civil Rights.

Currently, Elsie is a board member of the National Community Capital Asso-

ciation and is the Executive Director of First Nations Oweesta Corporation, a subsidiary corporation of First Nations Development Institute, which provides technical assistance and training for the development and expansion of Native American community development financial institutions.

It is an honor for me to share Elsie's accomplishments with my colleagues and to publicly commend her for honorably serving South Dakota and the Nation. This prestigious honor is a reflection of her extraordinary service, commitment, and unwavering dedication to the Native American community. She will be a tremendous asset to the Consumer Advisory Council. Her accomplishments serve as a wonderful example for other hard-working and dedicated South Dakotans to emulate. On behalf of all South Dakotans, I would like to congratulate Elsie and wish her continued success.●

#### KIWANIS CLUB OF HASBROUCK HEIGHTS-TETERBORO

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an organization that has been aiding the children of their community for fifty years. The Kiwanis Club of Hasbrouck Heights-Teterboro is celebrating its 50th anniversary.

For 50 years the club has conducted numerous projects to help sick children, abandoned children, special needs children, exceptional children and children suffering from poverty in their community. They help individuals of all ages from infants to senior citizens.

The Kiwanis Club is also honoring Dr. Burnett Eglow. Dr. Eglow is the only original charter member of the Kiwanis Club of Hasbrouck Heights-Teterboro that has been active in this club for all 50 years.

I ask my colleagues to join me in paying tribute to Dr. Burnett Eglow and the Kiwanis Club of Hasbrouck Heights-Teterboro for all they have done throughout their 50 years for their community.●

#### TRIBUTE TO JOHN L. MCGOLDRICK

● Mr. LAUTENBERG. Mr. President, it is with great pride that I rise today to pay special tribute to an outstanding gentlemen from New Jersey. On January 20, The American Jewish Committee Institute of Human Relations Award Dinner will honor John L. McGoldrick. Since 1979, John McGoldrick has served as a director of the New Jersey Transit Corporation, which is the United States' third largest passenger rail and bus company. As anyone from New Jersey knows, passenger rail and bus service is extremely important to the commerce and quality of life in our State.

Currently John McGoldrick is executive vice president of Bristol-Myers Squibb Company. He is vice chairman of the company's executive committee and is responsible for Global Corporate



Policy. He is also general counsel of the company and director of the Bristol-Myers Squibb Foundation.

More important than any of those responsibilities is Mr. McGoldrick's responsibility for Bristol-Myers Squibb's HIV/AIDS initiatives in Africa. That includes the company's groundbreaking \$115 million Secure The Future program in Southern and Francophone Africa, as well as the ACCESS program to make antiretroviral therapy more accessible in the developing world.

At Bristol-Myers Squibb John McGoldrick has also led the company's efforts in support of the State of New Jersey Commission on Holocaust Education.

John McGoldrick is also very active outside of his work at Bristol-Myers.

Mr. McGoldrick is a director of the Regional Plan Association, a trustee of Legal Services of New Jersey and a Trustee of the HealthCare Institute of New Jersey.

Mr. McGoldrick also has been elected a Member of the American Law Institute, a fellow of the American College of Trial Lawyers, a fellow of the American Bar Association and a fellow of the American Academy of Appellate Lawyers.

He is also a director of Zimmer Holdings, Inc., which is a company that manufactures artificial hips and knees as well as other orthopedic products.

I ask my colleagues to join me and the American Jewish Committee Institute of Human Relations in honoring Mr. John L. McGoldrick for his great service to New Jerseyans and people all over the world. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-623. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. TPE331 Series Turbo-prop and TSE331 3U Series Turboshaft En-

gines; Doc. No. 99-NE-53 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-624. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727, 727C, 727-100C, 727-200, and 727-200F Series Airplanes; docket no. 99-NM-105 (2120-AA64)(2003-0055)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-625. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron, INC Model 205A, A-1, B, 212, 412, EP, and 412 CF Helicopters; docket no. 2001-SW-37 (2120-AA64)(2003-0056)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-626. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CI 600 2C10 Series Airplanes; Doc. No. 2002-NM-99 (2120-AA64)(2003-0053)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-627. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, B3, C, DI, AS355E, F, F1, F2, and N Helicopters; CORRECTION (2120-AA64)(2003-0052)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S-76A Helicopters, CORRECTION; docket no. 200-SW-46 (2120-AA64)(2003-0054)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Enstrom Helicopters Corp Model F 28, 28A, 28C, 28F, 280, 280c, 380f, and 280FX Helicopters; Docket no.; 2001-SW-67 (2120-AA64)(2003-0049)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 helicopters; Docket No. 2002-SW-04 (2120-AA64)(2003-0050)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-631. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corp Model S-76A Helicopters; CORRECTION; docket no. 2000-SW-46 (2120-AA64)(2003-0051)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-632. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schwei-

zer Aircraft Corporation Model 269A, 269A-1, 269C and TH 55A Helicopters; Docket No. 2001-SW-58 (2120-AA64)(2003-0046)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-633. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA341G, SA342J, and SA360C Helicopters; doc. no. 2001-SW-72 (2120-AA64)(2003-0047)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-634. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopters Textron Canada Model 407 Helicopter; Doc. No. 2002-SW-08 (2120-AA64)(2003-0048)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and 11F Airplanes; doc. no. 2002-NM-33 (2120-AA64)(2003-0042)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautics SA; Docket no. 2002-NM-129 (2120-AA64)(2003-0043)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT8d-200 Series Turbofan Engines; docket no. 98-ANE-43 (2120-AA64)(2003-0045)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier-Rotax GmbH Type 912F and 914 F Series Reciprocating Engines; Doc. No. 2002-NE-08 (2120-AA64)(2003-0039)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D Series; CORRECTION; Docket No. 98-ANE-43 (2120-AA64)(2003-0040)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental Motors; CORRECTION; Doc. No. 2000-NE-19 (2120-AA64)(2003-0041)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 81 (MD81), DC 9 82

(MD 82), DC 9 83 (MD 83), DC 9 87 (MD 87), and MD 88 Airplanes; CORRECTION: Docket no. 2002-NM-216 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400, 400D, and 400F Series Airplanes; Docket No. 2002-NM-314 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, Inc Models AT 502, AT 502A, AT 502B, AT 503A Airplanes; Docket No. 2002-CE-54 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-600, 700, 700C, 800, and 900 Series Airplanes Model 747 Series Airplanes; and Model 757 Series Airplanes; Docket no. 2002-NM-309 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited CN-2 and BN2A Mk III Series Airplanes; Docket no. 2002-CE-35 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes; CORRECTION: Docket No. 2002-NM-271 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MT Propeller Entwicklung GMBH Models MTV 9 B C and MTV 3 B C Propellers; CORRECTION: Docket no. 99-NE-35 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9, 10, 20, 30, 40, and 50 Series Airplanes and C9 Airplanes; Docket No. 2002-NM-287 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives, Dornier Model 328-300 Series Airplanes; Docket no. 2002-NM-293 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: Cirrus Design Corporation Models SR20 and SR22 Airplanes; Docket no. 2002-CE-31 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN2T and BN2T 4R Series Airplanes; Docket No. 2002-CE-34 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, INC, Model MD900 Helicopters; Docket no. 2002-SW-50 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk. 610-14-28 Turbojet Engines; Docket No. 2002-NE-28 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk. 610-14-28 Turbojet Engines; Docket No. 2002-NE-29 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2C10 Series Airplanes; Docket No. 2002-NM-269 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211 535 Turbofan Engines; Docket No. 2002-NE16 (2120-AA64)(2003-0057)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk 610-14-28 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Brackett Aircraft Company, Brackett Single Screen Air Filter; Docket No. 2002-CE-38 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90 30 Airplanes; Docket No. 2001-NM-375 (2120-AA64)(2003-0060)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 200B, 200C, 200F, 300, 400, 400F, and 747SR Series Airplanes; Equipped with a Main Deck Side Cargo Door Manufactured by Boeing; Docket No. 2002-NM-270 (2120-AA64)(2003-0059)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90-30 Airplanes; Docket No. 2001-NM-84 (2120-AA64)(2003-0058)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney JT8D Series Turbofan Engines; Docket No. 2001-NE-30 (2120-AA64)(2003-0063)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt & Whitney Canada PT61 Series Turboprop Engines; Docket No. 99-NE-44 (2120-AA64)(2003-0062)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Britten Norman Limited BN2A Mk III Series Airplanes; Docket No. 2002-CE-36 (2120-AA64)(2003-0061)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700C, 800, and 900 Series Airplanes; Docket No. 2002-NM-148 (2120-AA64)(2003-0066)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135 Helicopters; Docket No. 2002-SW-15 (2120-AA64)(2003-0065)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA365N, N1, AS-365N2, and AS 365 N3 Helicopters; Docket No. 2001-SW-34 (2120-AA64)(2003-0064)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Docket No. 2002-NM-135 (2120-AA64)(2003-0069)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket No. 2002-NM-141 (2120-AA64)(2003-0068)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes; Docket No. 2002-NM166 (2120-AA64)(2003-0067)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, ST. George, UT Docket No. 01-ANM-19 (2120-AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace, Hailey, ID; Docket No. 01-ANM-18 (2120-AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-673. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace, Freemont, NE; CORRECTION; Docket No. 02-ACE-5 (2120-AA66)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-674. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes; Docket No. 2002-NM-348 (2120-AA64)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-675. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations) [CGD07-03-05-103] (2115-AE47)(2003-0002)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-676. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters (CGD05-02-102) (2115-AE84)(2003-0001)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-677. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Cape Cod Canal, MA (CGD01-02-144) (2115-AE47)(2003-0001)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-678. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, FL; and Port of Key West, FL (COTP Miami 02-156) (2115-AA97) (2003-0003)" received on January 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-679. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Darien, Rincon, Screven, and Statesboro, Georgia; Palatka and Middleburg, Florida) (MM Docket Nos. 01-123 and 01-177)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-680. A communication from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (De Funiak Springs and Valparaiso, Florida) (MM Doc. No. 02-62)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-681. A communication from the Deputy Assistant Administrator, for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS issues a final rule to extend the applicability date of the existing regulations for the interim North Pacific Groundfish Observer Program (Observer Program), which otherwise expire December 31, 2002, through 2007. This final rule also amends regulations governing the Observer Program" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-682. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Domestic Fisheries Division, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Final Rule; 2002 Management Measures for Yellowfin and Juvenile Bigeye Tuna (0648-AP86)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-683. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Global Ocean Data Assimilation Experiment (GODAE)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-684. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NMFS if prohibiting directed fishing for Pacific cod by catcher processor vessels using hook-and-line gear in the Bering Sea and Aleutian Islands Management area (BSAI). This Action is necessary to prevent exceeding the 2002 total allowable catch (TAC) of Pacific cod allocated for catcher processor vessels using hook-and-line gear in this area." received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-685. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirement Through the Year 2010 (FCC 02-67)(WT Docket 96-86)" received on January 10, 2003; to the Committee on Commerce, Science, and Transportation.

EC-686. A communication from the Administrator, Centennial of Flight Commission, National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled "National Plan for The Centennial of Flight Commemoration" received on January 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC-687. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report relative to the National Transportation Board appeal letter to Office of Budget and Management regarding the 2004 budget request; to the Committee on Commerce, Science, and Transportation.

EC-688. A communication from the Congressional Liaison Officer, Trade and Development Agency, transmitting, pursuant to law, the report relative to the Trade and Development Agency funding obligation regarding the Karachi Port Trust 25 Million Gallons per Day Desalination Plant; to the Committee on Appropriations.

EC-689. A communication from the Chief Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accrual of Income by Vendors in Cases of Disputed Liability (Rev. Rul. 2003-10)" received on January 8, 2003; to the Committee on Finance.

EC-690. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "32 CFR part 352, Offering of United States Savings Bonds, Series HH" received on December 20, 2002; to the Committee on Finance.

EC-691. A communication from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (1510-AA65)" received on January 2, 2003; to the Committee on Finance.

EC-692. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule that amends 42.72(b) of Part 22 of the Code of Federal Regulations, amending the definition of "registration" in connection with an application for an immigrant visa, received on January 2, 2003; to the Committee on Foreign Relations.

EC-693. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a Nomination Confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 2, 2003; to the Committee on Foreign Relations.

EC-694. A communication from the Associate General Counsel, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correspondence with the United States Patent and Trademark Office (0651-AB58)" received on January 10, 2003; to the Committee on the Judiciary.

EC-695. A communication from the Acting Assistant Attorney General for Administration, Justice Department Division, Department of Justice, transmitting, pursuant to

law, the report of a rule entitled "Exemption of Department of Justice System of Records: 'Personnel Investigation and Security Clearance Records for the Department of Justice' (DoJ), DOF-006" received on January 14, 2003; to the Committee on the Judiciary.

EC-696. A communication from the General Counsel, Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility 67 FR 72593 (Doc. No. FEMA-7797)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-697. A communication from the General Counsel, Office of General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 67 FR 71482 (44 CFR 65)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-698. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to 31 CFR parts 585 and 586 (31 CFR parts 585 and 586)" received on January 10, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-699. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Amendment to Regulation K (International Banking Operations)" received on January 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-700. A communication from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened wildlife and plants; final designation of critical habitat for three plant species from the island of Lanai, Hawaii; Final Rule (RIN1018-AH10)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-701. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized Advances NUHOMS-24PTI Addition (RIN3150-AG74)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC-702. A communication from the Director, Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Federal Advisory Committee Act Regulations (RIN3150-AH02)" received on January 6, 2003; to the Committee on Environment and Public Works.

EC-703. A communication from the Director, Office of Radioactive Waste Management, Department of Energy, the report of the 18th Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management; to the Committees on Energy and Natural Resources; and Environment and Public Works.

EC-704. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2000" received on January 2, 2003; to the Committee on Environment and Public Works.

EC-705. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Redesignation and Approval and Promulgation of Indiana Implementation Plans

(FEC706RL7436-2)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-706. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities (FRL7437-3)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-707. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Conditional Approval of Implementation Plan; Indiana (FRL7433-7)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-708. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio (FRL7436-1)" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-709. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of document entitled "Instructions to Assist Community Water Systems in Complying with the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" received on January 8, 2003; to the Committee on Environment and Public Works.

EC-710. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled "Educational Outreach and Baseline Assessment of existing Exposure and Risks of Exposure to Lead Poisoning of Tribal Children; Notice of Funds Availability" received on January 8, 2003; to the Committee on Environment and Public Works.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Ms. SNOWE):

S. 201. A bill to amend title 31, United States Code, to provide Federal aid and economic stimulus through a one-time revenue grant to the States and their local governments; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. SHELBY, Mr. MILLER, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LOTT, Mr. INOUE, and Mr. COCHRAN):

S. 202. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income that deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 203. A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite

mining; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. ENZI, Mrs. LINCOLN, Mr. BAUCUS, Mr. SMITH, Mr. HARKIN, Mr. DOMENICI, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. DAYTON):

S. 204. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 19, a bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes.

S. 128

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 128, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

S. 160

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 196

At the request of Mr. ALLEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 196, a bill to establish a digital and wireless network technology program, and for other purposes.

#### AMENDMENT NO. 14

At the request of Mr. GRAHAM of Florida, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 14 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

#### AMENDMENT NO. 21

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of

amendment No. 21 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 26

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 26 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 39

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 39

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 39

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 39

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 39

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 39

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 39

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 39 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 40

At the request of Mr. REED, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 40 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 51

At the request of Mr. FITZGERALD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 51 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 54

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 54 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 54

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 54 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 55

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 55 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 59

At the request of Mr. WYDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 59 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 61

At the request of Ms. MIKULSKI, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Iowa (Mr. HARKIN), and the Senator from Nevada (Mr. REID) were added as cosponsors of amendment No. 61 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 67

At the request of Mr. EDWARDS, the names of the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 67 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 68

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 68

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 68

At the request of Mr. EDWARDS, his name was added as a cosponsor of amendment No. 68 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 75

At the request of Mrs. CLINTON, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of amendment No. 75 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 76

At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 76 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 80

At the request of Mr. COLEMAN, his name was withdrawn as a cosponsor of amendment No. 80 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 81

At the request of Mr. DAYTON, the name of the Senator from Minnesota (Mr. COLEMAN) was withdrawn as a cosponsor of amendment No. 81 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 89

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. CORZINE), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 89 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 97

At the request of Mr. NELSON of Florida, the names of the Senator from Wisconsin (Mr. KOHL), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 97 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 127

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mrs. DOLE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maine (Ms. SNOWE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 127 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 127

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 127 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 128

At the request of Mr. LEVIN, the names of the Senator from Michigan

(Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 128 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 129

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 129 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 131

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. LEAHY), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 131 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 135

At the request of Mr. TALENT, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 135 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 136

At the request of Ms. MIKULSKI, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 136 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 151

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 151 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 162

At the request of Mr. FITZGERALD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 162 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 172

At the request of Ms. LANDRIEU, the names of the Senator from Washington

(Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 172 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 174

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 174 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 176

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 176 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 196

At the request of Mr. DAYTON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Delaware (Mr. CARPER), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 196 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 196

At the request of Mr. DASCHLE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 196 intended to be proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 200

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 200

At the request of Mr. WYDEN, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 200

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 200

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 200 proposed to H.J. Res. 2, *supra*.

## AMENDMENT NO. 206

At the request of Mr. VOINOVICH, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 206 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 207

At the request of Mr. VOINOVICH, the names of the Senator from Michigan

(Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 207 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 217

At the request of Mr. STEVENS, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Mrs. MURRAY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Nevada (Mr. REID), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mr. SCHUMER), the Senator from Montana (Mr. BAUCUS), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 217 proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 218

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 218 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## AMENDMENT NO. 236

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of amendment No. 236 intended to be proposed to H.J. Res. 2, a joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ENZI, Mrs. LINCOLN, Mr. BAUCUS, Mr. SMITH, Mr. HARKIN, Mr. DOMENICI, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. DAYTON):

S. 204. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators ENZI, LINCOLN, BAUCUS, SMITH, HARKIN, DOMENICI, JOHNSON, NELSON of Nebraska, and DAYTON entitled the "Medicaid Safety Net Improvement Act of 2003." This legislation is important to the continued survival of many of our Nation's safety



net hospitals that provide critical health care access to our Nation's 41.2 million uninsured citizens, including 373,000 in New Mexico, through the Medicaid disproportionate share hospital, or DSH, program.

In recognition of the burden certain hospitals bear in providing a large share of health services to the low-income patients, including Medicaid and the uninsured, the Congress established the Medicaid DSH program in the mid-1980's to give additional funding to support such "disproportionate share" hospitals. By providing financial relief to these hospitals, the Medicaid DSH program maintains hospital access for the poor. As the National Governors' Association has said, "Medicaid DSH's funds are an important part of statewide systems of health care access for the uninsured."

Recent reports by the Institute of Medicine entitled "America's Health Care Safety Net: Intact But Endangered," the National Association of Public Hospitals entitled "The Dependence of Safety Net Hospitals" and the Commonwealth Fund entitled "A Shared Responsibility: Academic Health Centers and the Provision of Care to the Poor and Uninsured" have all highlighted the importance of the Medicaid DSH program to our health care safety net.

Unfortunately, as the Commonwealth Fund report notes, "... there are large inequities in how these funds are distributed among states." In fact, for a number of states, including New Mexico, our federal DSH allotments are not allowed to exceed 1 percent of our state's Medicaid program costs. In comparison, the average state spends around 9 percent of its Medicaid funding on DSH. This disparity and lack of Medicaid DSH in "extremely low-DSH states" threatens the viability of our safety net providers. In New Mexico, these funds are critical but inadequate to hospitals all across our state, including University Hospital, Eastern New Mexico Regional Hospital, Lea Regional Hospital, Plains Regional Medical Center, Memorial Medical Center, and others.

In an analysis of the Medicaid DSH program by the Urban Institute, the total amount of federal Medicaid DSH payments in six States was less than \$1 per Medicaid and uninsured individual compared to five States that had DSH spending in excess of \$500 per Medicaid and uninsured individual. That figure was just \$14.91 per Medicaid and uninsured person in New Mexico. Compared to the average expenditure of \$218.96 across the country, such disparities cannot be sustained.

As a result, this bipartisan legislation increases the allowed Federal Medicaid DSH allotment in the "extremely low-DSH states" from 1 percent to 3 percent of Medicaid program costs, which remains far less, or just about one-third, of the national average. The 18 States that would benefit from this legislation include: Alaska,

Arkansas, Delaware, Idaho, Iowa, Kansas, Maryland, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Wisconsin, and Wyoming. I would add that the legislation does not impact the Federal DSH allotments in other States but only seeks greater equity by raising the share of Federal funds to "extremely low-DSH States."

Once again, the Commonwealth Fund recommends such action. As the report finds, "States with small DSH programs are not permitted to increase the relative size of their DSH programs ... [C]urrent policy simply rewards the programs that acted quickly and more aggressively, without regard to a State's real need of such funds." Therefore, the report concludes, "... greater equity in the use of Federal funds should be established among States."

Again, this is achieved in our legislation by raising the limits for "extremely low-DSH States" from 1 percent to 3 percent and not by redistributing or taking money away from other States.

Failure to support these critical hospitals could have a devastating impact not only on the low-income and vulnerable populations who depend on them for care but also on other providers throughout the communities that rely on the safety net to care for patients whom they are unable or unwilling to serve.

As the Institute of Medicine's report entitled "America's Health Care Safety Net: Intact But Endangered" states, "Until the nation addresses the underlying problems that make the health care safety net system necessary, it is essential that national, State, and local policy makers protect and perhaps enhance the ability of these institutions and providers to carry out their missions."

I would like to thank Senators BAUCUS and GRASSLEY, the leaders of the Senate Finance Committee, for their recognition of this problem and inclusion of this language in several bills they introduced in the last Congress, S. 3018, "Beneficiary Access to Care and Medicare Equity Act of 2002" and S. 2873, "Improving Our Well-Being Act of 2002."

Our Nation's governors remain very concerned as well. In a letter written to Senators BAUCUS and GRASSLEY on October 23, 2002, the governors of the States of Arkansas, Idaho, Iowa, Nebraska, New Mexico, Utah, Wisconsin, and Minnesota wrote, "Our 15, which is now 18, States are in distress and cannot wait another year for some measure of relief. We strongly urge you to use any vehicle available to include the low-DSH issue. The States are seeking to raise the cap implemented two years ago from 1 percent to 3 percent to provide them some flexibility in addressing the increasing strain facing our safety net hospitals."

The governors add, "The survival of many community hospitals, the lifeline for many rural community's

health care and economy in our States, are being threatened. Current disparities in DSH funding severely harm our States' most vulnerable safety net hospitals."

At a time of growing numbers of uninsured and increased financial strain on our Nation's safety net, we need to increase the ability of "extremely low-DSH States" to address the problems facing their safety net and to reduce the current inequity in funding among the States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Safety Net Improvement Act of 2003".

#### SEC. 2. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.

(a) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r-4(f)(5)) is amended—

(1) by striking "fiscal year 1999" and inserting "fiscal year 2001";

(2) by striking "August 31, 2000" and inserting "August 31, 2002";

(3) by striking "1 percent" each place it appears and inserting "3 percent"; and

(4) by striking "fiscal year 2001" and inserting "fiscal year 2003".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, January 22, 2003, at 2:30 p.m., in SR-253, to consider the nomination of Asa Hutchinson to be Under Secretary of the Department of Homeland Security.

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

#### PRIVILEGE OF THE FLOOR

Mr. KOHL. Madam President, I ask unanimous consent that Michelle Weddle, a detailee on my Appropriations staff, be granted the privilege of the floor during consideration of H.J. Res. 2.

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

Mr. REID. Madam President, I ask unanimous consent that Erica Pagel, a fellow in the office of Senator CLINTON, be granted floor privileges for the duration of the debate on this bill.

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



ORDERS FOR THURSDAY,  
JANUARY 23, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Thursday, January 23. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 10:45 a.m., with the time equally divided, and Senators be permitted to speak therein for up to 10 minutes each. Further, I ask that at 10:45 a.m., the Senate resume consideration of H.J. Res. 2, the appropriations bill. I further ask consent that at 11 a.m., the Senate proceed to a series of votes in relation to the pending amendments as under the previous order.

Finally, I ask consent that there be 2 minutes equally divided for debate prior to each of the stacked votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, this appears to be in order. I wanted the opportunity to say we have made great progress today. Both leaders have indicated they want to finish this bill tomorrow. That is possible, but it is not going to be easy. I note to those on my side of the aisle that we have a number of amendments to be offered tomorrow. We have amendments by Senators KENNEDY, CLINTON, BINGAMAN, CANTWELL, and Senator BOXER may offer an amendment.

If there are other Democrats who want to offer amendments, they should contact me. Some of them have worked with the managers, but if they don't let me know they are interested in offering amendments, the day is going to go by quickly and they will not have that opportunity. Some wanted these amendments listed tonight to be it. I thought in fairness to Senators that

this may have been misunderstood. We were close to saying the amendments in order were just those I listed tonight.

I hope tomorrow we can move through the amendments. If we just do these, plus whatever Senator STEVENS has—he has 60 or 70 amendments he is going to try to clear tomorrow morning, and it is going to call for a long day. I ask that everybody continue to move forward. From our side, I can say that we appreciate the new leader allowing us to offer amendments, not immediately filing cloture as we believe has happened in the past quite a bit. So we are very satisfied with the opportunity we have had to offer amendments, and we hope this is the wave of the future.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank the Democratic whip and I note that it has gone well. We have covered a lot of territory. People have had the opportunity to present amendments and speak on them and have votes on their amendments. But we have a lot out there, and a lot of work is being done. It would be much to the pleasure of the people on this side if we were able to complete this tomorrow. A lot of effort has gone into the last several days. Senator STEVENS is as committed to doing everything he can on this side to work with the leadership on the other side of the aisle to bring this matter to a conclusion tomorrow, with everybody having a fair opportunity to speak and vote as they choose.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of Senators, three back-to-back rollcall votes will commence at 11 a.m. tomorrow in relation to the pending amendments to the appropriations bill. The first vote will be on the Feingold amendment No. 200

dealing with military training. The second vote will be on the Mikulski amendment No. 61 on public-private competition. The third vote will be on the Murray amendment No. 39 regarding community action programs, CAP.

The managers of the bill will continue to work with the Members in an effort to reach short time agreements on any remaining amendments so that the Senate can complete action on the bill at a reasonable time tomorrow. Additional votes will occur throughout the day on Thursday. I thank the Members for their attention.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. SESSIONS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Thursday, January 23, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 22, 2003:

DEPARTMENT OF THE TREASURY

MARK W. EVERSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE FOR A TERM OF FIVE YEARS, VICE CHARLES ROSSOTTI, TERM EXPIRED.

DEPARTMENT OF DEFENSE

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER.

CONFIRMATION

Executive Nomination Confirmed by the Senate January 22, 2003:

DEPARTMENT OF HOMELAND SECURITY

THOMAS J. RIDGE, OF PENNSYLVANIA, TO BE SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# Daily Digest

## HIGHLIGHTS

Senate confirmed the nomination of Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S1301–S1372*

**Measures Introduced:** Four bills were introduced as follows: S. 201–204. **Page S1368**

**Omnibus Appropriations Resolution:** Senate resumed consideration of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, taking action on the following amendments proposed thereto: **Pages S1302–07, S1325–59**

Adopted:

By 51 yeas to 45 nays (Vote No. 11), Inhofe Modified Amendment No. 86 to provide for a study by the National Academy of Sciences. **Pages S1302–04**

By 59 yeas to 35 nays (Vote No. 15), Cochran Amendment No. 204, to provide agricultural assistance. **Pages S1327–40**

Durbin Amendment No. 127, to provide an additional amount for funding global HIV/AIDS programs. **Pages S1347–50**

McCain (for Kyl) Amendment No. 54, to make funds available for the Entry Exit System, to be managed by the Justice Management Division. **Pages S1350–52**

Dayton Modified Amendment No. 80, to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security. **Pages S1302, S1352**

Dodd (for Stevens) Modified Amendment No. 217, to provide additional funding for special education programs. **Page S1353**

Rejected:

By 46 yeas to 50 nays (Vote No. 12), Edwards Amendment No. 67, to require a study of the final rule relating to prevention of significant deterioration and nonattainment new source review to determine the effects of the final rule on air pollution and human health. **Pages S1302, S1304–07**

By 39 yeas to 56 nays (Vote No. 16), Daschle Amendment No. 79, to provide emergency disaster assistance to agricultural producers. **Pages S1327–40**

Nelson (FL) Amendment No. 97, to make additional appropriations for emergency relief activities. (By 48 yeas to 46 nays (Vote No. 17), Senate tabled the amendment.) **Pages S1302, S1340–41**

Specter Amendment No. 68, to provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements. (By 64 yeas to 31 nays (Vote No. 18), Senate tabled the amendment.) **Pages S1341–46**

Withdrawn:

Dodd Amendment No. 71, to provide additional funding for part B of the Individuals with Disabilities Education Act. **Pages S1302, S1352**

Gregg Amendment No. 78, to provide additional funding for special education programs. **Pages S1302, S1352**

Pending:

Feingold Amendment No. 200, to restrict funds made available for IMET assistance for Indonesian military personnel to “Expanded International Military Education and Training” assistance unless certain conditions are met. **Pages S1354–55**

Mikulski Amendment No. 61, to prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions. **Pages S1355–57**

Murray Amendment No. 39, to provide funding for the community access program. **Pages S1357–58**

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 49 nays (Vote No. 14), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 207 of H. Con. Res. 68, Concurrent Resolution on the Budget for Fiscal Year 2000 as amended by S. Res. 304 (107th Congress), with respect to Reed Amendment No. 40, to expand the

Temporary Extended Unemployment Compensation Act of 2002. Subsequently, the point of order that the amendment was in violation of section 207 of H. Con. Res. 68 was sustained, and the amendment thus falls.

Pages S1302, S1325–27

A unanimous-consent agreement was reached providing for further consideration of the pending amendments listed above, on Thursday, January 23, 2003, with votes to occur thereon, at a time to be determined by the leadership.

Page S1352

A unanimous-consent agreement was reached providing for further consideration of the joint resolution at 10:45 a.m., on Thursday, January 23, 2003, with votes to occur on the pending amendments listed above beginning at 11 a.m.

Page S1372

**Nominations Confirmed:** Senate confirmed the following nomination:

By unanimous vote of 94 yeas (Vote No. EX. 13), Thomas J. Ridge, of Pennsylvania, to be Secretary of Homeland Security.

Pages S1307–24, S1372

**Nominations Received:** Senate received the following nominations:

Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

Page S1372

**Executive Communications:**

Pages S1365–68

**Additional Cosponsors:**

Pages S1368–70

**Statements on Introduced Bills/Resolutions:**

Pages S1370–71

**Additional Statements:**

Pages S1363–65

**Authority for Committees to Meet:**

Page S1371

**Privilege of the Floor:**

Page S1371

**Record Votes:** Eight record votes were taken today. (Total—18) Pages S1304, S1307, S1324, S1326–27, S1340, S1341, S1346

**Adjournment:** Senate met at 9:15 a.m., and adjourned at 7:56 p.m., until 10 a.m., on Thursday, January 23, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1372.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine the nomination of Asa Hutchinson, of Arkansas, to be Under Secretary of Homeland Security for Border and Transportation, after the nominee, who was introduced by Senator Lincoln, testified and answered questions in his own behalf.

# House of Representatives

## Chamber Action

The House was not in session today. Pursuant to the provisions of H. Con. Res. 8, the House stands adjourned until 2 p.m. on Monday, January 27, 2003.

## Committee Meetings

No committee meetings were held.

## COMMITTEE MEETINGS FOR THURSDAY, JANUARY 23, 2003

(Committee meetings are open unless otherwise indicated)

### Senate

No meetings/hearings scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the SENATE*

10 a.m., Thursday, January 23

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Monday, January 27

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 10:45 a.m.), Senate will continue consideration of H.J. Res. 2, Omnibus Appropriations, with votes to occur on certain pending amendments beginning at 11 a.m.

## House Chamber

**Program for Monday:** To be announced.



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