

Gregg	Lincoln	Roth
Harkin	Lott	Santorum
Hatch	Lugar	Sarbanes
Hollings	Mack	Schumer
Hutchinson	McCain	Sessions
Hutchison	McConnell	Shelby
Inouye	Mikulski	Smith (NH)
Jeffords	Miller	Smith (OR)
Johnson	Moynihan	Snowe
Kennedy	Murkowski	Specter
Kerrey	Murray	Stevens
Kohl	Nickles	Thomas
Kyl	Reed	Thurmond
Landrieu	Reid	Torricelli
Lautenberg	Robb	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden

NAYS—5

Bond	Hagel	Voinovich
Feingold	Thompson	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 5. The decision of the Chair stands as the judgment of the Senate.

Mr. HATCH. 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.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BROWNBACK. 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 legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), 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 95, nays 0, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—95

Abraham	Cochran	Grassley
Akaka	Collins	Gregg
Allard	Conrad	Hagel
Ashcroft	Craig	Harkin
Baucus	Crapo	Hatch
Bayh	Daschle	Hollings
Bennett	DeWine	Hutchinson
Biden	Dodd	Hutchison
Bingaman	Domenici	Inouye
Bond	Dorgan	Jeffords
Boxer	Durbin	Johnson
Breaux	Edwards	Kennedy
Brownback	Enzi	Kerrey
Bryan	Feingold	Kohl
Bunning	Fitzgerald	Kyl
Burns	Frist	Landrieu
Byrd	Gorton	Lautenberg
Campbell	Graham	Leahy
Chafee, L.	Gramm	Levin
Cleland	Grams	Lincoln

Lott	Reid	Snowe
Lugar	Robb	Specter
Mack	Roberts	Stevens
McCain	Rockefeller	Thomas
McConnell	Roth	Thompson
Mikulski	Santorum	Thurmond
Miller	Sarbanes	Torricelli
Moynihan	Schumer	Voinovich
Murkowski	Sessions	Warner
Murray	Shelby	Wellstone
Nickles	Smith (NH)	Wyden
Reed	Smith (OR)	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The conference report was agreed to. Mr. LOTT. 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.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 2001—VETO

The PRESIDING OFFICER. The Senate having received a veto message on H.R. 4733, under the previous order, the message is considered as having been read, the message will be printed in the RECORD and spread in full upon the Journal, and referred to the Committee on Appropriations.

The veto message ordered to be printed in the RECORD is as follows:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the "Energy and Water Development Appropriations Act, 2001." The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta Initiative and includes nearly \$700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide fund-

ing for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The \$60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to American's energy security.

Finally, the bill provides nearly \$700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than \$330 million for the Department of Energy; nearly 240 unrequested projects totaling over \$300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of \$10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly \$2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to tax-paying Americans.

The American people deserve government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expends health care coverage to more families, and funds critical investments for our future. I urge the

Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON,
THE WHITE HOUSE, October 7, 2000.

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

Mr. LOTT. Mr. President, we do have some additional consent requests we have been working on. I have a couple here and Senator MCCAIN has agreed to allow us to do these. Then he has a couple of unanimous consents he wants to ask. The first has to do with the Defense Department authorization bill for the next fiscal year.

UNANIMOUS CONSENT
AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the DOD authorization conference report following the reconsideration vote on H.R. 4516 on Thursday, and the conference report be considered as having been read and debated under the following time agreement: 2 hours under the control of the chairman of the Armed Services Committee, 1 hour under the control of Senator GRAMM, 2½ hours under the control of Senator LEVIN, 30 minutes under the control of Senator WELLSTONE; That following the debate just outlined, Senator KERREY be recognized to make a point of order and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form.

I further ask consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

Mr. REID. Reserving the right to object, I say to the majority leader we have no problem going to the bill. We have a problem with the time right now. There is one Senator over here trying to work something out with both majority and minority staff. We feel confident that can be done. But I think it would be to everyone's best interest if we stop the unanimous consent agreement after the word "read" on the first paragraph.

Mr. LOTT. Mr. President, I am sure there is a good faith effort being made here. So I will revise my unanimous consent request.

But let me emphasize to all the Members that this is a very important bill. Some people think: We have passed the Defense appropriations bill, the military construction appropriations bill; what do we need an authorization bill for? This is the bill that makes the law that authorizes things for our military men and women, including an increase in pay, including the very important, laboriously worked out provisions with regard to health benefits for our active duty men and women and their families and our retirees. It also has the Department of Energy language in which

the Presiding Officer has had so much interest. This is really a big bill and an important bill. So I hope we can get agreement. I believe we will.

Also, I emphasize that by spending 6 hours on this bill, you know that is time we could be spending on the Agriculture appropriations conference report or other conference reports that may be ready by tomorrow afternoon. So I hope we can get this locked up soon.

But, in view of the legitimate request that was made by the Senator, I modify my unanimous consent request and end it after the words "considered as having been read" in the first paragraph.

Mr. REID. Mr. President, reserving the right to object, I say to the majority leader, I think the work done by Senator WARNER and Senator LEVIN on this bill has been exemplary. They worked well together. This is a very important bill. We on this side, the minority, understand the importance of this legislation. As we speak, we are working with one of our Members to get this worked out.

Maybe before the evening is over we can get back and put in the time agreement. We just are not able to do that right now. But we want to make sure we underscore what the leader has said. This is an important bill. I really hope we can complete it before the end of the session.

Mr. WARNER. Mr. President, I, first, thank the distinguished leader and distinguished Democratic whip, all of us who made this possible. We are within 1 millimeter of resolving this problem. It has just been addressed to me. This is the first time I heard it. I know the Senator very well and we are going to see what we can do to work this thing out. So I think the Senate can assume that what the leadership has presented here, this unanimous consent request, can be accepted in the course of the day.

Mr. LOTT. OK.

Mr. WARNER. This will be the 39th consecutive authorization bill for the Armed Forces of the United States by the Senate. And it is an absolute must piece of legislation, as our distinguished leader and the distinguished Democratic whip said.

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

UNANIMOUS CONSENT REQUEST—
H.R. 4461

Mr. LOTT. Mr. President, I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations conference report, and it be considered under the following agreement, with the time equally divided in the usual form.

I ask consent that debate continue beginning at 9:30 a.m. on Tuesday and proceed through the day.

I ask consent the vote occur on adoption of the Agriculture conference re-

port at 9:30 a.m. on Wednesday and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have no objection if we would move to this by a vote. We would agree to a voice vote. We do not believe we can do this by consent.

Mr. LOTT. Mr. President, if I could ask the Senator to yield and make sure I understand what he is saying, did you say we could do this by voice vote?

Mr. REID. We would be willing for you to move to proceed and we would voice vote that.

Mr. MCCAIN. I object.

Mr. LOTT. Mr. President, again, we will keep working to try to get agreements accepted. I do not quite understand why the Agriculture appropriations bill cannot be debated tonight, now, and voted on tomorrow. And I do not understand why we cannot get an agreement to have debate on it on Friday and Tuesday, and a vote on Wednesday. I know there are Senators who want to talk on it. That is their right in the Senate. But if we are ever going to get this process completed, we need to get the Agriculture appropriations conference report done.

I am still holding out some hope that maybe the Commerce-State-Justice conference report and even the Labor-HHS conference report could be agreed to and could be dealt with tomorrow in such a way we could have a vote on them on Thursday or Friday. But we do not have that yet.

Is there objection?

Mr. REID. Mr. Leader, if I could just say before you withdraw the consent request, we would be willing, tonight, to have you move to proceed to this measure.

As I said, we would be agreeable to move to proceed to this bill by a voice vote and start the debate tonight. We are not in any way trying to delay the consideration of this very important bill.

Mr. LOTT. I think the Senator knows there is a great difference between moving to proceed and asking unanimous consent. For now, obviously, we cannot get the unanimous consent agreement, so we will not be able to proceed.

In light of the discussions we have just had, and since we cannot get an agreement on taking up Agriculture now, the next votes will occur at 12:30 p.m. tomorrow regarding HUD-VA and related issues, and additional votes will occur late tomorrow afternoon regarding the DOD authorization conference report if we can get this time agreement worked out, and I assume we will be able to. With that, I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in just a few minutes I will propound a unanimous consent request concerning the