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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.