



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, WEDNESDAY, JULY 18, 2001

No. 100

## Senate

The Senate met at 9:30 a.m. and was called to order by the Presiding Officer, the Honorable EVAN BAYH, a Senator from the State of Indiana.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this new day in which we have the privilege to serve You. Our ultimate goal is to please You by seeking Your guidance, following it faithfully, and giving You all the glory. You have called us to be servant-leaders. And so we spread out before You the challenges and responsibilities of this day. We thank You for Your presence all through the day. Guide the Senators' thinking and speaking. May their convictions be based on undeniable truth You have defined in their minds and in the negotiations and debates. Bless the Senators as they work together to arrive at solutions so much greater than they could arrive at alone. Help them to draw on Your wisdom, Your penetrating discernment, and Your indomitable courage.

The life and dedication of Senator Paul Coverdell lives on as a stunning example of this quality of leadership. We remember the Senator with profound gratitude today on the anniversary of his graduation to heaven.

And thus, we reaffirm our own commitment: "One life to live, t'will soon be past; only what's done for Your glory will last." Amen.

### PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 18, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EVAN BAYH, a Senator from the State of Indiana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BAYH thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, today the Senate will conduct 1 hour of morning business for the memorial on the 1-year anniversary of the death of our colleague, Senator Paul Coverdell. At 10:30, the Senate will resume consideration of the energy and water appropriations bill. Rollcall votes are expected throughout the day on amendments to energy and water. The Senate may also consider several Executive Calendar nominations after we finish energy and water.

We have had good bipartisan activity in the Senate in recent days. We have worked our way through some difficult bills. Senator STEVENS and Senator BYRD worked through the contentious supplemental appropriations bill, and Senator BURNS and Senator BYRD, again, worked through the Interior ap-

propriations bill. We are now on the energy and water bill. Last week we cleared almost 60 nominations. When we finish the energy and water appropriations bill today, whatever time that might be, we are going to go to the nomination that has an assigned time, the nomination of John Graham. It is a contentious issue. When we finish that item, we will go to the Transportation appropriations bill.

I hope all Members work together. As Senator DASCHLE and I talked last night, these appropriations bills don't belong to the Democrats or the Republicans. They are ours. The President is leaving for Europe today for a very important set of meetings. He needs these appropriations bills as much as anybody in the country, if not more.

I hope we will have people offering amendments. Yesterday we had one amendment offered. That was accepted by the managers of the bill. We need to move forward. I hope we can do that today around 10:30.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is now a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Also, under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee.

### IN MEMORY OF SENATOR PAUL COVERDELL

Mr. REID. Mr. President, I will take a few minutes to talk about Paul

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



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Coverdell. There were a number of occasions in Washington, and once at the Democratic National Convention in Chicago, that someone walked up to me and said: Senator Coverdell.

Now, I always pictured myself as more of a Robert Redford type—that is what I expect to see in the mirror, but it never turns out that way. Factually, I am not the Paul Coverdell type, not a real big bruiser of a person. I guess that is why, perhaps, Paul Coverdell and I got along so well. We were a lot alike. When we think of the great orators of the Senate, Daniel Webster and Everett Dirksen, we don't think of Paul Coverdell. But when we think of those Senators who were able to get things done, he was one of those. That is why when Senator LOTT had a difficult legislative and dangerous assignment on the Senate floor, we would see Paul Coverdell.

He was almost a shy man. He was not boisterous, loud, or aggressive in his actions, but he was effective in his actions. I spent lots of time on the Senate floor trying to work issues out with him. When we had the bankruptcy bill or the education bill, with scores of amendments, he and I would try to work through them, trying to move the legislation along.

Paul and I worked on many difficult pieces of legislation together. We spent a lot of time trying to hammer out differences on bills. We rarely had differences. We were not as much interested in the substance as procedure, moving things along. We began negotiations knowing we were confident we could help move things along.

Senator Coverdell believed we could civilly and respectfully discuss opposing points of view, which, after all, is what the Founding Fathers envisioned when they saw the Senate. Paul Coverdell was in the best tradition of the Senate, someone who believed in legislation, recognized that legislation was the art of compromise, legislation was consensus building. He was a very graceful man without being forceful. He was confident and determined without being obnoxious and condescending. Maybe that is because he knew what it was like to be in the minority, having been the Republican leader in Georgia when the Senate Republicans numbered 5 and the Democrats numbered 51.

Senator Coverdell's evenhanded touch, no question, was the reason Senator LOTT and Republican leadership depended on him time and time again to help them work their way out of difficult situations. The Democrats who knew Paul Coverdell best had the highest regard for him. I spent a lot of time with him. That is why I was flattered and honored when I received a call from PHIL GRAMM asking if I would be one of the Democratic Senators—there are two of us, ZELL MILLER and me—to meet with PHIL GRAMM and Senator DEWINE to talk about things we could do to recognize the service of this very fine man.

I was flattered and have appreciated being involved in the group. We have done some things to recognize Paul Coverdell: the Peace Corps building, a facility in Georgia. But those Democrats who have worked with Paul Coverdell on the State and Federal level know what a good person he was. Senator ZELL MILLER had so much confidence in Paul Coverdell's judgment that Paul Coverdell's chief of staff is ZELL MILLER's chief of staff.

I miss Paul Coverdell. He wasn't somebody with whom I socialized. We didn't go out to ball games together or movies or dinner, but we spent a lot of time being Senators together. I will always remember the service of that shy, somewhat reserved man, the Senator from Georgia, Paul Coverdell.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I rise today to honor and celebrate the life of a dear friend, the late, able Senator Paul Coverdell of Georgia. I am pleased to see in the Chamber this morning his successor, an outstanding Senator, ZELL MILLER. I appreciate the courtesy that he would allow me to speak first this morning as we remember this dear friend. I thank Senator MILLER and Senator REID, Senator GRAMM, and Senator DEWINE who have been involved in trying to find a fitting tribute to the memory of this outstanding public servant.

Just last night legislation was sent to the White House for the President's signature that will name the Peace Corps Headquarters the Paul D. Coverdell Peace Corps Headquarters. I know this and other efforts are being made both here and in Georgia to appropriately recognize the service that Paul rendered to his State and to our country, and to do it in a way that does not involve a scattergun approach but accomplishes that which would really mean an awful lot to Paul if he were here.

The Senate still grieves and mourns the passing of one of its most talented Members. I certainly feel his absence every day. I think about him an awful lot. After decades in Washington, I know how rare it is to find a Senator or Congressman who works equally well with individuals on both sides of the aisle. In fact, in many ways he always reminded me of Senator REID of Nevada, and they worked together very closely: Somewhat reserved, understated, but tremendously effective—both of them—in the way they dealt with legislation, how hard they worked, and how they dealt with their fellow man and woman and how they

dealt with their colleagues in the Senate.

Paul had a deep sense of humility, tireless spirit, and ready humor. In fact, whenever I think of him, I always smile, not only in appreciation for what he did but the meetings we had almost always ended with a laugh because I liked to pick at him, actually. As many people recall, I even had a nickname for him because as a Senator and as a member of our leadership—actually after only having been in the Senate for 4 years he was elected to the Republican leadership—we kind of had a rule that if there was a job to be done that no other leader wanted to do, we could always call on Paul. He reminded me of the commercial about the little boy named Mikey. The other kids wouldn't eat the cereal and they would shove it over to Mikey; and say, "Give it to Mikey, he'll try anything." Well, I called him Mikey because I knew he would try anything and he would do it with great spirit and enthusiasm. That is the kind of utility player he was. That is the kind of commitment, that is the kind of willingness to work and do the jobs that other Senators would not do that makes this place really function the way it should.

Paul was a Senator and legislator in Georgia, but he was from Missouri where he received a journalism degree. I guess that served him well. He joined the Army and left as a captain in the early 1960s. I never thought of Paul as being an infantryman, but maybe that is really what he was. He was on the line, doing the heavy duty every day. He helped run his family's small business when his father's health failed. He soon turned that small business into a very successful marketing firm, Coverdell & Co.

Paul was always compelled to want to serve others, going back to early activity in government and activities in Georgia. He was elected to the Georgia State Senate as a Republican in 1970, at a time when most Georgians had not even seen a live Republican. But there he was, and he was in the legislature in the Senate. And his peers elected him the Senate minority leader, a position he held for the next 15 years. Of course, there were only three Republicans. So there was the leader, the whip, and the whipee, I guess. At least Paul was not the whipee. He got to be the leader. He did a lot to make the Republican Party credible in Georgia. But beyond that—I am sure Senator MILLER will remember this—he learned there to work across the aisle. When you are in those small numbers, you have to, to survive. But he became a major player in the legislature even in those limited numbers.

In 1989, he entered the national political stage when he became Director of the Peace Corps under President George H.W. Bush, where he worked for 2 years. I remember I used to harass him about that, too. He particularly worked with emerging democracies in Eastern Europe. But he had a vision for the Peace Corps, too.

That this small guy from a small town in Missouri, and a Georgian who served in the Army, then wound up with a world vision was quite an achievement.

Paul had fundamental beliefs in America, the great Republic. He believed in free trade, free markets, and freedom for all the citizens—not only for the people of his State but people around the world. He worked at making it available and accessible to everybody every day.

He spent a lot of time in the Senate working on education. He was innovative from the beginning. He was one of the early ones talking about the need for some flexibility in how funds are used in education. He worked across the aisle to help solve that problem.

He was really committed to allowing parents of children in elementary and secondary education to have some way to be able to help their children. That is what I like to call the Coverdell savings accounts. He had a broad base of support for that.

He was very aggressive in seeking safe and drug-free havens for learning in our schools.

I met him way back in the 1970s when I made trips into Georgia, and I always appreciated his tenacity and the work he did there. But I really will miss him the most in our leadership because I came to rely on him so much.

Some people have written about, yes, one of the majority leader's key players and that he misses him. I don't deny it for a minute. In life, you lose friends and you see good men and good women pass on. You mourn. You learn lessons from working with those people, and then you find others who try to fill the void. But in some respects, you never fill the void left by a person such as Paul Coverdell. He was loyal. He was sensitive. He really cared. He made a difference in his State, in our party, in the Senate, and in our country.

So I think it is appropriate today that we honor his memory, after having lost him 1 year ago, and to celebrate the things he did to make it a better place for all of us to live and learn.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Republican leader for his eloquence and for his heartfelt expressions of fond remembrances of a very special U.S. Senator. Those of us who watched the relationship flourish over the years as we served in the Senate are reminded again today of the friendship and joy Senator LOTT and Senator Coverdell had. It was a rare friendship, a special friendship, one that was evident to all of us as we watched and as they worked.

So it comes as no surprise that Senator LOTT would be the first on the floor today to talk about a man about whom he cared deeply. While we were

not as close and did not enjoy that wonderful proximity in friendship, we certainly had a great deal of admiration for the Senator from Georgia. It was 1 year ago that we were stunned and saddened by the sudden death of our colleague. On that day, we lost not only a friend but, as Senator LOTT noted, a gifted leader.

A while back, I came across the story of a hot Saturday he spent at a county fair in north Georgia. Despite the casual setting, he was wearing a coat and tie. When a long-time aide asked him why, Senator Coverdell responded, "Well, I've noticed that if there's ever any kind of emergency and people are trying to figure out what to do, they always go to the guy with the tie on."

A year after his death, we still miss being able to go to Paul Coverdell.

Although Paul and I didn't see eye to eye on a lot of matters, I can't think of a single time that he was not fair, that he was not decent, that he was not honest. He was a reminder to all that we can disagree without being disagreeable.

While I may not have agreed with him on every detail, I never questioned his deep commitment to the people of Georgia and the principles that he and we hold dear.

One of the principles in which Paul Coverdell believed most deeply, of course, was the right of every child to go to a good school. So it is fitting that we are creating a living tribute to him by seeing to it that the educational accounts for which he fought so hard will now bear his name.

There is another way in which Paul Coverdell's spirit of kindness, fairness, and bipartisanship live on today in the Senate. That is the work of his fellow Georgians, ZELL MILLER and MAX CLELAND.

In the final years of his life, I am told that Senator Coverdell developed a passion for gardening as well. I think that is entirely fitting because so much of his work in public life was about nurturing and about helping things grow. That was evident in his leadership of the Peace Corps and in his commitment to educational opportunity. These educational savings accounts, which now will bear his name, will help ensure that the seeds he planted continue to take root and his work continues to blossom.

We miss him, and we thank him for his public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, if I may ask the Senator from Georgia and others to allow 1 minute to follow up on what Senator DASCHLE mentioned, we have an agreement on this initiative. I thank Senator DASCHLE for his comments and for doing this. This is the kind of thing that brings us together in many possible ways.

#### COVERDELL EDUCATION SAVINGS ACCOUNTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1190 introduced earlier today by myself.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the Educational Individual Retirement Accounts as the "Coverdell Education Savings Accounts".

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask the distinguished Republican leader if I may be added as a cosponsor.

Mr. LOTT. Mr. President, I would be honored. I should have suggested that in the first place. That certainly should be done. I support that.

Mr. DASCHLE. I thank the Republican leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1190) was read the third time and passed, as follows:

S. 1190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking "an education individual retirement account" each place it appears and inserting "a Coverdell education savings account".

(2) Section 530(a) of such Code is amended—

(A) by striking "An education individual retirement account" and inserting "A Coverdell education savings account", and

(B) by striking "the education individual retirement account" and inserting "the Coverdell education savings account".

(3) Section 530(b)(1) of such Code is amended—

(A) by striking "education individual retirement account" in the text and inserting "Coverdell education savings account", and

(B) by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" in the heading and inserting "COVERDELL EDUCATION SAVINGS ACCOUNT".

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking "education individual retirement account" each place it appears and inserting "Coverdell education savings account".

(5) The heading for section 530 of such Code is amended to read as follows:

**"SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS."**

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

"Sec. 530. Coverdell education savings accounts."

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking "an education individual retirement"

each place it appears and inserting "a Coverdell education savings":

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking "education individual retirement" each place it appears in the text and inserting "Coverdell education savings":

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking "EDUCATION INDIVIDUAL RETIREMENT" each place it appears and inserting "COVERDELL EDUCATION SAVINGS":

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking "EDUCATION INDIVIDUAL RETIREMENT" and inserting "COVERDELL EDUCATION SAVINGS".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. LOTT. Mr. President, again I thank Senator DASCHLE for allowing me to do this. I think this is the thing that would mean the most to Paul—Coverdell Education Savings Accounts.

Thank you, Mr. President.

#### EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent the time allotted for the remembrances for Senator Coverdell be extended for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Florida.

Mr. GRAHAM. Mr. President, at a time in my personal life when I am feeling the pain of the loss of a family member, I reflect upon the 1 year which has passed since the loss of a member of our Senate family, Paul Coverdell.

As frequently happens in politics, I first met Paul as an adversary. A good friend of mine, who came to the Senate at the same time I did in 1986, Senator Wyche Fowler, had become embroiled in an unusual runoff election in the fall of 1992. Georgia had a provision, which I understand has subsequently been revised, that unless a candidate received an absolute majority in the general election in November, then there was a runoff between the two highest candidates.

Senator Fowler had narrowly failed to get the majority vote and was in a runoff with Paul Coverdell. A number of colleagues went to Georgia to help Senator Fowler in his campaign. It was in those circumstances that I first met Paul.

There has always been somewhat of a special tension between Georgia and Florida, going back at least to the Revolutionary War, where Florida re-

mained loyal to George III and provided troops to fight against the rebels from Georgia who were supporting the new revolutionary government that was to become the United States of America.

More recently, in the 1930s, the then-Governor of Georgia came to Jacksonville to give a speech about how good things were in Georgia in the middle of the Depression. At the end of the speech, one of the Jacksonville members of the audience asked Governor Talmadge: If things are going so well in Georgia, why is it that so many Georgians are moving to Florida? To which the Governor's response was: We like it; every time it happens, it raises the IQ level of both States. So that describes the nature of the special relationship between our States, which continues now with the close friendships that exist between Senator NELSON and myself and Senator CLELAND and our newest colleague, Senator ZELL MILLER, as it did with Senator Coverdell.

I came to know Paul as a friend in his too short Senate career. In every sense of the word, Paul Coverdell was a gentleman. He was a man who had strong personal views and a wide array of characteristics to put those views into effect. But he always did so with a graciousness and a politeness and a respect for others.

Paul Coverdell was a man who cared about using Government as a means to improve the lives of the people that he represented and the people of the United States of America.

As has been previously indicated, education was his passion. I personally had the opportunity to work with Senator Coverdell on a number of education issues, including how to make higher education more affordable, by providing a means through which families could begin to prepare to finance the cost of college, and to provide school districts with a wider array of means by which they could finance school construction. Those are examples of the creativity that Paul brought to his senatorial service.

Paul Coverdell was a strong Republican. As indicated, he came to the Georgia Legislature when they were few in number. He helped build the Republican Party in that State. But he always operated with a clear understanding of the importance that if you were to build sustaining public support for your idea, it would emerge from the roots of bipartisanship. So he reached out across the aisle to explain, advocate, and bring to his causes Members of both political parties.

Paul Coverdell has been and will be missed but he leaves a proud legacy, a legacy added to today with the naming of a portion of the Internal Revenue Code, for which he was particularly responsible, in his honor, as well as the naming of the Peace Corps offices in his honor. These are appropriate recognition of a proud and distinguished public career, which we, on the 1-year

anniversary of his being taken from us, recognize and honor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my grandmother used to say as long as anybody remembers you, you are not dead. We are proving today that my grandmother was right, as I suspect she was on so many things, that Paul Coverdell is not dead. In fact, as long as I live I am going to remember Paul Coverdell. Who could forget a person as thoroughly lovable as Paul Coverdell?

It was my great honor to work under the leadership of ZELL MILLER and to work with MIKE DEWINE and HARRY REID in trying to come up with a way to properly honor Paul Coverdell. We put together a bill introduced by Senator LOTT. I was proud to introduce it with him and Senator MILLER. The bill had two major features: first, it named the headquarters of the Peace Corps in Washington after Paul Coverdell, who was proud throughout his life to have served as one of the great Directors of the Peace Corps; and, secondly, it created an authorization to fund the Paul Coverdell Building for Biomedical and Health Sciences at the University of Georgia.

Senator MILLER and I had the honor of going to the University of Georgia, meeting with the university president, the provost, and Nancy Coverdell, and going to the site to look at the plans, and we decided that there was no better way to honor Paul Coverdell than to build this great edifice and to name it after Paul Coverdell. It is not just a beautiful building, but a building that will be alive with bioscience research, and will contribute not just to Georgia but to America and to the world.

I am proud to say that we adopted that bill in the Senate in February and yesterday it was adopted in the House. It will go to the President and be signed.

The headquarters here in Washington of the Peace Corps will be named after Paul. We have authorized the building of this major research facility in Georgia. I would like to remind my colleagues who do not remember the debate on the original bill, that we are going to put up \$10 million at the Federal level; the State is going to match that money; and the University of Georgia is going to provide the bulk of the funding.

The State of Georgia has already acted in providing the money. The university is out raising their part of the money. When we come to the proper appropriations bill this year, we will complete our action in terms of providing this most significant honor. We added to the honors that Paul Coverdell's work bestowed on his life today when we named the education savings accounts that were part of our tax bill after Paul Coverdell.

I still see evidence every day of Paul's good work. As many of you will remember, he was very active in forensic sciences and providing funding for

the States. We authorized a bill which is now named after him, providing \$512 million to get rid of this backlog we have all over the country with DNA evidence, to modernize our State labs, and to build a national DNA database. Senator BYRD named the classroom building at the Law Enforcement Training Center in Georgia after Paul. And Paul's work on teacher liability and volunteer liability is still very much debated in Congress, and I am convinced will eventually become the law of the land.

So a year after Paul Coverdell's death, his stature continues to grow in the Senate. He is still fondly remembered by his colleagues. I do not think we will soon be forgetting Paul Coverdell. His gentleness reminds us all as to how we should behave. I feel blessed that I had the opportunity to get to know and to work with Paul Coverdell.

Let me conclude by thanking ZELL MILLER for his leadership on these efforts to properly honor Paul. I think Paul would be proud of what we have done. I think the investments we have made in honoring him will yield a good return to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, in a culture and in an institution where the word "friendship" is used so casually that it often has little meaning, it is difficult to express on this anniversary of Paul Coverdell's death what he meant to each of us and the nature of our relationships with him. I am left with few words other than to simply claim that he was a friend, a friend that I admired.

I rise today in recognition of his loss because of the injustice of it, and that all of us probably recognize that as much as Paul did, it was but a downpayment on what his life was to be.

This is not a man who had made his final contribution. His life had not run its real course. Paul Coverdell was an enormously talented man. He was a very good man.

From almost the moment I joined this institution, I came to know Paul and work with him on a very close basis, unlike, perhaps, the relationship I have had with many or maybe all Members of the other party. We fought together for education savings accounts and we failed for years. But it is the best thing I could say about Paul Coverdell, that every time we failed on the education savings accounts, he took out his piece of paper, he worked the list again, and we came back.

Few may ever remember that indeed the massive tax reduction plans voted upon and passed by the Congress this year closely resembled the tax plan that Paul Coverdell introduced in 2000 in the midst of the Presidential campaign. I joined with him in that effort. I believe they became an inspiration for what President Bush later proposed himself. This was a creative man.

History is filled with what might have been. It is enough for Paul

Coverdell's family to live with the notion that he made a great contribution and was a good and decent man, but in truth, many of us will always wonder, had his life lived its natural course, the leadership positions he would have filled and the contributions he might have made.

Life was finished with Paul Coverdell, but he was not finished with life.

I, like PHIL GRAMM, believe it is still special that all of us remember him. In that way, he never dies. It also leaves us, in an institution where humility is so rare, to remember that no matter what titles we give to each other, no matter how powerful the institutions might be in our own minds that we build, we are all ultimately so powerless in this life of ours.

Paul Coverdell, you were a good man. Wherever you are, we remember you. We thank you. Generations of Americans who may never know your name—because, indeed, history will never have a chance to truly record all that you might have done—will live better lives because of the all-too-brief life that you lived yourself.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Georgia.

Mr. MILLER. Mr. President, I thank my colleagues and those who loved Paul so much for their moving and heartfelt remarks this morning.

We find it hard to believe that a year has passed since our friend and colleague, Senator Paul Coverdell, died so very unexpectedly. I remember that day vividly. I was at home in Young Harris. When I heard it, I immediately turned on the television, and I watched many in this Chamber, in tears and in disbelief, pour out their hearts in tribute to this good man and this great public servant.

I will never forget one of the things Senator GRAMM said about that frail body that had within it the heart of a lion. That described Paul Coverdell so very well.

The shock and the sadness I felt on that day a year ago remain with me until this day. Georgia, and America, lost one of its greatest public servants in Paul Coverdell—as has been said, a decent, soft-spoken workhorse who was always there and who always put people first and politics second. In a public career spanning more than three decades, from the Georgia Senate, where I served with him for 12 years and knew him so well, to the Peace Corps, and then the U.S. Senate, in all of those positions, Paul served with great dignity. He served with great ability, and he earned the respect of everybody who knew him or saw him or watched him along the way.

I also will never forget sitting up there in that gallery a year ago on the morning that I was to be sworn in as Senator Coverdell's successor. Once again, I listened to the overwhelming outpouring of love and tears for Paul. The heartfelt sentiment and the high praise from this Chamber were a tre-

mendously moving tribute to one of Georgia's finest sons. I had never felt so inadequate in my life. Here I was. How in the world was I ever, even in the most remote way, going to come anywhere close to filling those shoes? The Lord knows, I have tried.

Immediately upon Senator Coverdell's death, folks in Washington and in Georgia began to think how we could remember this great Georgian in a worthy and enduring way. In a bipartisan fashion befitting Senator Coverdell, Senator LOTT appointed two Republicans, Senators GRAMM of Texas and DEWINE, and two Democrats, Senator REID and myself, to sort through the many good ideas for memorializing Paul. They have been mentioned this morning already on the floor. I will not go into them. We wanted to make sure that whatever we decided on was fitting and, very importantly, that it was something of which Nancy Coverdell would approve.

We thought one very important way to honor Paul's commitment to education, research, and agriculture in a grand way was at the State's flagship school in Athens, the University of Georgia. The Paul D. Coverdell Building for Biomedical and Health Sciences will be a \$40 million state-of-the-art science center where scientists from different fields will collaborate under one roof to improve our food supply, clean up our environment, and find cures for disease. It is a joint project, as Senator GRAMM mentioned, with the university itself raising \$20 million, the State of Georgia appropriating \$10 million, and the Federal Government providing the remaining \$10 million.

I am pleased that the bill authorizing Congress to approve this memorial for Senator Coverdell has been passed in the Senate and in the House, and the President is expected to sign it next week. It is our hope that the scientists who gather in this center named for Senator Coverdell will do great things and will make discoveries that will improve people's lives in Georgia and around the world for years to come.

A day does not go by that I don't think of Paul Coverdell. And I remain honored and humbled to have succeeded such a great man in the Senate. I believe in life after death. I believe in a loving Heavenly Father. And I believe that Paul is up there watching what we do, watching what I do. That is why I try every day to live up to the high standards of dignity and integrity and bipartisanship that were the hallmarks of Paul Coverdell's distinguished career.

Thank you, Mr. President.

Mr. CRAIG. Mr. President, when I was preparing for this morning's tribute, I could not help but reflect on the year that has passed since the untimely departure of our friend and colleague, Paul Coverdell.

What a year this has been—and what he would have made of it all.

We used to joke that the Senate schedule had become "All Coverdell,

all the time," because his fingerprints were everywhere: education, tax reform, fighting for peace, standing for freedom.

It was my privilege to work with him on the Republican leadership team, and to see firsthand that phenomenal energy that kept him working behind the scenes long after the Senate had shut down for the night or before it convened. Descriptions of him nearly always include the word "workhorse"—and that is a name he certainly earned over and over. He was an idea generator with a boundless enthusiasm for public service and a willingness to undertake any chore, no matter how thankless, to move the agenda forward.

He would have relished the many challenges that our party has faced over the past year, because he was a loyal partisan. Years ago, when he was one of only four Republicans in the Georgia State Senate, he took on the task of rebuilding the State's Republican Party. Later, his first run for the U.S. Senate was an uphill battle against an incumbent. This was a man who looked for big challenges and never faltered in advancing his party's standard.

Yet despite his partisanship, he was known for his civility and his ability to get along with members of both parties—and I might add, his ability to get along with the variety of temperaments that abound in this institution. Paul Coverdell had a warmth that many people felt on even a short acquaintance. Those who regarded him a friend are legion.

The shock we felt at this time a year ago may have passed, but the bereavement remains. Georgia lost an ardent and effective spokesman, the Nation lost a patriot, and the Senate lost a true friend.

Many have talked about the legacy of Paul Coverdell—the work he did for the party, the stamp he put on the Peace Corps, the legislation he wrote and speeches he gave in the Senate. But I think his lasting legacy is written on the hearts of those who knew him.

The PRESIDING OFFICER. The Senator from Georgia, Mr. CLELAND, is recognized.

Mr. CLELAND. Mr. President, I thank my colleague, Senator MILLER from Georgia, for his eloquent words. As he describes our dear friend Paul Coverdell, I am reminded that Paul Coverdell was a kinder, gentler politician and person before "kinder, gentler" was in vogue.

Proverbs tells us, "Good men must die, but death cannot kill their names." In the year since Paul Coverdell has passed, I continue to see the evidence of his hard work everywhere. I see it in the success of the Georgia Project in Dalton, GA, an immigrant education project in the north Georgia mountains that we worked closely together on. I see him in the education savings account amendment that passed as part of the President's tax package, something so close to his

heart throughout his career in the Senate. And most of all, I see it in my colleagues faces as they continue to honor him through their work on issues that were important to him.

Paul and I were sworn into the Georgia State Senate on the same day in 1971. We were elected in the election of 1970. He sat just in front of me. In Georgia, we sit by numbers of senatorial districts. We did not sit across the aisle, party to party. So, in effect, we were all together in that State senate. So Paul sat right in front of me; and what an appropriate position for him to be in, because I followed his lead in so many ways, just as I have tried to do in the years in the Senate. He worked quietly; he worked tirelessly. But he had a single-mindedness of purpose that belied his mild manner. He would toil away on a project for months, even years, then submit his results, and leave the judgment and praise for others.

When I came to the U.S. Senate, I felt as if I was following behind Paul Coverdell again. Paul was with me as I was sworn in right here in this Chamber. After that day, he helped me, he guided me, and he tutored me in the ways and rhythms of the Senate, this body he loved so dearly. We were on different sides of the aisle, but we were still great personal friends. He helped me learn because he was a good man and a good friend, and because he knew it was good for our country and for Georgia. He always fought for our State, our farmers, our businesspeople, and the average citizen.

From his time in the Georgia Legislature to his post as head of the Peace Corps under President Bush, to his quiet and demonstrative leadership in the Senate, Paul had a peaceful and resolute efficiency about his work that I hope we can all emulate.

Alphonse de Lamartine once said, "Sometimes, when one person is absent, the whole world seems less."

That is the way I feel today. I share this feeling with my colleagues. That is certainly the case as we remember Paul and absorb the magnitude of this loss in this Senate and the people he served. Paul was, indeed, a leader, a legislator, and a dear personal friend. I miss him terribly.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. NICKLES. Mr. President, I compliment both of our colleagues from Georgia for their statements, and also Senators GRAMM and TORRICELLI for the statements they have made.

I have been in the Senate for 20-plus years. A year ago today was probably one of the saddest days of my career because we lost a real friend, a true Senator, an outstanding Senator, Paul Coverdell, a person who achieved a lot in his very brief career in the Senate. He was in the Senate for a little over 8 years. He accomplished a lot. He was elected to leadership in his first term in the Senate. That is very unusual on

our side of the aisle. That doesn't happen very often.

Paul Coverdell was very unusual, very exceptional, very talented, very likable, a very popular U.S. Senator. He did a lot. So we are commemorating the 1-year anniversary of his death and celebrating, to some extent, the contributions that he has made. Naming the Peace Corps building after him, the National Peace Corps headquarters building, is a real tribute to his leadership. The building at the University of Georgia, the Institute of Biomedical and Health Sciences, which will conduct research for decades and generations to come and will save countless lives, no doubt, will be a real contribution in recognition of his service to the country.

The education savings account that bore his name, as Senator TORRICELLI said, after years of battle—unsuccessful at first, but finally successful—was signed into law this year. Naming those the "Coverdell savings accounts," where individuals can put in up to \$2,000 a year and use that for education K-12, hails a very significant achievement; it showed real tenacity, real forcefulness. It was something that Paul Coverdell would not give up on, and it is now the law of the land. It will enable thousands of people to be able to provide for, save for, and improve their education. Because of his foresight, leadership, tenacity, and his perseverance, it is now the law of the land.

Paul Coverdell had a very positive impact on countless millions of people in the United States and across the world. It is only fitting that we pay him a proper tribute.

I remember the memorial services in Georgia when our colleagues PHIL GRAMM and ZELL MILLER, our newest colleague, made statements that were as moving as any I have heard when they talked about the contributions Paul Coverdell has made to the State of Georgia, our country, and the Senate. So it is with regret that we recognize the 1 year passing of Paul Coverdell, but it is only fitting and proper that we recognize and say thank you to Paul Coverdell and wish Nancy Coverdell all of our best in the years to come.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I join in the tribute to Senator Coverdell. As a Senator from California, I found him to be a remarkable man. He was a humble man. In a way, he was a prototype of the Southern gentleman. He was a determined man; he was a skilled legislative craftsman. I was really delighted to have the pleasure to work with him.

Paul had a profound interest in improving the education of our young people. I worked with him closely as an original cosponsor of his Educational Savings and School Excellence Act, and during that time, I found him to be energetic. He was determined and,

most importantly, I found him to be very easy to work beside. He was also very much above political correctness, and he strived to do what he thought was really doable, practical, and would help people.

Another common interest we shared was in reducing the amount of illegal drugs on the streets of America. In fact, we worked together on several antinarcotics efforts. We debated together in this Chamber the issue of certification. I was his Democratic cosponsor of the Foreign Narcotics Kingpin Designation Act. This law made it easier to crack down on leaders of the major drug cartels operating in Latin America. I believe these efforts are paying dividends today because U.S. law enforcement is more able to close in on some of the cartel leadership.

Paul Coverdell knew these were important debates, and I will never forget because the Republican Party was in the leadership, and every time he called me, he asked if he could come to my office to talk with me. It was a very interesting effort on his part because the fact that he was willing to come to my office and sit down to have a discussion on an issue that we would work on together made me even more dedicated to the success of that effort.

I had a wonderful across-the-aisle relationship with Paul Coverdell. The Narcotics Kingpin Act, the educational savings account, and Excellence in Schools Act are a few specific tangible pieces of legislation on which he put his leadership stamp.

All I can say is: Paul Coverdell is missed in the Senate of the United States. I truly wish all of God's blessings on him. He was a wonderful man.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I believe everyone is aware that Senators do a certain amount of posturing. We are a political body. People who are watching us, however, I am sure, cannot get a sense that none of this is posturing. Everything that has been said by Republicans and Democrats alike is heartfelt. We miss Paul Coverdell very much and, as someone said, it does not seem it has been a year he has been gone.

The outpouring of affection for Paul is very real because of the kind of individual he was. Most people can never know what Paul Coverdell meant to the Senate, to his home State of Georgia, and to people on both sides of the aisle. Unless you were a part of this body and worked with Paul on a daily basis, it would be impossible to know what he meant to all of us. I hope, though, by this tribute today, people will get a little bit of a sense of what Paul meant to all of us.

He was a friend. He was a counselor. He made things happen in the Senate, and it was never with any personal aggrandizement or publicity on his part. There was no fanfare when Paul did his work.

He will be known, even though only having served a relatively short period of time in the Senate, as one of the most effective Senators who ever served here.

It is instructive that the person who took his place in the Senate, a great public servant in his own right, former Governor and now Senator ZELL MILLER, asked how he could ever begin to fill Paul Coverdell's shoes. The reason he cannot and none of us can, of course, is that Paul Coverdell was unique and no one can ever do exactly what Paul Coverdell did. We can each aspire to have his attitude, selflessness, friendship, and helpfulness to others. If we all aspire to do that, this Senate will be a better place.

We do hear every week: We need a Paul Coverdell to solve this problem or solve that problem. That is how Paul is remembered: as a person you could always turn to, to get something done when no one else could quite figure out how to do it, and frequently, by the way, that was because of personalities.

Paul had a way of bridging the gap between people who were of strong minds on something; he would find a way to bring them together.

As Senator FEINSTEIN just said, we miss Paul Coverdell very much. We love him. We love his wife, Nancy. We wish her and the family the very best.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will never forget this day last year when it was announced that we had lost our friend and colleague, Paul Coverdell. His death was a shock to all of us. It was something that most of us were so emotional about that we could not speak in the first few days after learning of his death because we knew that we would not be able to get the words out. Those who did speak will be remembered; they did, indeed, have a hard time getting through the words they wanted to say.

It is very rare that after a year from losing a Senator or a Member of Congress that loss is still so vivid, but that is the case with Paul Coverdell. I miss him today just as much as I missed him a year ago today. He had that kind of impact.

The interesting thing is he accomplished so much in a very short time. And there is not anyone who knew him who did not like him.

He was also a leader. In his career in public service, which he actually did after a very successful private sector career, he made a difference wherever he was.

In 1989, Paul Coverdell took the reins of the Peace Corps. He looked at the Peace Corps in 1989 and said: What should be the mission? He did not just take the reins of the agency and do more of the same. He stepped back and said: What does the world need today from the Peace Corps?

Of course, Poland, Hungary, Czechoslovakia at the time were emerging from the Iron Curtain. So Paul Cover-

dell said: We have these countries now emerging from the cold war, trying to seek democracy. Maybe the Peace Corps can play a part in keeping the peace.

He began to send volunteers from the Peace Corps into Eastern Europe and the former Soviet Union countries. He blazed a new trail for the agency that made a difference, maybe in a small way, but a lot of small things build, to Poland and Hungary where the first Peace Corps volunteers went after the fall of the Iron Curtain. Those are two countries now firmly in the democratic camp. They are countries that have just joined NATO.

Paul Coverdell made a difference because he stepped back and was thoughtful. He was a leader in the truest sense.

The Coverdell education savings accounts were an extension of his leadership at the Peace Corps and his interest in education. He said: What can we do to help parents who have a hard time buying a band uniform, a computer, or something that will give a child that extra opportunity to excel and succeed? He came up with the concept of education savings accounts.

As usual in Congress, it does not happen easily, even if it is a great idea. But Paul Coverdell was dogged in his determination that being able to save tax free to buy your children the things that would help them succeed in their educational experience was worth a fight. He fought and he won. It is fitting that we named the education savings accounts the "Coverdell education savings accounts."

The other thing that is significant about Paul Coverdell is that he built the two-party system in Georgia. Georgia, like Texas, 15 years ago was an entirely Democratic State. They did not have Republican county officials in very many counties in Georgia or Texas. They did not have Republicans in numbers in the State legislature. In fact, Paul Coverdell was the minority leader of the State senate in Georgia, and I believe there were three Republicans in the entire State senate. He was the person who came in and said I think democracy works best when there is a strong two-party system. He became the first Republican ever elected to the Senate from Georgia.

At the same time, Paul Coverdell was respected and liked by Democrats. At his funeral, Governor Barnes, the Democratic Governor of Georgia, made a wonderful presentation about his friendship with Paul Coverdell from their days in the legislature. He said Paul Coverdell was his mentor in politics.

We have heard former Governor ZELL MILLER, now Paul Coverdell's successor, speak eloquently about his relationship and the impact that Paul Coverdell had on Georgia, as well as Senator CLELAND and other Democrats who have spoken in the Chamber about what a wonderful person Paul Coverdell was.

He was a leader through being creative and innovative. He was a fighter for what he believed was right. He persevered. He usually won. He built the Republican Party while having a loyal following of Democrats. He had the kind of respect it took to walk that kind of very fine line.

He could bring people together. He could calm the waters. When tempers flared, he would tell a joke and dissolve the tension. He was an extraordinary person.

The most telling of all the things one could say about Paul Coverdell is he is truly talked about and missed every day, even a year later. The vacuum left by Paul Coverdell's sudden death last year at this very time has not been filled. I am glad we are taking time to pay tribute to this extraordinary man. I am proud I was able to be his friend.

**THE PRESIDING OFFICER.** The Senator from Kentucky.

**Mr. McCONNELL.** Mr. President, I can safely say, unless it is the death of a family member, usually by a year after someone's passing you sort of have gotten over it and moved on. Yet here we are a year after the death of our good friend, Paul Coverdell, and Senator after Senator after Senator on both sides of the aisle is making the point that we have not gotten over it. We still miss him. We think about him almost every day because he was such an indispensable part of this Senate which people have come and left for over 200 years.

I met Paul back in 1988. I was one of the people trying to help President Bush get the Republican nomination—the first President Bush—and I was traveling in the South. It was not a pleasant week. The former President had lost the Iowa caucus. This was between Iowa and New Hampshire. His potential to be nominated was very much in doubt at that point. Part of my travels took me to Georgia where I met State Senator Paul Coverdell, obviously an intimate friend of the Vice President, and I was involved in his campaign in 1980, 8 years before that, prior to the nomination of President Reagan.

Our paths continued to cross. He came to Washington as Director of the Peace Corps. I was a member at the time of the Foreign Relations Committee and had a chance to deal with him. Then my wife, Elaine Chao, succeeded him as Director of the Peace Corps when Paul went off to have the most extraordinary experience in getting to the Senate. Paul has to be in the Guinness Book of Records for having won the most elections to get to the Senate.

He ran in Georgia in 1992. I don't know what the law of Georgia is today, but in 1992 you had to win a majority of the votes for your party to win the primary. If you didn't, there would be a runoff. So Paul had a very close primary election and had to have a runoff, an additional election, to get the nomination. So it took him two elections to

become the Republican nominee in 1992. Then Georgia also had a curious law with regard to the general election. I don't know whether it is still the law of Georgia or not, but at that time in 1992 in order to be elected to the Senate you had to get 50 percent of the vote, plus one. Paul, in his contest against former Senator Wyche Fowler, had gotten about 47 percent of the vote. Wyche Fowler came up short of 50 percent, and there was a third party nominee, so that was the third election.

The fourth election was a runoff, a month after the regular election, after President Clinton had been elected, after everybody else who was going to serve in the Senate, if that Congress had been chosen. There was yet another election going on in Georgia, 30 days after the first election. Paul managed to win that election and came to be sworn in to the Senate, having had to win four elections in 1 year to get here.

I cite that not just to recount his resume but to make the point of what incredible tenacity it took to go through all of that to make it here.

As all of our colleagues have indicated, once he arrived, his personality, his work habits—he was peripatetic; he was everywhere. No matter what the issue might be, no matter what little group might be discussing a particular matter, Paul was always there in a nonthreatening way in a body in which people have a tendency to compete with each other constantly. His personality was such that no one ever thought of him as a competitor. His interests were vast, across the board, everything my colleagues have said, everything from education to foreign policy. He had wide interests.

He was elected to our leadership in the first term which, as Senator NICKLES said earlier, is quite unusual in our party. He was unfailingly polite, competitive but polite, and had a way of engaging in politics to make friends rather than enemies. So many people in politics acquire numerous enemies in the process of participating in the business in which we are all engaged. Paul, quite the opposite, tended to add friends. He was a truly remarkable man, a leader not just for Georgia but for all of America. It was a great tragedy his life was cut short. He would have had many more years in the Senate making an enormous contribution to his State and the Nation and enriching the lives of all of us who had the privilege of getting to know him.

We still miss you, Paul, and we are confident we will see you again some day in the future.

I yield the floor.

**Mr. CAMPBELL.** Mr. President, I would like to take a moment in remembrance of my good friend and our colleague, Senator Paul Coverdell, who passed away a year ago today.

It hardly seems an entire year has passed since Paul was with us on the Senate floor. Paul served the State of

Georgia and our Nation nobly for almost 40 years, in the Army, in the Georgia State Legislature, as a respected businessman, as the head of the Peace Corps, and as a member of the U.S. Senate. Paul believed, as do I, that people flourish when they have the freedom to work and make their own decisions, and he worked day after day to ensure these freedoms for all Americans.

Last year as we were preparing the Treasury and General Government appropriations bill for fiscal year 2001, we were shocked to learn of the passing of our colleague, Senator Coverdell. As we moved forward with that bill, S.2900, I inserted a provision requiring the naming of a building at the Federal Law Enforcement Training Center in Glynco, GA, in honor of Paul Coverdell. Our House colleagues agreed and we included this language in the conference report which was signed into law. I am pleased to let my colleagues know today that the ceremony to name the building will be conducted next month.

There is an American Indian saying, "When legends die, there are no more dreams. When there are no more dreams, there is no more greatness." Well, I can assure you that Paul's dreams are alive in us and his greatness will transcend the years.

Mr. President, I respectfully request this body take a moment to remember our colleague and his family.

**Mr. FRIST.** I rise today to honor the memory of our colleague, Senator Paul Coverdell of Georgia. It's hard to believe a year has passed since he left us, but his legacy of integrity, compassion and commitment remains a model for us to emulate.

Throughout his long career in public service, Paul Coverdell was a tireless champion of freedom. He believed in America and the power of the American spirit. Paul Coverdell knew what was right and he fought for it with all his might. He was a husband, a citizen, a Senator, a patriot, and he is sorely missed.

For me, as a newcomer to the U.S. Senate now seven years ago, Paul Coverdell was a mentor. I had the honor and privilege of watching his courage up close working on Medicare and education in particular where his expert guidance helped us communicate our message to the American people. Whether on the practicalities of how to structure a U.S. Senate office to broader policy implications on the issues of the day, Paul Coverdell was the conscience and guide to whom we turned for advice and counsel.

To help honor the life and work of Paul Coverdell, I am drafting bipartisan legislation authorizing two new initiatives—the Paul Coverdell Stroke Disease Registry and the Paul Coverdell Health Care Corps. The untimely death of our friend points to the need to provide more comprehensive stroke care and to learn more about providing a better quality of care to the more than 700,000 people who suffer a stroke

each year. Our first step in doing so is introducing the STOP Stroke Act, which requires the Department of Health and Human Services to develop a national disease registry.

The Paul Coverdell Health Care Corps is a tribute to the values incorporated into the Peace Corps while he was Director and further demonstrates our dedication to providing American expertise to developing nations. This new Corps would provide skilled health care professionals for countries dealing with the crises of HIV/AIDS, tuberculosis and malaria. The Paul Coverdell Corps would be an extension of the changes made in 2000 in which all Peace Corps volunteers serving in Africa must be trained as educators of HIV/AIDS prevention and care.

I believe both of these pieces of legislation are a fitting tribute to the late Paul Coverdell. It is my hope that these two bills will reflect the compassion and commitment that he demonstrated time and time again in his service to our Nation and indeed, to the world. Senator Paul Coverdell was a champion of liberty and freedom, and with his wife, Nancy, he knew instinctively that love and freedom are the greatest gifts God has planted in the human heart. His legacy charges all of us with the task of doing everything we can to preserve our freedoms and to demonstrate in every way the indomitable American spirit.

Mr. THOMPSON. Mr. President, one year ago today, Senator LOTT had the sad duty of coming to the floor of the Senate to announce to this body that Paul Coverdell, Senator from Georgia, had suddenly and unexpectedly died. While his absence was felt immediately and deeply, only now with the benefit of time can we develop a full sense of the contributions and legacy of this quiet statesman.

Few Americans these days take to heart so completely the notion of public service as Paul Coverdell did. From the Peace Corps to his years in the Georgia Legislature to his time in the Senate, he was a model of dedication and sincerity, unwilling to substitute style for substance. He was a serious student of policy and a consistent advocate of deeds over words. Paul was a tireless leader in the effort to reform our education system and I am proud to support legislation renaming education IRAs as Coverdell education savings accounts. His concern for the young people of this country was also demonstrated by his commitment to the fight against the trafficking of illegal drugs. But perhaps above all, he was a great champion of civility. Each time I hear of the need to "change the tone in Washington," I think of Paul Coverdell.

It is fitting that Congress has now sent legislation to the President that will rename the Washington headquarters of the Peace Corps for Paul Coverdell. I was honored to support that legislation, and I was honored to serve alongside Senator Paul Coverdell of Georgia. He is still deeply missed.

Mr. DEWINE. Mr. President, I rise today to pay tribute to my dear friend and beloved colleague, Senator Paul D. Coverdell, who, as we all know, passed away a year ago today.

Paul was a dear friend, who meant so much to each and every one of us here in the Senate. He was our friend, and we loved him very much. Paul was a kind man—a gentle man—a sweet man. The Senate is not the same without him. It is not the same because we miss his kindness, his spirit, and his unbelievable energy—energy that he brought to every task he undertook.

Whatever it was, Paul would do it and do it effectively. He was one of the key people running this Senate. Candidly, he was that person not because of his leadership position, which was significant, but because of the fact that he just got things done. His effectiveness came because of his energy, because of his drive, because of his determination. It also came because he could get along with people on both sides of the aisle. He knew people. He understood them. He liked people, and people liked him back. That is what made Paul Coverdell effective.

All of us have different stories and remember different things about our friend Paul. I worked with him on Central American issues, Caribbean issues, and Latin American issues. He cared passionately about the safety, security, and prosperity of our hemisphere. He paid particular attention to this hemisphere, because he understood that what happens here in America's backyard affects the people of Georgia, and it affects the people of this country. He brought this kind of thought and passion to all of the issues he tackled.

On the first anniversary of Paul's death, we honor what he stood for, what he believed in, and what he accomplished here in this Senate. As a public servant, Paul touched the lives of his family, his friends and colleagues in the Senate, his constituents in his home State of Georgia, and the lives of millions of people throughout the United States and abroad. He is deeply missed and will always—always be remembered.

#### MORNING BUSINESS CLOSED

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

Mr. REID. 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. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. THOMAS. Mr. President, I appreciate very much of all the contributions, the great statements that have been made about my friend Paul Coverdell. I think now we are ready to move forward to some other topics.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

Mr. THOMAS. Mr. President, I would like to talk a little about energy. Of course, the appropriation before us is on energy and water, but the broader topic I think we are going to talk about here in the next couple of days as well is the whole notion of an energy policy and the implementation of a policy for this country.

We have, as you know, gone now for a number of years without an energy policy. It has resulted in some things that we have felt recently. Frankly, I think we are very likely to feel them some more in the future. We felt it in California, of course, and continue to feel it, although it is a little less pressing now. We felt it in the price of gasoline and continue to feel it, although the price is down. But if we do not do something about the causes of this crisis, we will have it again.

I come from a State, Wyoming, of course, where we are big in the production of energy. We are the No. 1 producer of coal. We are producing natural gas, methane gas—a grand, new operation there. So we also feel the up and down, in and out, of energy. Frankly, selfishly, I hope we can level things out a bit and get away from this boom-and-bust kind of economy that seems to be inherent in energy.

To do that, it seems to me, we need to really take seriously this idea of having a national energy policy. I am very pleased the President and the Vice President have put forth an energy policy, as I said, for the first time, really, in a very long time. Now it is up to us in the Congress to take up the portions of that policy that have been laid out that need to have congressional action. Not all of it does, but a great part of it does, and we need to do so.

The results of the lack of a policy over the years are pretty apparent in a couple of areas. One, obviously, is our dependence on overseas production. I suspect we will continue to have a good deal of overseas production, but we have allowed ourselves to become nearly 55-percent dependent on OPEC and other countries to fill our needs here, so we find ourselves in a position where, if the OPEC countries make a decision with regard to production, make a decision with regard to pricing, we are simply the victims of that.

What is the solution? I suspect at least one of the solutions we need to consider seriously is an increase in domestic production. We have an opportunity to do that. There is a great deal of reserve energy here. There is a great deal of reserve in coal, for example, that we can depend on for a very long time.

One of the impediments to that, of course, in the West particularly, has been access to public lands. In a State such as Wyoming, and even much more so in Nevada and some of the others, half of our State belongs to the Federal Government. In order to have production on those lands where minerals are available, you have to have reasonable access to those lands.

I am not talking about wilderness. I am not talking about national parks. I am not talking about those lands that have been set aside for particular things—even in many cases parts of the forest reserve. I am talking more about Bureau of Land Management lands, the multiple-use lands.

You have to understand how those lands became what they are before you can really have an idea of how they might be used. Parklands, obviously, were set aside. Forest reserves were set aside. BLM lands were simply the lands that remained there after the goals of the Homestead Act and so on were accomplished, and they remained in Federal hands. So they were never set aside for any particular reason, and therefore they are common land and should be available.

Unfortunately, the access to those lands is much less available than it was just a small number of years ago. Some of the environmental groups have said: Oh, my goodness, they are 85 percent available. The fact is they might be, in terms of their designation, but when you get down to specific requirements that have been placed on the lands, the available lands are much less than they were just 10 years ago.

I don't want to get into the ANWR thing, where we have been wrestling over that. There are lots of lands that we have shown and will continue to show can be explored, where minerals can be produced and those lands can be replaced and put back just as they were.

Another problem we have had, that continues to be there and we will feel again, is the lack of infrastructure—the lack of refineries, for instance, for gasoline. We have not produced new refineries for years. Part of the reason for that is the indecision, where we are. Part of it has been the regulations that were there—14 or 15 different kinds of gasoline that had to be prepared for different areas, which makes it much more difficult.

One of the more pressing problems is the transportation of available energy, whether it be through transmission lines for electricity or whether it be through lines for gas and oil. We have to get the energy from where it is produced to where it is used in the marketplace. We have not done that. These are some of the things that need to be considered.

In addition, we have to take a long look at what we can do on renewables—continue to do more research so wind and solar and hydro become more and more a part of our future in energy. That can very easily happen. One of

the things that has to be done, of course, is research. We have to do more of those kinds of things. The other is conservation. Conservation is much a part of where we are. I do not think we can solve the problem in the future with conservation, but that is one of the approaches that must be taken.

I hope we continue to press to get the leadership of the Senate and leadership of the Congress to come to an accord on taking up the specifics of energy and not letting ourselves be fooled into thinking, because of this little pull-back from the so-called crisis, that the problem has been solved; it has not. In order to avoid that happening again, really in any sort of project, we need to look ahead at what our needs are going to be, what kind of energy do we want available to us, and what do we need to have. Then we need to move to implement those things. I hope we hear more about that.

I yield to my friend from Alaska, who is the ranking member and has been chairman of the Energy Committee and is probably one of the most knowledgeable of all of our Senators on this area.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I am here today to begin the discussion on the 2002 energy and water appropriations bill. I want to recognize the hard work of professional staff members on the Committee on Energy and Natural Resources, both the majority and the minority, and the hard work of the Members of this body as we address this difficult and often contentious issue associated with nuclear waste and the issue at hand, which is a substantial reduction in funding for the nuclear waste program.

We have seen lots of good projects funded in this legislation, the energy and water appropriations bill: Flood control, reclamation projects, Indian water settlements such as Animas and Rocky Boys and others. But we also have a very significant obligation at this time, and that is the matter of disposing of our high-level nuclear waste that is generated as a consequence of the operation of nuclear powerplants that contribute about 20 percent of the power generated for electricity in the United States.

I also want to recognize Senator DOMENICI for his tireless efforts in this area.

What we have before us is the current measure which proposes a major reduction in funding to allow the Federal Government to select the site for storage of spent nuclear fuel and high-level radioactive waste.

This is kind of a two-headed major environmental issue. We talk a lot and express our concerns about global warming. One of the answers to global warming, of course, is nuclear energy. On the other hand, we have a problem with nuclear waste, and currently the industry is clearly choking on its own waste because of our inability to address and resolve what to do with that.

So on the one hand, we have the positive aspects of the nuclear industry inasmuch as it answers many questions associated with global warming, but the reality is that this industry can never move into its full development capability unless we do something about the waste issue.

I have been critical of the previous administration for playing politics with the issue, sacrificing the environment and health and safety of the American people for short-term political gain. Here we are again with an obligation of what to do about the problem because we have seen a substantial cut in funding in this area. The Appropriations Committee has proposed to make cuts in the Yucca Mountain Waste Disposal Program. Specifically, the administration requested \$445 million for the Office of Civilian Radioactive Waste Management, the office that oversees the Yucca Mountain projects. The House energy and water bill funded the program at \$443 million. While not the administration's full request, it is about \$48 million more than last year's funding.

Unfortunately, we have before us in the Senate a committee recommendation to provide a total of \$275 million to continue the scientific and characterization studies already underway at Yucca Mountain. So we are looking at a cut from \$443 million in the House, the administration's request of \$445 million, and the committee recommendation to fund at \$275 million. There is a question of whether or not we are going to offer an amendment at some time to reinstate full funding, but before we address that, I want to discuss this matter in depth because it creates, if you will, an obligation for the American people and the Congress to face up to reality. I want to outline what the reality is, and I could probably best do it by having a chart and pointer with which we will attempt to explain just where we are on the issue of Yucca Mountain and the proposed scheduling.

I am going to ask Colleen to go over here with the pointer and help me out.

What we have, first of all, is a bottom line that will catch the attention of virtually everyone who is watching, which is the investment the American taxpayer has in trying to address what to do with the high-level nuclear waste and what we have expended at Yucca Mountain because that is the bottom line, and we are going to work backwards from there. We have spent about \$8 billion of the taxpayers' money developing Yucca as a permanent repository. Do we have a picture of Yucca?

We don't have it with us today. We have it somewhere. It shows the tunnel. It is the repository out in Nevada in the proving grounds where we have had some 25 years of extensive nuclear tests—over 800 nuclear tests—both above and below ground. It is a pretty hot area in the sense of the testing that has taken place in the area, but in any event, it was one of the proposed

sites and the site that was finally approved for a process. This process is overwhelmingly complex, but the bottom line is not overwhelming.

The cost to the taxpayer at Yucca Mountain so far is \$8 billion. That is only part of the story, Madam President, because the other part of the story is what happened in 1998. In 1998, the Federal Government had a contract with the industry, the nuclear industry, to take the waste that year.

The Federal Government has always acknowledged a responsibility to deal with spent fuel and other waste from civilian reactors as well as our nuclear weapons program. As a consequence of the obligation to take civilian spent fuel, the Federal Government signed a contract saying it would take the waste in 1998. You might wonder, well, what is the point of this conversation because you have to get the bottom line of what happened.

Since 1987, utility ratepayers, the nuclear ratepayers of this country have been paying a premium to the Federal Government so that the Federal Government could take the waste in 1998. That Fund, the Nuclear Waste Fund, currently has \$19 billion—\$19 billion in it. All to help the Federal Government meet its contractual obligation.

Madam President, 1998 came and went. The Federal Government did not have the proper repository ready, and as a consequence the Federal Government was in breach of its contract.

Nineteen billion dollars is a lot of money. I am not going to stop there because the costs don't stop there. It gets more complex because, as you know, any time you breach a contract you expose yourself to litigation. So we have already spent \$8 billion on examining Yucca Mountain.

The claims filed by the nuclear industry against the Federal Government total somewhere between \$60 and \$80 billion for nonperformance of the contractual commitments. That is about \$90 billion to \$100 billion. That is what we are looking at. We are looking at the \$19 billion that ratepayers have paid into the Nuclear Waste Fund, \$8 billion of which we have spent and then we are looking at \$60 to \$80 billion in litigation associated with the breach of contract. And here we sit.

The point I want to make now with this chart is to show you the steps. Back in 1978, we had the first Yucca Mountain bore hole, the testing. Then in 1982, we went with the Nuclear Waste Policy Act. Then in 1984, we had the draft environmental assessment. Then in 1986, we had the three candidate sites—selected areas. Well, the one that was selected and approved in 1987 was Yucca. We had final environmental assessment in 1986. Then in 1988, we had consultation, we had draft site characterization and then in 1989, and so forth, we had site characterization. Then in 1993, we begin the actual construction. That was the bore hole test. Then in 1998, we had the viability assessments. And then we had the draft EIS.

Now we are in 2001 in the buff-colored area, and we have funding for the science and the engineering report. That is basically funded this year in the 2000 appropriation supplemental, draft EIS, NAS report, and then we have the site recommendations.

Moving over in the next year we have suitability evaluation and the final EIS. Notice the significant portion where we are at risk is the site selection review, and that is proposed in the funding that is in the current water bill at \$445 to \$443 million. If you cut that to what the committee has proposed, \$275 million, you are setting this whole program back a number of years. How many years? Heaven knows.

But let us look at the next scenario because it suggests the significance of the result of this action.

As I indicated, the amendment that might be discussed at a later time would increase the funding to the level that is felt that can keep the program on schedule. Why do you want to keep the program on schedule? Well, for the following reasons: According to the Department of Energy, the cuts would have a significant impact on the program: immediate reduction—in other words, layoffs—of about 650 Federal and contract personnel; indefinite delay in license application; renders the 2010 spent fuel receipt date unachievable—so basically, at the end of this thing, which is out here in 2010 when we are supposed to take the waste, that makes that date unachievable—the loss of 75 percent of Federal staff performing oversight, the loss of most quality assurance oversight; loss of ability to conduct independent technical reviews; termination of the Nye County Early Warning Drilling Program; eliminates any of the universities that are involved in this process; loss of repository surface design support for license application; loss of modeling ability; loss of license application design and analysis capability.

All these activities that are underway—and have been—are necessary to achieve this 2010 date, at which time this repository would be licensed and capable of taking the high-level nuclear waste. So this is necessary funding to keep this on a reasonable schedule.

That is under the assumption that science will determine that Yucca is suitable. I believe it will. If so, then licensing activities are key to getting the repository back on track.

There is no question that the Federal Government has the obligation to take the waste. There was a contract in 1998 to take the waste. As I indicated, the ratepayers have paid in \$19 billion. The Federal Government has breached its contract. And the Federal Government is subject to lawsuits, litigation, somewhere in the area of \$60 billion to \$80 billion. This is serious business. This is serious accounting to the American taxpayers for performance. They expect the Congress of the United States

to perform. We have an obligation to perform; that is, to structure this so it can achieve its purpose as designated by the Congress.

I can understand the opposition of my friends from Nevada to the Yucca Mountain issue. They do not want it in their State. They are working very hard to assure that it does not go in their State.

On the other hand, if you are not going to put it in Nevada, where are you going to put it? You are not going to put it in the other 49 States for obvious reasons. There is another alternative. We could pursue reprocessing.

However, today at the Energy hearing, we asked the Deputy Secretary, Mr. Francis Blake, if we pursue reprocessing, will we need Yucca Mountain as a permanent repository? He said yes. And if you don't depend on experts, on whom are you going to depend? Are you going to hold a public hearing and make a decision on emotion rather than science? These are scientists speaking.

I personally believe there is a place for reprocessing. Perhaps we should have started on that a long time ago. But that was killed under the Carter administration. We had an opportunity. So here we are. We have nearly \$100 billion of taxpayers' money at risk. We are hung up right on the pinnacle of what to do, and the proposal now is to cut funding—to cut funding without coming up with an alternative of how we are going to do this.

A lot of people say we are never going to be able to move the waste anyway. We have moved military waste all over the country. We have moved high-level waste to South Carolina, to the State of Washington. It is moved by military means. And it is moved safely. We have been very fortunate in the manner in which we handle this waste. I think we have the scientific capability to reduce the risks to a minimum. We have to get this thing off center.

My appeal to my colleagues and the staffs who are watching this debate is that we have a responsibility to the taxpayers. I hope everybody who is listening recognizes that we have spent \$100 billion of taxpayers' money on this project. If we reduce the funding, we are going to put it off indefinitely, or we certainly are going to put it off after the watch of my good friend, Senator REID, and others, and simply pass the problem on to others who may come into this body from Nevada.

I do not have a constituency on this in Alaska, but I have a responsibility, as former chairman of the Energy Committee, and the ranking member, to address the obligation that this body has to address this problem with some finality. We are either going to fund it, keep it going, or we should come to grips with the other alternative. And I am not conversant necessarily on what that might be.

But we have the waste. The nuclear industry produces 20 percent of the

power in this Nation, and we can't agree on how to solve it. Not only is the selection of a repository critical in dealing with our present spent fuel problem, but it is essential if we are to build an energy-secure future. I talked a little bit about that in my opening remarks.

There is the realization, as we look at global warming, there is definitely a place, a strong place for nuclear energy. Our future energy security depends on nuclear power if we are ever to meet our environmental goals. I would say to my colleagues, who are very sensitive to the environmental point of view, that those environmentalists who oppose the advancement of nuclear energy are really sticking their heads in the sand and unrealistically failing to recognize that energy has to be produced from some source, and, as a consequence of that, whether it be coal or oil or gas, we have concerns about global warming and emissions. We do not have that particular concern with nuclear, but we have the concern of what to do with the waste. We have to address that. But the contribution that nuclear energy is making is significant to reducing global warming.

We have had hearings on nuclear energy in the Energy and Natural Resources Committee. We have looked at the future of the industry. We have discussed the reauthorization of Price-Anderson.

Nuclear energy, as I have indicated, is 20 percent of our energy mix and must continue to play an even greater role in the future if we want to meet our energy demands and protect our air quality. The production of electricity from nuclear energy, as I have indicated, emits no greenhouse gases, no CO<sub>2</sub>, no SO<sub>x</sub>, no NO<sub>x</sub>. It is a baseload power which provides our grid stability and reliability.

Nuclear energy supplies California with about 16 percent of its electricity supply. Without that in the past year, the California grid would have simply collapsed. High natural gas prices and low uranium prices have helped to make electricity produced from nuclear some of the cheapest in the country and some of the most efficient.

Safe and efficient U.S. plants are operating today at record efficiencies. In 1999, U.S. nuclear reactors achieved close to 90-percent efficiency. Total efficiency increases during the 1990s at existing plants was the equivalent—this is just the efficiency—of adding approximately 23 1,000-megawatt powerplants. So that gives you some idea of the sophistication of the industry. Keep in mind, it is all clean, nonemitting generation.

Now we are seeing more acceptance, that the nuclear energy industry is on the upswing. Four or five years ago, who would have thought we would have heard about buying plants, selling plants, and, yes, even building new plants. That discussion is happening today.

The U.S. industry is actually putting its money where its mouth is. By the end of 2001, the Chicago-based Exelon Corporation will have invested \$15 million in a South African venture to build a pebble bed modular reactor, new technology, technology that reduces the risk associated with the operation of nuclear reactors and a very exciting development.

It is fair to say that we are seeing the public becoming more accepting in recognizing the role of nuclear energy. This past April the Associated Press commissioned a poll that suggests that half of those polled, nearly half, support using nuclear powerplants to produce electric energy, and 56 percent said they wouldn't mind a nuclear plant within 10 miles of their home.

The problem we still have is what to do with the waste. I believe there has been more of a political problem than a technical one. I understand the politics of Nevada, and I respect it. Now a funding cut, however, that impacts the technical program for reasons that we can conjecture simply is not acceptable. It is not acceptable for the American taxpayer in light of the exposure to that taxpayer already.

Again, I cite that exposure in dollars because I think we have a tendency to generalize around here. But when we get specific, we have spent \$8 billion of the taxpayers' money in Yucca Mountain, that hole in the Nevada mountain, we have collected \$19 billion that we have collected from the ratepayers to have the Federal Government take the waste in 1998, with the realization that the Federal Government broke the contract and now with litigation totaling some \$60, \$80 billion, you can see the significance of the obligation we have.

For those of us who support the Yucca Mountain program, at last count there were 66 Members of this Chamber who indicated support of using Yucca Mountain as a repository for the storage of spent nuclear fuel—66 Members. I don't know how many Members we have today in this body who are willing to support this effort. It suggests that if an amendment is taken to a vote and the amendment would fund at the appropriate level necessary to continue the program, that if that amendment failed—and there may be a good deal of loyalty on the other side in reference to the amendment—then those responsible would have to bear the brunt of recognizing the significance of this in basically killing the nuclear program in this country associated with Yucca Mountain and the disposal of the waste.

On the other hand, if some assurances can be made that there will be funding at a level to keep this at a reasonable level, to continue the schedule that I have outlined behind me, then, obviously, we could work together to recognize the necessity of maintaining this program as it has been developed. We can't simply accept this kind of a cut that would set this program back that many years.

I don't know where the votes are, but I will let others who are responsible make a determination of where the votes are on this issue.

I remind each and every Member, as they reflect on how they might vote on an amendment to restore the funding to the appropriate level, again, the taxpayers of this country may be questioning each Member on the validity of basically putting this program off and potentially abandoning the program after nearly \$8 billion has been expended.

I find it ironic, the one hook that the opponents of the site have always hung their hat on. They have said time and time again that science should decide the issue, not politics. Well, this schedule I am showing you is science in action. This is the check and balance system. This is the evaluation of all our environmental considerations in an orderly process. It is science in action. If politics is going to kill this program by cutting the funding from the roughly \$445, \$443 million down to \$275 million, it will not be science that is making that cut. It will be politics.

Let me repeat the statement because I think it is important. Science should decide this issue. This is science in action, not only because of its importance to the taxpayer but because it may be the only area of agreement the opponents and I have on Yucca Mountain. That is, let science determine the disposition. I, too, believe that science should determine this issue.

I hope, as we continue the discussion today on this matter, we consider the significant merits of exposing the American taxpayer to upwards of \$100 billion in liability. Are we going to stop this program in its tracks at this time? If we let science make the determination about Yucca Mountain, then the funding should be restored and the program should be allowed to reach a determination about suitability one way or another. That is the orderly way to approach this. That was the general consensus of Members relative to the process which authorized the funding all these years, and we are still in the process of reaching a determination on suitability. That should be allowed to be funded at a level so we can make that determination.

If the suitability determination is not there, then, obviously, the project cannot go forward; it would have to be terminated. But that, again, should be a decision made by science and not the political process associated with this body.

I hope the Senate conferees will address this at an appropriate time, and it may be necessary that we move an amendment to restore the funds on the floor, but there are other Members who want to talk on this issue.

I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend from Alaska leaves the floor,

I take this opportunity to briefly respond.

In all my dealings with the then-chairman of the Energy Committee, now the ranking member, he has set an example of how one should treat people. He has always been available on difficult issues, on easy issues. He has never, as a result of our disagreement on a subject, done anything to be vengeful on something else that was important to Nevada. I have the greatest respect for the junior Senator from Alaska. He has been, in my estimation, a real role model as to how one should be a legislator.

On this issue we disagree. There are so many issues involved with this. Because I am from Nevada, I always consider myself maybe not the right person to speak about this issue. Maybe someone else should speak about it. Therefore, I am not going to speak a lot other than to say we not only have the characterization problem with Yucca Mountain but the unbelievably difficult problems dealing with transportation.

Senator Bryan and I traveled to St. Louis a year or two ago and met with the county commissioners, the legislative body that governs the county where St. Louis is located. We made a presentation to them. They, a short time after that, passed a resolution saying they were opposed to Yucca Mountain and they didn't want any nuclear waste traveling through St. Louis.

People feel that way all over the country. The problems dealing with transportation are complex, difficult, and almost impossible. That is why in Europe they have gone away from the burial of nuclear waste and, basically speaking, to now where they are going to try to do transmutation that we should already be doing in America.

We had a program going that was killed in the early 1980s. It was the Clinch River in Tennessee. Transmutation was terminated. Why? Because there was a belief at the height of the cold war that some of this processed plutonium could make its way into the hands of the wrong people. In hindsight, that was a very bad choice. Now in this bill we have money to again begin this process. The comanager of this bill, Senator DOMENICI, and I have worked hard to increase that funding.

I have not tried to, in any way, be mean spirited with the cuts we have made with Yucca Mountain. These moneys are not just thrown away; they have gone to extremely important programs. I have a little difficulty crying big alligator tears over a program that still has \$275 million to be spent in 1 year. We are going to conference with the House. Of course, there would have to be changes made there, I am sure. But the changes are not going to be easy because we have programs for places in Ohio and we have programs in South Carolina, in Idaho, and in Washington, where huge amounts of money are going to clean up the mess that we

as a Government made dealing with things nuclear.

So I understand from where my friend from Alaska is coming. It is a difficult problem. My personal belief is that we as a country and as a world would be better if we simply said let's leave it where it is, in dry cask storage. We will save hundreds of billions of dollars doing that, and we won't have the transportation problems. It would be safe for a hundred years. By then, we will have something to do with the product.

I know that my friend, the senior Senator from Idaho, has indicated he wants to speak on this issue and perhaps offer an amendment. The junior Senator from Nevada has indicated that he wants to speak on this issue. Perhaps during the day we will do that.

Madam President, let me say this. My friend from New Mexico is not here. I am not frustrated, but I am arriving at the point where I am a little bit frustrated. This is a bill involving more than \$25 billion. Over \$20 billion of this bill goes to defense-related activities, which is important for this country. We need to move this legislation along. There are a lot of phantom amendments out there. Bring them on. Let's have a debate and move this legislation along.

It is very apparent to me that there is an effort being made to stall this legislation, slow down the progress of what we are doing in the Senate. As our distinguished majority leader mentioned last night, this legislation is important to the President of the United States. It is his agencies we are trying to fund—the Bureau of Reclamation, Corps of Engineers, Department of Energy. So I really don't know what people are gaining by having us accomplish nothing.

The majority leader said we are going to work to complete this legislation, and we have an agreement that after this we will go to the Graham nomination, and we will do Transportation this week. I have not spoken to the majority leader, so I am on my own in saying this. But we don't have to sit around here and do nothing. There can be votes. We can vote on all kinds of things. I think that Thursday and Friday, if there is still the view that we are going to do nothing, there would probably be some votes; I would think we would be going until sometime on Friday.

I have tried since last week to get an agreement as to when amendments would be filed, and we can't get either a finite list or a filing deadline. We can't get those. Yet no amendments are being offered. So I hope that later this afternoon we can have a time when we can determine not only what amendments are going to be filed but be more certain to have amendments filed at the desk.

It is my understanding that the Senator from Ohio, who has a lot of knowledge on things nuclear—and I have worked with him on a number of dif-

ferent issues—wishes to speak on energy-related matters generally. Is that true?

Mr. VOINOVICH. Yes.

Mr. REID. I have no objection to yielding. It is my understanding there are no time constraints. The Senator wishes to speak for 20, 25 minutes; is that correct?

Mr. VOINOVICH. Yes.

Mr. REID. I yield to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise to generally speak about the issue of energy in this country and to underscore the fact that one of the sources of energy that we really need to look at is nuclear energy. The sooner we resolve the issue of how we deal with nuclear waste, the better for this Nation. We ought to do everything in our power to accelerate the decision in terms of where that waste is going to be located if we expect to deal with not only the energy needs of our country but also with something about which many of us are concerned, and that is climate change.

Nuclear power is a source of energy that does not produce greenhouse gases, and I think it is something that should be a priority for the Senate and for this Nation to resolve once and for all.

My other remarks will deal with the issue of the fact that in spite of much talk and much writing, conservation and alternative fuels are not going to be able to deal with the problem we have in this Nation in terms of our energy crisis. We have that crisis because we lack a national energy policy. We haven't had one for 30 years, and it is a Republican and Democrat problem.

We have a faulty deregulation law in California. We have environmental policies that have contributed to a lack of diversity and difficulties in siting new facilities, pipelines, and transmission lines. We are too reliant on foreign sources of oil, and we have inappropriately demonized nuclear power.

Today, we are a fossil-based economy, although there is broad recognition that we are eventually going to shift away from primary reliance on fossil fuels to much greater use and emphasis on other sources.

Several alternative energy sources exist today. They are either inexhaustible, i.e. solar, wind and nuclear—or renewed through natural processes—i.e. hydropower or plant-based fuels such as ethanol and vegetable oils.

Currently the contribution of alternative energy sources to U.S. needs range from less than one tenth of 1 percent for wind and solar power, 3 percent from hydroelectric and biofuels each and 8 percent from nuclear energy.

Today, however fossil fuel reserves appear to be adequate to serve the Nation's current energy needs, with a 70-year reserve for oil and approximately

250 years of reserves for coal, at current consumption rates.

One of my colleagues noted a while ago that wind power is the fastest growing source of electricity in the world and we should look to it more seriously as an alternative energy source.

Another one of my colleagues pointed out that solar panels covering a 100 by 100 mile square would produce enough solar energy to power this entire Nation.

The truth is that although alternative energy sources are being used in some places across the country, we have been subsidizing solar and wind power for 25 years now, and combined they only make up one tenth of 1 percent of the total energy demand to date.

Renewables are now generally costlier than fossil fuels, for example, solar power is currently 8 to 10 times more costly. Even assuming optimistic technology scenarios, it will take at least 30 to 40 years before renewables' energy infrastructure could be built up from its current level and start contributing significantly to our energy supplies.

As this chart shows, costs have a disproportionate impact on low-income families.

Since the beginning of the 107th Congress, I have been holding a series of public meetings across the state of Ohio where I have asked individuals and business owners to relay their experiences as to how our energy crisis is impacting them.

In Cleveland, I have held a meeting with Catholic Charities, Lutheran Housing, and Salvation Army as well as senior citizens, low-income parents, and handicapped individuals, and another with some small businesspeople to talk about the impact energy costs were having on their businesses.

Another was with governmental agencies and the increase our heating bills had on their budgets. Then I met with some folks who talked about the impact our high cost of gasoline was having on their businesses. One of the things the people of America should note is that when it gets to energy costs, the least of our brethren are those who are impacted the most.

As this chart shows, the people making under \$10,000 in the United States of America spend 29 percent of their income on energy costs, and those making between \$10,000 and \$24,000 spend 13 percent, and those who are over \$50,000, about 4 percent.

This energy crisis, quite frankly, is impacting more, as I refer to it, the least of our brethren than any other segment in our society. For example, the Catholic diocese said in the year 2000 their help line received 3,400 calls for basic needs, items such as food, utilities, mortgage, or rent. The number of calls the diocese received went up 96 percent from 1999 to 2000 and 194 percent from 1998 to 2000—attributable to this energy crisis.

Let's look at U.S. energy consumption by fuel so we get an idea of from

where our energy actually is coming. As we can see by this chart, the principal sources of energy today are oil, natural gas, and petroleum. It goes without saying that these fuels have become essential elements in creating our way of life.

Despite the fact each year we use energy more efficiently, energy demand rises about two-thirds the rate of economic growth. As we can see, nuclear, hydro, and renewables are at the bottom of the chart, and any shortfall created between production and consumption of our three main energy sources—that is, oil, natural gas, and coal—is going to be made up in imports.

For example, oil imports have risen, as we are all aware, from 1973, when they were 36 percent, to 2001 at 56 percent. Refined gasoline net imports have risen from 1 percent in 1980 to approximately 5 percent in 2000. The reason for it is we have had to import oil to make up for the lack of our own production.

Oil and natural gas demand is expected to continue to grow for the foreseeable future. Alternative energy sources, such as wind and solar power, are being pursued but will not alter this outlook for decades to come, again making the point that for those who say do not worry about these three major sources of energy, we are going to make it up with nonrenewables, we can see the large discrepancy.

Now that we know how much Americans expect to consume over the next two to three decades, it is important to look at how that expectation will be met given our current state of resources. This chart shows how much energy we produce domestically by fuel type.

At the top of the list are natural gas, coal, petroleum, and then we have nuclear and renewables at the bottom of the list.

According to the Department of Energy, natural gas is expected to be the fastest growing component of world energy consumption. Gas use is projected to almost double to 162 trillion cubic feet in 2020 from 84 trillion cubic feet in 1999. So the world demand for natural gas is going up.

It is that increase in natural gas prices that drove up the cost of energy in my State for my homeowners, my businesses, my farmers, and for the other portions of our economy. If that continues, we can see continuing high prices.

We need to increase our infrastructure. According to a study by the non-profit operator of New England's power grid, New England will be increasing its natural gas demand from 16 percent in 1999 to a projected 45 percent in 2005, but they lack—another thing we need to talk about—the local pipelines to distribute the gas to its market. We have a need for gas. The next question is, How do we get it to folks? We know we do not have the infrastructure to do that.

With that in mind, we also know there is an estimated 40 percent of un-

discovered natural gas that is located on land owned by the Federal and State Governments. These resources will need to be tapped to accommodate the inevitable increase in natural gas consumption. If not, then we face the hardship of increasing dependence on foreign resources that will have the capacity to cripple our energy economy and again drive up our cost.

The challenge to produce more oil and natural gas is greater because the production from our existing resource base is subject to natural decline through depletion.

Fuel cells, electric vehicles, hybrids, biomass, solar, and wind technology, all represented on this chart as non-hydropower renewables, are all promising energy sources for the future, but right now there is no suitable infrastructure in place that will allow for these energies, even combined, as we will see in later charts, to sufficiently supply current needs, much less future demands.

Energy consumption: As we can see by this chart, Americans consume more energy than we produce and will continue to consume more energy, especially fossil fuels, for decades to come.

Although several alternative energy sources exist today, the chart reflects that even the combination of those sources, marked "renewables" at the bottom of the chart, through 2020 will not compensate for the need for energy production that will take place over the next two decades.

Even if we double or triple renewables, we will not make up the difference between production and consumption. The President is right: We need more refineries, more electric powerplants, more coal, and more natural gas pipelines and production. It is plain to see that we will not be able to conserve our way out of this crisis. While conservation helps, it is not going to meet our estimated consumption without drastically changing Americans' standard of living.

Looking at this chart, we can see renewable energy sources that reflect some of the most promising forms of alternative energy in existence today. However, each is accompanied by extremely realistic limitations that hamper their ability to be viable in the near future.

We hear a lot about fuel cells, and I have studied fuel cells substantially. I met with the president of General Motors. He said it is going to be 10 to 15 years before fuel cells will be marketable and commercially viable.

Electric vehicles: I visited a facility in Euclid, OH, Alliance Electric, a Rockwell Automation subsidiary, and they are working on a little gismo for hybrid automobiles, but it is going to be 5 to 6 years before they get that down to a cost where it is going to be commercially viable.

We have biomass and solar power to which I made reference.

All of these are available, but the practical impact on our needs in this

country in the next 20 years is negligible.

World primary energy is another issue at which we ought to look. This is not to say that alternative fuels are destined for failure. I agree with the President that we need to diversify our energy sources. I believe promoting technology of these sources is the right approach to take, not for the near term but for the future.

We as a government should continue to invest in providing grants and incentives to move forward with some of these alternatives. Over time, we have learned advancing technologies is perhaps the single most important factor that contributes to long-term productivity and economic growth. For example, we have clean coal technology available that we could use for burning coal. We need to move forward with that.

This chart is a little complicated, but it shows how energy sources have peaked in the world: Oil going down, gas going up, and we are seeing nuclear at the bottom of the chart. This little bit is the increase in renewables.

Again, if you look at the world picture, we have a problem. Today, China imports oil. They used to export oil. We are seeing that all over the world. The economy is getting better for all people. Their standard of living is going up and they are using more. We need more energy.

On petroleum production, the United States is the world's largest energy producer, consumer, and net importer. It is no secret the United States is becoming more and more dependent on foreign oil imports. This chart reflects what we have to look forward to by way of dependence through the year 2020. This is petroleum production and consumption, which is going up. Imports in the month of April as a percentage of petroleum delivered was 62.4 percent. This time last year it was only 60 percent. The total petroleum products delivered to the domestic market in April was over 19 million barrels per day. In the same month last year, it was 18½ million barrels per day.

Scarce petroleum resources is not a problem experienced only by the United States. The energy crisis is being felt across the globe; so much so that inevitably, as foreign countries realize an increase in their own energy needs, they will be less willing to accommodate the growing energy demands our country places on them. With the increased reliance on foreign oil, we will not get far if we do not work to expand the current oil and natural gas pipeline system.

Our Nation's 200,000-mile pipeline system is the world's largest. These nearly invisible ribbons of steel deliver more than 13.3 billion barrels of crude oil and petroleum products in a typical year. Without them, it will take thousands of trucks and barges clogging the Nation's roads and waterways to do the job. The capacity of the system, however, is being seriously eroded and the

future of oil and natural gas transmission does not appear promising.

If we refuse to act, the alternative will be a continued capacity squeeze and higher transmission costs, passed on to the consumer. That is one of the problems we had last year with the big spike in gasoline. We had a break in two lines, one coming from the Gulf of Mexico, the other coming from Canada. That had a dramatic increase on the cost of oil to the people living in Ohio and other parts of the Midwest.

On conservation and its impact, this chart shows what we can expect under three different energy production scenarios through the year 2020. The top line assumes constant energy use with respect to economic growth, and it is going up. Hopefully, the economy continues to grow. This means if a nation continued along the same path we are traveling, through 2020, with energy demands rising with proportion to growth, and there were no technological advances made, consumption would increase dramatically.

The bottom line represents energy production growth without significant change. If we stay the way we are now, we are in very big trouble. The second line shows what the Department of Energy predicts will happen when or if consumers are offered a menu of available technologies from which to choose. An example would be a family replacing a vehicle after several years of usage for a more fuel-efficient automobile. This menu of options makes a big difference when compared to increased energy intensity and consumption in the first line. We need to move forward in order to meet our demand.

The third path reflects the impact of conservation at its height. This includes nonuse and the use of the most competent and efficient technology combined. This chart shows an "available technology" consumption curve by barely 20 percent. There is still a considerable gap between consumption, even at the greatest levels of conservation. We need to be concerned about it.

The point I am making this morning is that we have a challenge to meet the energy needs of this country. Those people who advocate conservation and alternative fuels, renewables and so forth, as the answer to the problem, frankly, are not being intellectually honest or facing reality. That means the Members of this Senate and the House of Representatives are going to have to face up to the issue of how to harmonize this Nation's environmental needs and this Nation's energy needs so we can come up with a realistic energy policy.

It is very important for the future of our country. I happen to believe, in terms of issues that need to be dealt with, we need to face this head on as soon as possible. President Bush should be given a great deal of encouragement for coming up with a comprehensive energy policy that is being quarter-backed by the Vice President of the United States. It is long overdue to get

on with the issue of debating how it is that we are going to confront this energy crisis that is having such a negative impact on the people in my State of Ohio, the people who live in our inner cities, our small businesspeople.

I had a meeting this week with small businesspeople, manufacturers. I asked the question, How many believe we are not in recession? There was not a hand that went up. Part of the reason they are being negatively impacted is the fact that the energy costs are skyrocketing. We have a very large plastics industry. We have more jobs in plastic than any other State. Because of the high cost of natural gas, they are now in a noncompetitive position and are laying off workers. For farmers in our State, natural gas is used in fertilizer. As a result, our corn crop will be 25 percent less this year because of the cost of fertilizer.

Some fertilizer companies are not manufacturing fertilizer this year but selling their natural gas contracts and are making more doing that rather than selling fertilizer.

The point I am making is, the energy crisis is cutting across my State and, I am sure, the State of the Presiding Officer and all other Senators. We owe it to our constituents to make sure we do not duck, take a walk, be unwilling to make the hard decisions we are going to have to make to deal with this problem, including the issue of what do we do with waste from our nuclear energy plants in this country. There are still people who demonize nuclear energy, for example, and fail to recognize our entire nuclear fleet has had not one problem since Three Mile Island, very little problem whatsoever. It is a safe way of producing energy. Europe is into it. We have had it in limbo because of the fact it has been demonized.

More important than that is how to deal with the nuclear waste. It is time we moved on with this. I hope this energy appropriations bill puts in enough money so we can intellectually move forward in resolving that issue. If it is not Yucca Mountain, what are the alternatives? We have to come up with a solution for what we do with our nuclear waste, to take advantage of nuclear energy in this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). 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.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I have been advised that the Senator from Tennessee, Mr. FRIST, wishes to speak for up to 20 minutes in morning business. I ask unanimous consent that he be allowed to do so.

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

#### STEM CELL RESEARCH

Mr. FRIST. Mr. President, I rise to speak to a topic that is very much on the minds of the American people as well as policymakers in Washington, DC; that is, the issue of embryonic stem cell research. The issue of embryonic stem cell research is one that has captured the imagination of people all over the world in the last 2 to 3 years. It wasn't that long ago that the idea of taking cells very early in life and having their potential captured and set in different directions to help treat disease—to help make diagnoses—was really just a pipedream. Literally, it was 2 or 3 years ago.

Now, because of the advances in science, the advances in technology and the tremendous research that is being conducted in this country and, indeed, around the world, a whole new frontier has opened—the frontier of what is called stem cell research. I will mention a little bit about what that is, but what captures people's minds so much is the promising aspect of this research. What has inspired such interest in this is the fact that people with numerous diseases, for really the first time in their lives, can look ahead and say there is the potential for a cell at its earliest level to be channeled in certain directions to make the care of that disease easier, and possibly even cured.

The same hope—I hear it daily—is expressed by people with diabetes, Alzheimer's disease, or Parkinson's disease, and for spinal cord injuries. Indeed, this stem cell research—both adult stem cells and embryonic stem cells—has opened up a new frontier that is full of potential, full of hope, and full of promises.

The issue is being addressed by the leaders of our country. It is being addressed in amendments on the floor of the Senate. It is being addressed by groups considering the ethics among the think tanks. It is being considered by the administration as we speak.

I would like to make four points.

No. 1, in any of these arenas where we are talking about life—and indeed I believe upon fertilization—there is a continuum from a sperm and an egg, to a blastocyst, to a fetus, to a child, to an adolescent, to an adult. That continuum is indeed life.

As policymakers, we will be injecting our own feelings and our own beliefs into this debate as we go forward. Therefore, I wish to make it clear to my colleagues that from my perspective I do value life and give moral significance to the embryo and to the blastocyst and to that full continuum.

I, indeed, am pro-life. I oppose abortion. My voting record on the floor of this body is consistent with that. Those beliefs are based on the very strongly held spiritual beliefs that I have. They are based on my medical

understanding, having spent 20 years in the field of medicine, and in science—that medical understanding of this process of life and of living tissues. I do give moral significance to the embryo, as I mentioned earlier.

Second, I am a transplant surgeon. I had the opportunity to serve on committees that looked at the ethical considerations surrounding the use of tissues and the transplantation of those tissues. I have served on committees sponsored by the United Network For Organ Sharing—the registry that oversees transplantation in this country. I have served on the board of local organizations and tissue procurement agencies. I have served on the ethics committees within hospitals. I have had the real privilege of writing scores of peer-reviewed papers in the field of transplantation and scientific papers in the field of transplantation—both basic science and clinical transplantation of living tissues. I wrestle on a daily basis with these decisions surrounding life and death and health and healing. I have had the opportunity to routinely deal with many of these end-of-life tissues.

I have also been blessed with having had the opportunity and the training to transplant tissues myself—to take a beating heart out of an individual who has healthy lungs, a healthy heart, healthy kidneys, and to take that beating heart from that individual that, yes, does terminate the living function of the lungs and the kidneys and the other organs, but to take that heart and give it to another on really a weekly basis before coming to the Senate, and allowing that individual to live in a new life, a better quality of life; an individual who without that transfer of tissue otherwise had no hope.

I mention that, because the ethical construct and ethical and moral decisionmaking that we are having to face today in a much earlier point on this continuum of life is very similar to what we debated and talked about—what our scientists debated and talked about—what our ethicists did—what our medical scientists did about 30 years ago in transplantation. To whom do you give scarce resources? To whom do you not give a heart or a lung because we have this shortage? Which organ tissues are suitable for transplantation?

I have had the privilege—really the blessing—to be able to see the rigorous consent process we have now established in a very solid fashion surrounding the use of tissue taken from one source and given to another source. Again, it is not an exact parallel, but it is similar from the large ethical construct in transplantation 30 years ago to what happens after birth, to the moving of tissues, or cells in this particular case, in a period much earlier along the time line, at a time 5 to 6 days after a sperm and egg come together.

I am convinced, based on this personal experience, based on professional

experience, that we can address this use of living tissue, living tissue that otherwise would not be used. It is critically important that we understand, and in our moral and ethical framework ensure, that this tissue otherwise would not be used. It is similar to the fact that when I do a heart transplant, that heart otherwise would not be used for anything useful. That individual would likely be buried 6 days later or 10 days later.

To use that tissue that has no other use—and that is where this informed consent process is important when we are talking about stem cell research, to benefit other people, people with diabetes and Parkinson's disease and Alzheimer's and spinal cord injuries, who may potentially benefit from this new research.

It was not easy in transplantation 30 years ago, but we did it. And through organizations such as the United Network for Organ Sharing, a national registry, strong Government oversight, full transparency, full public accountability, discourse among not just the scientists—because they are going to push for it hard—but discourse on the public square, where you get the input of the theologians and the ethicists and the philosophers and the medical doctors and the clinicians, and the parents, as well as the scientists themselves—the consent process; I will come back to it very briefly—but the consent process must be comprehensive.

That is the only way we can avoid the potential abuse, the potential for overcommercialization of this process. We have to make sure the consent process protects against coercion. We can look back to that transplant arena because we addressed it 30 years ago. Again, this is much later in the continuum of life, when we are doing heart transplants and lung transplants, but we must come back and superimpose a comprehensive consent process much earlier in time.

The third issue is research. As I mentioned, this is new research. It is exciting. It gives hope to millions and millions of people. But let's not oversell the potential. This research is new. It is uncharted. It is evolving. It is untried and untested. Therefore, we cannot predict exactly what is going to come from this research. So let's not oversell the research in order to build public support for whatever position we take.

We should not let the potential of this research drive the moral considerations themselves. Thus, we must set up a very important, strong, transparent, ethical construct in which this decisionmaking can be made, and needs to be made, on an ongoing basis. We do not know what the next great discovery is going to be 6 months from now. We cannot lock into place either the moral considerations or the way we consider whether or not it is appropriate to look in a new field of science.

So the oversight process has to be responsive, has to be ongoing. It has to

recognize that science moves very quickly. The lack of predictability means there is the potential for abuse of the science itself. Again, that is why we must consider this issue in this body, why politics or policy must be engaged to prevent the potential for abuse. Anytime we are talking about the manipulation of life or living tissues at this early point, there is the potential for abuse. Thus, I conclude that embryonic stem cell research and adult stem cell research should be federally funded within a carefully regulated, fully transparent, fully accountable framework that ensures the highest level of respect for the moral significance of the human embryo, the moral significance of the human blastocyst.

There is this unique interplay of this potentially powerful research—uncharted research—this new evolving science with those moral considerations of life, of health, of healing. That interplay demands this comprehensive, publicly accountable oversight structure I propose.

I very quickly have addressed this issue in a comprehensive way. The reason I am in this Chamber and take this opportunity to speak is for people to actually see that the issue is a complicated issue but one that has to be addressed in a larger framework than just to say: Funding, yes or no.

There are basically 10 points I think we must consider, and I have proposed an answer. Again, I don't know the answer, and I struggle, like every person, on this particular issue to make sure we have the appropriate moral considerations. But I will outline what my 10 points are.

No. 1, we should ban embryo creation for research. The creation of human embryos solely for research purposes should be strictly prohibited.

No. 2, we should continue the funding ban on the derivation of embryonic stem cells. We need to accomplish this by strengthening and codifying the current ban on Federal funding for the derivation of embryonic stem cells.

No. 3, we should ban human cloning. We need to prohibit all human cloning to prevent the creation and the exploitation of life for research purposes.

No. 4, we should increase adult stem cell research funding. These adult stem cells, stem cells that are removed from an adult, that you can back out in such a way that you can capture the potential for using them for treatments for various diseases—we should increase this funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research, on both adult stem cells which occur much later in life and the embryonic stem cells which are derived at the 5- or 6-day-old blastocysts.

No. 5, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded. We need to allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in

vitro fertilization and would otherwise be discarded.

No. 6, require a rigorous informed consent process to ensure that the blastocysts used for stem cell research are only those that would otherwise be discarded. We must require a comprehensive informed consent process establishing a clear separation between a potential donor's primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process is modeled on this well established and broadly accepted organ and tissue donation process in which I have been so intimately involved over the last 20 years.

No. 7, limit the number of stem cell lines. I believe we should restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. This does not mean limiting it to research using stem cells that have already been derived to date, most of which would reportedly not be eligible even under the current NIH guidelines that need much strengthening. In transplantation, when I remove a heart from an individual and I give it to another individual, that one individual benefits. With stem cells, it is very different. From a stem cell line, you derive the cells, and that stem cell line can be used for multiple experiments, thousands of investigations as we go forward.

No. 8, establish a strong public research oversight system. I believe we should establish an appropriate public oversight mechanism, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote high ethical, moral, and quality research standards.

No. 9, require ongoing, independent scientific and ethical review. We need to establish an ongoing scientific review of stem cell research by the Institute of Medicine and create an independent Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, we need to require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Lastly, No. 10, strengthen and harmonize fetal tissue research restrictions. Because stem cell research would be subject to new, stringent Federal requirements, I believe we must ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research be made consistent with these new rules.

During the past several months, rarely has a week passed without a newspaper story or scientific publication

about possible research breakthroughs involving adult or embryonic stem cells—and the ethical issues raised by this research. Today, Americans' thoughts on stem cell research are debated on Sunday talk shows; photographs of microscopic blastocysts grace the cover of our nation's news magazines; and—twice in the last week alone—we have been reminded by those on the unregulated medical research frontier that human cloning and the creation of embryos for research is no longer relegated only to the realm of science fiction.

Across the country, families are discussing the difficult moral issues that are raised by stem cell research around their kitchen tables. At their offices, co-workers are weighing the potential benefits of stem cell research against its morality. And many of my colleagues are personally grappling with the difficult decision of how best to approach these issues.

An explosion of medical and scientific innovations are producing new treatments and hope for patients suffering from a wide range of disease. This has been accompanied by a newfound awareness among policymakers, and the public, of the potential of biomedical research—an awareness that has spawned an insatiable appetite for more and faster advances. As a physician and a researcher, I am honored to have played my part in this movement—helping to foster broad, bipartisan support for increasing funding for biomedical research and, specifically, for the National Institutes of Health (NIH).

However, we must always remember that science should not be practiced in a vacuum. And, with the ever-increasing pace of progress has come new challenges—posed by a variety of ethical dilemmas—that have, at times, outraced the ability of public policy and we, as legislators, to respond. Yet, I deeply believe that we have an obligation to do just that.

There are those, I believe, who would tell us that “politics” should not impinge on the scientific process. As a legislator and a medical researcher, I can tell you that is not the case. Rather than leaving the progress and the ethics of science only to be determined by researchers and bioethicists, “politics” should, and does have, an important role in deciding what research is not only scientifically promising but also societally acceptable. This role is to determine, as the Washington Post noted several years ago and as I have referred to since, “is there a line that should not be crossed, even for scientific or other gain, and if so, where is it?”

Moreover, politics and policy plays a crucial role in guiding and ensuring the ethical pursuit of science, as well as restraining the inclination of science, left unchecked, to move beyond ethically acceptable boundaries. That, then, is our challenge.

Today we are faced with the issue of embryonic stem cell (ES) research—research that carries both great promise and great peril. Most of us have been made aware, by now, of the tremendous potential of embryonic stem cells for therapeutic advances for a variety of conditions—diabetes, Alzheimer's disease, Parkinson's disease, leukemia, spinal cord injuries, to name a few.

Embryonic stem cells are derived from a five to six day old embryo, also called a blastocyst. By this stage, the embryo has formed two layers: the inner cell mass which will form the embryo proper and the extra embryonic tissues that form the placenta and supportive cells. Although these inner cells, roughly 20–30 cells, have lost the ability to form supporting tissues, they retain the ability to develop into any cell type found in the body and are considered "pluripotent." Over time and if allowed, they continue to multiply and differentiate further, becoming committed to specific lineages. It is from these inner cells found in the blastocyst stage that embryonic stem cells are derived. Such pluripotent embryonic stem cells, when properly isolated and cultured, appear to contribute to all cell types found in the adult and to be capable of indefinite self-renewal.

These embryonic stem cells being discussed here are obtained from embryos left over following the conclusion of in vitro fertilization (IVF). Many of us have known couples who, because of their inability to have children through natural reproduction, have turned to IVF as an alternative. Since its introduction to the United States in 1981, more than 45,000 babies have been born using IVF procedures.

However, because of the significant implantation failure rate involved in infertility treatment, current IVF techniques require couples to create more embryos than initially needed as a sort of insurance policy. Typically, physicians will obtain roughly 10 eggs. Of these eggs, only six to eight will become fertilized—producing an embryo. Then, in order to avoid producing multiple-fetus pregnancies, physicians will only transfer 2–3 embryos to the uterus. Those not used may be frozen for later use or donated for adoption. In fact, many couples decide to leave embryos frozen, in case they decide to have additional children, rather than beginning the entire process again.

Adult stem cells, by contrast, are relatively undifferentiated and self-renewing cells that help repair tissues harmed by injury, disease, or natural cell death. The most widely known and understood example of such a cell is the hematopoietic stem cell, found in bone marrow and responsible for the production of blood cells. Other promising cell types include neural stem cells and mesenchymal stem cells. There have also been publications touting the potential of stem cells found in human fat tissue as well as umbilical cord blood. Until recently, adult stem cells were considered to be very rare, if

they even existed, and inflexible—only able to form the cell types for the tissue in which they were found. However, recent news suggests adult stem cells may have more plastic properties than previously believed.

Both embryonic and adult stem cell research hold tremendous potential for a wide range of uses, including clinical applications of cell-based therapies for a number of diseases and injuries. This research may be useful in providing scientists a better understanding of the human cellular growth and differentiation process—allowing researchers to seek out and attempt to treat or prevent the causes of birth defects and genetic abnormalities and diseases. It may also be useful in pharmaceutical development, allowing researchers to grow large numbers of various cell types in order to test drug effectiveness and toxicity.

However, it is important that advocates not over-sell the potential of either embryonic or adult stem cell research for medical treatments. This evolving science is relatively new, and much basic research remains before we can reasonably expect to see clinical trials and possible treatments. In fact, to date, with the exception of hematopoietic stem cells that have been used in bone marrow transplantation for many years, none of these sources has yet demonstrated proven therapeutic applications.

Some of the challenges that remain for both adult and embryonic stem cell research include: learning the signals that control the differentiation of stem cells into a desired type; overcoming the challenge of immune rejection in cell transplantation; and establishing consistent, effective methods to culture, isolate, and grow the cells in a timely manner that is consistent with good manufacturing processes. Yet the hope that they will someday yield therapies for those suffering from chronic and debilitating and life-threatening diseases is powerful.

In my work as a physician and heart and lung transplant surgeon, I have for years wrestled with decisions involving life, death, health, and healing. Having taken part in hundreds of organ and tissue transplants, I've experienced the ethical dilemmas involved in end-of-life care on numerous occasions. I have seen families faced with the most difficult decision of saying farewell to a loved one. Yet I have also seen their selfless acts in the midst of this sadness to consent to donate living organs and tissues of their loved ones to benefit the lives of others.

Moreover, having performed surgery in the early days of heart and lung transplantation, I know the powerful impact that medical progress has had on each of my patients, many of whom are alive today because of the life-saving treatments developed through medical research.

Because of my professional experiences, I have, during my nearly seven years in the United States Senate, de-

voted a significant portion of my time to address health policy issues as a way to impact patients on a broader scale than the one-on-one interaction which I knew previously. However, this effort has remained guided by the same basic principles that informed my career as a practicing physician and scientist—to improve the lives and health of patients and deeply respect the dignity of life.

During the past few months, I have read much of the medical, scientific, and ethical literature relevant to this debate. I have queried my colleagues in the scientific and medical community who have first-hand experience with stem cell research, reproductive treatments, and the ethical issues enmeshed in each. I have talked with bioethicists. I have reviewed my own professional medical experience for guidance. I have examined federal public policy precedents involving medical research. And I have spent a great amount of time in prayer and reflection on this issue.

As the Senate's only physician, and its only medical researcher, I feel compelled to explain to my colleagues and the American people my views on the proper public policy approach with respect to stem cell research. This is a critically important decision—one that cannot be left, as some have suggested, only to scientists—and it is vitally important that each of us is fully aware of the depth of the scientific, ethical, and moral issues involved.

I mention that this issue should not be driven totally by the research community. Nor should it be determined solely by National Bioethics Advisory Commission (NBAC) commissioners or by patient advocates. Each of these stakeholders certainly has its role to play. The NIH has advocated on behalf of what they see as the direction in which science is heading. The NBAC has debated the issue and determined it worthy of Federal support. And patient advocacy groups have rightly worked to advance science that could benefit their particular illnesses.

However, as a researcher, as someone who has participated in scores of clinical investigations on the transplantation of human tissues to benefit others, I know that this decision cannot be left to the sole jurisdiction of the scientific community. It is our responsibility as legislators to determine the proper role of our Federal government in this evolving, new research and to build in appropriate ethical safeguards.

After grappling with the issue—scientifically, ethically, and morally—I believe that both embryonic and adult stem cell research should be federally funded within a carefully regulated, fully transparent framework that ensures the highest level of respect for the moral significance of the human embryo. Because the unique interaction between this promising but uncharted new science with the ethical and moral considerations of life is continually evolving and presenting new

challenges, we must ensure a strong, comprehensive, publicly accountable oversight structure that is responsive on an ongoing basis to moral, ethical and scientific considerations.

As a legislator, I have been consistent in my work to ensure that human life is treated with the utmost respect and dignity. I am pro-life. My voting record in the Senate has consistently reflected my pro-life philosophy. In my 6-plus years in the Senate, I have voted time and time again to preserve human life. For instance, I am proud to have been a leader in the fight to ban the partial-birth abortion procedure. As a physician, my sole purpose has been to preserve and improve the quality of life.

Throughout my career on the forefront of heart and lung transplantation, I have had to face the ethics of life and death with my patients and their families. As a surgeon, I have frequently removed a heart from one individual whose brain has died and placed that heart into another patient who would otherwise die. But this requires determining when brain death has occurred a process that was very controversial when it was first developed just 33 years ago.

A similar dilemma now confronts us in the field of embryonic stem cell research, and I have turned to my own experience as a transplant surgeon for wisdom. The question is much like that faced in the early days of organ transplantation—do we remove organs and tissue for transplantation and research from an individual who is brain dead, but whose other organs continue to live and function normally? Do we allow research using stem cells derived from blastocysts that could, if implanted, become a fetus, but which the parents clearly have determined to discard? I believe this is the proper course, but only under the strictest of regulations to ensure a clear separation between the decision of whether to discard excess embryos or donate them for adoption and the option to donate such embryos for research.

Scientifically, I consider human embryonic stem cell research to be a promising and important line of inquiry. I am fully aware and supportive of the advances being made each day using adult stem cells. However, it seems clear that research using the more versatile embryonic stem cells does have greater potential than research using adult stem cells and may, under carefully considered and appropriate conditions, be conducted ethically. The scientifically prudent course for us as policymakers seems to provide for the pursuit of both embryonic and adult stem cell—research allowing researchers in each field to build on the progress of the other.

Let me make this clear, however. To say that the research may ethically be conducted is not to say that the guidelines promulgated by the National Institutes of Health (NIH) are sufficient, as some of my colleagues have as-

serted. To the contrary, they are severely lacking in appropriate safeguards. Nor do any of the present versions of legislation pending in Congress to authorize ES research include sufficient protections.

Therefore, federal funding for stem cell research should be contingent on the implementation of a comprehensive, strict new set of safeguards and public accountability governing this new, evolving research—to ensure the progress of this science in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

I transplant hearts and lungs. I spent 20 years in both medical training and engaged in surgery. I am board certified in two surgical specialties. I have spent countless hours research and publishing this research in peer-reviewed medical journals. I was active in clinical transplantation. In each case, families of the donor individual has completed a comprehensive informed consent process giving consent to organ donation. I would weekly get calls in the middle of the night summoning me to the operating room, where I would come face-to-face with individuals near death and their grieving families. Through these experiences, I have seen firsthand the impact that medical progress and technological have had in reshaping legal and ethical criteria, and, in turn, I have seen how ethics has shaped the practice of medicine.

Historically, death was not particularly difficult to determine or define. Generally, all vital systems of the body—respiratory, neurological, and circulatory—would fail at the same time and none of these functions could be prolonged without the maintenance of the others. With major technological advances in life support, particularly the development of ventilators, it is possible to keep some bodily systems functioning long after others have ceased.

Over time, most state laws adopted a neurological standard for determining when death occurs. Thus, it has become common, accepted practice that requires that both the cerebral cortex and the brain stem irreversibly cease to function—this is the so-called “whole brain death” standard. There is now broad public support for organ donation upon this basis. But the interplay of science, ethics, and policy did not come easily.

As we came to no longer face the inevitable simultaneity of systemic failures, it became necessary to define with greater precision which physiological systems are indicators of life and which are not. In 1968, a Harvard Medical School special committee report first urged that brain death be used rather than the older definition of irreversible circulatory-respiratory failure. This was later embraced by a Presidential Commission in 1981 as a recommendation for state legislatures and courts.

In this context of life and death decision-making, physicians remove organs from individuals for the purpose of organ donation based upon the informed consent of families after determination of “brain death,” at which time the individual is considered to be dead. However, this decision-making process is carefully protected to ensure that the decision to withdraw life support or declare brain death is made entirely independent of any consideration of obtaining the individual’s organs for donation. Even though the body and other organs and tissues are technically alive with the assistance of ventilators and other medical devices, the brain has ceased to function. When I removed a heart—or a heart and lungs—other organs were living and still functioning. Their organs would be used to save the lives of others. If the family consents following a comprehensive and broadly accepted consent process, we permit surgeons to remove living organs from the body of the individual.

The decision to donate the organs of brain dead individuals is, as it should be, a decision separate from all other medical decision-making. It is made by informed consent of family to carry out the intent of the individual. It meets both ethical and practical requirements. First, it ensures that families are not faced with this difficult decision at a time when they are already struggling with saying good-bye to a loved one. It ensures that the treating physician is not the individual approaching the family for consent. On a very practical, public policy level, it strengthens the organ donation procedure by reassuring the public that decisions of best medical treatment are clearly divorced from the considerations of organ donation.

The example of organ and tissue donation holds one framework to review in fashioning an approach that both respects the human embryo and promotes this new, evolving research. I believe that the human embryo is inherently valuable and has moral significance regardless of whether it will be implanted in a woman’s uterus or is left-over in the colder, artificial setting of an infertility clinic. Because an embryo holds a high measure regardless of status, that embryo should be afforded a high level of respect.

Because embryonic stem cells appear capable of indefinite self-renewal and differentiating into all adult cell types, this research has tremendous potential to provide new, important cell-based therapies.

Research using adult stem cells also holds tremendous promise for treating disease, and recent studies have altered long-held conceptions about the abilities and usefulness of adult stem cells. However, there appear to be characteristics—in particular, that they appear to have more limited life spans, are presently more difficult to isolate in useful quantities, and may not be able to form all cell types—that may limit

the potential of adult stem cell research. However, it does appear that adult stem cells may be able to be manipulated on a scale previously thought impossible. Moreover, the apparent differentiation limitations placed on adult stem cells may indeed pose an advantage over embryonic stem cells.

Nonetheless, it appears clear that research using adult stem cells does not hold the same potential for medical advances as does the use of the more versatile embryonic stem cells. But, as in all research endeavors, what we are considering is the potential for advancements. Scientifically, we will see the best advances in both adult and embryonic research by allowing the two to proceed along parallel tracks, fostering valuable collaboration and interplay between researchers on each side.

Some of my colleagues have advocated that the guidelines promulgated by the National Institutes of Health provide a sufficient framework to ensure that embryonic stem cell research can be conducted ethically. I strongly disagree. On the contrary, I find the NIH guidelines lacking in appropriate safeguards.

Therefore, Federal funding for stem cell research should be contingent on the implementation of a strict new set of safeguards and public accountability governing this new, evolving research. The following 10 points are essential components of a comprehensive framework that allows stem cell research to progress in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

One, require a rigorous informed consent process: To ensure that blastocysts used for stem cell research are only those that would otherwise be discarded, require a comprehensive informed consent process establishing a clear separation between potential donors' primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process, modeled in part on well-established and broadly accepted organ and tissue donation practices, will ensure that donors are fully informed of all of their options.

As with organ and tissue donation, we must first ensure that health care providers make no mention of the option to donate excess embryos until completion of infertility treatment and the decision has been made independently by both members of a couple to discard embryos remaining in frozen storage at the clinic. Once that decision has been made, the destiny of the embryos is certain. When couples make this decision and authorize a clinic to discard the embryos, it is clear that the embryos will be dead within a short time frame. Only after both members of a couple have made a firm decision to discard these additional embryos should health care providers or researchers be allowed to approach them

about the opportunity to donate these embryos for use in research.

Moreover, the NIH regulations should strengthen the informed consent process by requiring stronger informed consent. And regulations should ensure greater oversight and accountability in the derivation process by requiring site visits of labs where cell lines are derived and prospective approval of line derivations.

Two, ban embryo creation for research: The creation of human embryos solely for research purposes should be strictly prohibited.

Last week, researchers announced the creation of three ES cell lines derived from embryos created for the express purpose of research. Limiting federal funding to research using embryos left over after being created for reproductive purposes will not prevent the creation of embryos only for research purposes by unethical researchers. Such an action has been nearly universally decried from all quarters. Therefore, we should include a comprehensive ban on the creation of embryos through IVF for the sole intent of performing research.

Three, continue funding ban on derivation: Strengthen and codify the current ban on federal funding for the derivation of embryonic stem cells.

While we find it important to scientific research and ethically acceptable that limited and strictly regulated ES research proceed, this does not mean that federal funds should be used in the derivation of ES cells. Rather, a continued ban on federal funding for the derivation of ES cells is a right and proper indication and acknowledgment that the American people are conflicted on the ethical and moral propriety of this issue and do not feel that the proper use of federal funds is in the derivation process.

Four, ban human cloning: Prohibit all human cloning to prevent the creation and exploitation of life for research purposes.

Ban all uses of human cloning. Most are agreed in their opposition to reproductive cloning. It is important, however, to also ban non-reproductive or research cloning both for the practical, implementation reason of making it more likely that such a ban on reproductive cloning will be successful as well as for the broader moral reasons shared by the majority of the American people that human embryos should not be created for the purpose of research and exploitation.

Five, increase adult stem cell research funding: Increase federal funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research.

Although not presently as scientifically promising as ES research, AS research has seen many advancements in recent years and holds important potential for treating disease and injury. Many scientists have noted that not enough science has been completed to determine which of the two lines of in-

quiry will produce therapeutic applications and that it is therefore scientifically premature to limit research to one type of research only. Accordingly, in funding ES research, it is important to see that this is done in a manner complementing ongoing AS research so that both lines of inquiry are pursued aggressively and that neither is pursued to the scientific detriment of the other.

Six, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded: Allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization (IVF) and would otherwise be discarded.

Specifically, the regulations should allow the use only of embryos that were created but unused for infertility treatment. These may only be donated from IVF clinics following completion of infertility treatment. Regulations should also include safeguards to prevent unethical creation of embryos in excess of clinical need.

Seven, limit number of stem cell lines: Restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. In addition, authorize Federal funding for stem cell research for five years to assure ongoing Congressional oversight.

Limiting the number of cell lines would allow Federal funding to jumpstart the research into the basic properties of ES cells for more in-depth discovery of the capabilities, shortfalls, and properties of these cells, while respecting the ethical sensitivity of the research to the American people. Moreover, numerous researchers have expressed concern that, because existing embryonic stem cell lines would not be in accord with the present guidelines and regulations laid down by NIH, additional cell lines will have to be created. By limiting the creation of cell lines, the research will go forward, but under strong restrictions.

Eight, establish a strong public research oversight system: Establish appropriate public oversight mechanisms, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote ethical, high quality research standards.

A national research registry would serve as a holding and distribution facility that would provide another level of Federal oversight and control in the process. The registry would also be able to serve an important role of tracking the progress of this research as well as providing a strong oversight mechanism to track the research and its attention to public regulations.

Nine, require ongoing, independent scientific and ethical review: Establish an ongoing scientific review of stem cell research by the Institute of Medicine (IOM) and create an independent

Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Stem cell research is so significant both ethically and scientifically, that continued Congressional oversight is important. All of this research should be the subject of ongoing scientific and ethical review.

Ten, harmonize restrictions on fetal tissue research: Because stem cell research would be subject to new, stringent Federal requirements, ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research are consistent with these new rules.

These principles provide for an appropriate amount of research using human embryonic stem cells but ensure that such research is not conducted to the detriment of research utilizing adult stem cells. They balance the desire to move this research forward on a greater scale with the imperative to maintain the highest level of oversight to prevent abuses and the importance of continuing Federal oversight as this research advances.

These 10 principles help answer the question I posed earlier: "Is there a line that should not be crossed even for scientific or other gain?" The clear response is "Yes." It is clear to me that the creation of human embryos for research purposes should not be undertaken, regardless of the potential for scientific gain. It is clear to me that the use of human cloning should be strictly prohibited to prevent the commoditization and exploitation of human life. It is clear that the present restriction on the use of Federal funds for the derivation should be maintained and strengthened to reflect the concerns of the American people.

I know that many people with deeply held views on this issue will disagree with some portion of the position I have outlined today. Others may attempt to divorce certain of these issues from consideration of the others.

This should not be done. The fact is that these issues—of stem cell research, the creation of embryos, human cloning, public restrictions on the scope of research broadly are all pieces of a larger whole.

By pursuing the policy framework I have laid out today, we can help set the stage for groundbreaking research with the potential to help untold millions of Americans and individuals worldwide. We will have laid a firm foundation for that research to succeed—a foundation without which the goal of seeing treatments through embryonic stem cell research will falter on the fears and uncertainties of Amer-

icans. This framework provides that firm ethical foundation instilling confidence in comprehensive and transparent oversight ensuring that such research is conducted with close attention to the difficult ethical and moral issues involved.

We must define the role of the Federal Government in harnessing this technology for good. Our task as citizens is to exercise responsible stewardship of the precious gift of life. This effort represents a first step in this process.

Mr. President, I look forward to continued participation in this dialog on embryonic and adult stem cell research.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Tennessee if he needs further time to finish his statement. His statement was very thoughtful, and this is a crucial issue facing our country. If he would require added time, I would be happy to yield.

Mr. FRIST. Mr. President, I appreciate the offer of the Senator from Texas. I believe my statement will complete my thoughts. I do look forward to continued participation of all of us. She and I were both in a hearing a few minutes ago talking about this very issue.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator FRIST, who is the only physician in the Senate, is contributing to the issue of stem cell use for research purposes. We have just spent several hours in a hearing learning from scientists and many others about the differing viewpoints on the need for the use of stem cells for research into many diseases where it is hoped we can find an answer through the use of these embryonic stem cells. The debate is valid.

Senator FRIST has pointed out some of the legitimate ethical questions. I hope we can move forward in a way that does increase the ability to use these types of stem cells and cord blood for looking into the causes and, more importantly, even the treatment of some of the cancers and diseases, such as Alzheimer's, Parkinson's disease, multiple myeloma, many forms of cancer where there is great hope that we might have treatment that would allow people to live healthy lives, normal lives, with this kind of treatment, even though they have these diseases.

I thank the Senator from Tennessee for his thoughtful contribution to this debate.

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ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT,  
2002—Continued

Mrs. HUTCHISON. Mr. President, I rise to talk about the Nation's lack of an energy policy. Many have spoken earlier today about the fact that we have not taken up an energy policy for our country. It doesn't seem to be a priority for the Senate.

I disagree with that. I think it is the highest priority for the Senate, and I urge the majority to let us debate an energy policy. It is time that we have a long-term strategy. We know from what is happening in California right now, where the energy shortage has hit very hard the people of California and the economy of California, that we can't wait and try to do something quickly because quickly doesn't work when you are dealing with something that is so long range.

For instance, one of California's big problems is they don't have a distribution system. They have a shortage. Even if they could get the energy into their State, they don't have an adequate distribution system.

President Bush has put forward an energy policy that would address long term some of these issues. As our economy is growing, they are going to become even more acute.

The Congress also has put forward a plan. Senator MURKOWSKI has been a leader in this effort, as past chairman of the Energy Committee. We need to be able to debate these issues and see where our country is going.

The interesting thing is, our country is going to increase its oil consumption by 33 percent in the next 10 years. It is expected that our foreign oil imports will go from 55 percent to 67 percent by the year 2020.

Natural gas consumption will increase by 50 percent. Demand for electricity will rise 45 percent in the next 20 years. We cannot sit on antiquated, unreliable, and inadequate distribution systems if we are going to be able to keep our economy strong, to keep the businesses going, to keep the jobs in America, and so consumers have good and adequate sources of energy. We must address this policy.

I call on the majority to make this a priority. Yes, appropriations bills are important, but that does not address the long-term needs of our country.

What would a good energy policy entail? It would entail modernization and expansion of our energy infrastructure. That is the distribution system. We need more pipelines. We need more powerplants. We need to be able to get the electricity into the homes and businesses of our country.

We must have diversification of our energy supplies. I have been trying for 3 years, with support across the aisle, very bipartisan, for tax credits for small drillers, people who drill 15-barrel-a-day wells. When prices go below \$18 a barrel, those people cannot stay in business. Yet all of those little bitty producers together can produce 500,000 barrels of oil a day, the same amount we import from Saudi Arabia. But they can't stay in business when prices fall to \$18, \$17, \$16 a barrel. We had \$9-a-barrel oil just 2 and 3 years ago, and those people went out of business. They kept their wells, and they will never be able to reopen their wells because they are too small. The margins are too thin.

We want to encourage our small producers of oil and gas by saying there will be a leveling off and a stabilizing when prices go so low that you can't break even. It is the same thing we do for farmers. When crop prices fall below break even—we value having farmers make the food for our country—we stabilize the prices. If we don't open markets for our farmers, we give them subsidies so they can stay in business so they won't have to sell the family farm to a real estate developer.

That is the same concept we need for the smallest energy producers, so we can keep the jobs in America, not send them overseas, and so we can keep the prices at a stable level so that the little guys can stay in business and keep their employees employed when prices go below a break even.

This has been supported by Democrats and Republicans. We have actually passed it. It has been in other legislation that has been vetoed previously. I believe President Bush will sign a bill that includes this kind of tax incentive if we can pass a bill that is balanced, a bill that will give our country a long-term energy policy to which we can work for energy sufficiency for our country.

We must modernize our conservation and efficient energy use programs. I am going to introduce an amendment, if we ever make energy policy a priority, that will give incentives to people who buy cars that have more gasoline mileage efficiency. It may be a \$250 credit if you buy a car that has a 25-mile-per-gallon efficiency level. These are the kinds of things that will encourage people to conserve energy so that it will be more available.

A good energy policy has three prongs. It has consumption energy efficiency as one leg of the stool, and we should make sure that we have an incentive that encourages that kind of energy consumption efficiency, and hopefully education so that people will want to do the right thing.

Secondly, we need diversification of our energy supplies. We need more oil and gas. We need nuclear power that is safe and clean. We need to have more dependence on our own resources rather than depending on foreign imports. We cannot be a secure country if 67 percent of our energy needs are imported, not to mention what that does to the jobs that go overseas rather than staying in America.

The third part of a good energy policy is expanding the infrastructure, making sure we have the ability to efficiently and safely get the energy into the businesses and into the homes.

I think it is high time—it is beyond time—that we should address the energy crisis in this country. The average price of gasoline is about \$1.50 now. That is down from what it was, but it is not great; we can do a whole lot better. We can make the price of gasoline less if we have stability and if we have our own resources developed in our country.

Clean burning coal—it seems as if sometimes when I hear people talking about oil, gas, and coal, they are talking about technology 50 years ago, not today. When you talk about drilling at ANWR, you are talking about a little part of a vast area. It is the size of Dulles Airport and the State of South Carolina. That is what ANWR in Alaska is the size of—South Carolina. What you would need to drill, because of the new technology, is the area the size of Dulles Airport because the new technology allows you to go underground and drill without putting an oil well in every place.

We have new technology in coal. You can now have coal extraction with technology that does not disrupt the environment. We need to talk about the new technology, not the old technology, and we need to discuss an energy policy for this country. I think we can get a bipartisan agreement on the three prongs of a good energy policy—self-sufficiency of production and diversification and jobs in our country, conservation and incentives to conserve, and an infrastructure that gets the product from business to consumer in a safe and efficient way. But we can't come to a conclusion if we don't bring it up.

So I call on the majority to make this a priority and to say our energy policy is one of the areas that we must address before Congress goes out in August, and if we don't, we are not doing the job for the people of this country and for the long-term future of this country that we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the provision that funds Yucca Mountain in this appropriations bill. The senior Senator from Nevada has cut the funding that the President has requested, but Yucca Mountain is still being funded at somewhere around \$275 million. Anybody who has been out to Yucca Mountain will see that they have spent a tremendous amount of money out there, to the tune of a little over \$7 billion to this point. Most of the time people in this body are saying: Send more money to our State; build us more projects because they create economic opportunities.

But both Senators from Nevada, and the majority of the people in Nevada, believe that the Yucca Mountain project is misguided. We feel this way for many reasons. One is, we believe it is not meeting the safety requirements that are necessary to have a permanent repository.

Secondly, nuclear waste rods are really not just nuclear waste; they are partially spent nuclear fuel rods. They have a lot of valuable energy still in them.

I applaud, first of all, Senator DOMENICI, for putting into this bill research money for accelerated technology for something called transmutation, which is a modern recycling

technology for nuclear waste. The administration has also said we need to, perhaps, look at reprocessing or other alternatives for disposing of the waste, other than just burying it in a mountain. Doing that is the worst thing we can do instead of unlocking this untapped energy from these partially spent nuclear fuel rods buried in the mountain—just putting it in there; it is a very valuable resource. I believe it would be nuclear waste at that point because we would be wasting a valuable resource.

What we should do instead of trying to build Yucca Mountain—the ratepayers from around the country have been paying into this fund. They say: Since we have been building this thing at \$7 billion, we think the Federal Government should take the waste out there and finish the job. The problem with that is that Yucca Mountain, according to the GAO, is going to cost somewhere around \$58 billion, and most people expect that number to go up much further than that. It will be the most expensive construction project in the history of the world.

This construction project will be borne not just by the ratepayers when it gets up to those kinds of numbers but by the taxpayers of the United States. It is a waste of the taxpayers' dollars to bury a valuable resource in a mountain in the middle of the desert instead of recycling this fuel that is a non-greenhouse-producing fuel when we do it.

The junior Senator from Texas just talked about the energy problems we have in this country. Let's not bury a valuable resource. Let's look at recycling technology to use this resource.

I also add that there is no hurry. People say they are running out of room at these nuclear plants around the country. In one sense, that is true. The cooling pools in which these partially spent nuclear fuel rods are sitting today are being filled up, but the easy solution to that is to take them out of the cooling pools and put them in what are called dry cask canisters. That is being done in several places around the country even as we speak. It is a cheaper thing to do, and it is also a better thing to do. By the way, dry cask storage is safe, by all estimates, for a conservative 100 years. That gives our country time to look into these new technologies about recycling.

I suggest that the people who are supporting taking nuclear waste to the State of Nevada should look at these new technologies and focus our resources there, instead of trying to put more money into really what is becoming a white elephant out in the State of Nevada.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments which I will send to the desk be the only first-degree amendments in order to the bill, and that they be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list is as follows:

Biden, proliferation accounts;  
 Bingaman, relevant;  
 Byrd, relevant, relevant to any on list;  
 Conrad, Upper Great Plains;  
 Corzine, relevant;  
 Daschle, relevant, relevant to any on list, relevant to any on list;  
 Dorgan, transmission constraints;  
 Edwards, section 933 study;  
 Feinstein, 2 relevant;  
 Graham, 10 relevant;  
 Harkin, National Ignition Facility, Mad Creek;  
 Hollings, plutonium disposition;  
 Johnson, mid-Dakota rural water, James River Project;  
 Landrieu, Port of Iberia;  
 Levin, 2 relevant;  
 Reed, FERC ISO;  
 Reid, relevant, relevant to any on list, manager's amendment, relevant to any on list;  
 Sarbanes, Chesapeake Bay shoreline;  
 Torricelli, Green Brook Basin, navigational servitude, relevant;  
 Wyden, 2 Savage Rapid Dam.  
 Bond, 2 relevant;  
 G. Smith, clarifying BPA borrowing authority; Klamath;  
 Kyl, Lower Colorado River Basin Development Fund;  
 Allard No. 998, reduce funding in the bill by 1 percent;  
 Collins, Camp Ellis Beach, relevant;  
 Gramm, appropriation for Paul Coverdell, relevant; relevant to list;  
 Stevens, research; 2 relevant;  
 Chafee, Estuary Restoration Act, relevant;  
 Craig, Arrow Rock Dam, Lava Hot Springs, Yucca Mountain;  
 Bunning, Paducah Plant;  
 B. Smith, 4 Army Corp;  
 Nickles, 2 relevant, 2 relevant to list;  
 T. Hutchinson, relevant;  
 Inhofe, relevant;  
 Lott, 4 relevant, 2 relevant to list;  
 Domenici, 2 relevant, 2 relevant to list,  
 Technical, Dept of Energy, FERC, NNSA;  
 Crapo, advance test reactor;  
 Murkowski, DOE workforce, Yucca Mountain, Price Anderson, Iraq, 4 relevant;  
 Warner, relevant;  
 Kyl, Indian water rights;  
 Roberts, Army Corps;  
 Thomas, relevant, Snake River;  
 Craig/Burns, Bonneville borrowing authority.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today to call attention to one of the issues we face in protecting our water, our taxpayers, and our public lands. I am talking about the need to strengthen environmental mining regulations or so-called 3809 regulations.

These regulations protect lands managed by the Bureau of Land Management from the impacts of mining for minerals such as gold and copper. Earlier this year, the Clinton administration made long overdue revisions to the regulations after years of public comments, congressional hearings, and reports and evaluations.

Despite the thorough input, the Department of the Interior announced in March that they were going to roll back the updated 3809 regulations. What they were really rolling back are stronger protections for our environment and public health.

My colleagues in the House recognized the importance of maintaining strong environmental mining regulations. With bipartisan support, the House voted to prohibit the administration from overturning the updated regulations. I fully support the House in their effort and hope the Senate will accept the House language in conference.

Let me clarify the three major issues at risk.

First, the new rules would direct mining operators to protect water quality. This is a serious problem for the hardrock mining industry. Just last May, the U.S. Environmental Protection Agency recognized the industry as the Nation's largest toxic polluter. The Bureau of Mines estimated that 12,000 miles of streams are polluted by hard rock mining.

Second, the old rules were not interpreted to allow land managers to deny mining operations in environmentally or culturally sensitive areas. The updated regulations would allow the BLM to deny mining operations that would endanger towns or national parks.

Of course, the mining industry is opposed to any authority that would curtail mining operations. Based on their strong opposition one would think that every mining operation will be banned.

But the BLM has publicly and repeatedly stated that they would "rarely invoke" this authority. And before they would ever use this authority they would provide full opportunities for evaluation and public comment.

This provision is not about shutting down mining businesses. I recognize that they have a role to play in our economy. This provision is about responsible hardrock mining and responsible business practices.

Third, the old regulations too often allowed mining companies to declare bankruptcy after they finished mining, leaving taxpayers to pay for the cleanup. Independent reports show that taxpayers have a potential liability in excess of \$1 billion for cleanup costs at current hardrock mining operations.

Keep in mind that these mining operations are taking place on public lands

owned by Americans—lands owned by taxpayers. Too many times the people who come into these lands mine them for profit, making rather substantial profits in the process, pay little or nothing to the Federal Government for that right, and leave a mess to be cleaned up afterwards. When they leave that mess, the taxpayers have lost twice: First, when public lands have been exploited for profit; and, second, when those despoiled lands remain for the taxpayers to clean up.

To the administration's credit, they have acknowledged the importance of strengthening the financial requirements. But 33 percent was a failing grade where I went to school.

I recognize the need for a healthy mining industry. Under stronger mining regulations we will have a healthy, environmentally responsible mining industry that does not sacrifice the interest of communities for the interest of profit.

As my colleagues prepare to conference on the Interior appropriations bill, I urge them to support the hard rock mining language as it passed in the House.

Mr. REID. Mr. President, there is no question that we have to do something about the bonding of hard rock mines. It has caused problems recently in Nevada. The largest mining company in the world that has significant operations in Nevada is the Newmont Mining Company. The Newmont Mining Company is considering discontinuing the use of corporate guarantees. That is the way it should be. They are setting the example for the rest of the industry in saying corporate bonds simply may not work.

As I told my friend from Illinois, we need to be vigilant and do everything we can to change this hard rock mining bonding so that when mining operations are complete there are adequate resources to follow through and make sure they complete appropriate reclamation.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. I think it is perfectly reasonable, if someone is going to come along on the public lands owned by the taxpayers of this country and mine for profit, they should at least post a bond so if they should leave that land despoiled where there is a need for environmental cleanup there is money to do it and the taxpayers don't end up footing the bill.

The House version of this appropriations bill contains that provision. Hopefully, the chairman of the committee, the Senator from Nevada, will do everything in his power to make sure it is included as part of the conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. 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. 1013

Mr. BOND. Mr. President, now that our distinguished majority leader is here, I send to the desk an amendment on behalf of myself, Senators CARNAHAN, GRASSLEY, and HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1013.

Mr. BOND. 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 impose additional conditions on the consideration of revisions to the Missouri River Master Water Control Manual)

On page 11, at the end of line 16, add the following: "During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained."

Mr. BOND. Mr. President, this is part of a continuing effort to prevent the U.S. Fish and Wildlife Service from advancing what we believe is a very ill-conceived directive to increase spring-time releases of water from Missouri River upstream dams in an experiment to see if a controlled flood may improve the breeding habit of the pallid sturgeon.

House language was added to prevent implementation of the "controlled flood" during consideration in the House Committee on Appropriations. The majority leader has entered an amendment, which we appreciate, in this bill which says no decision on final disposition of the Missouri River manual should be made this year. I thank him for that. That is one step in the right direction.

This, however, goes beyond and makes clear there is a broader policy involved. Rather than let the Fish and Wildlife Service dictate national priorities to the Congress, the administration, the States, and the people, I believe the elected officials in Congress need to weigh in to protect human safety, property, and jobs. In sum, we ought to be able to do several things at once.

The authorizing legislation for the dams and other structures on the Missouri River says that they should be to prevent floods, to enhance transportation, provide hydropower, and to facilitate recreation. Subsequent to those enacting statutes, the Endangered Species Act was adopted with the

hope that we would stop the disappearance of endangered species and help recover them. My purpose here today, along with my bipartisan colleagues, is to assure that the multiple uses of the Missouri River may be pursued.

As so many of my colleagues, I was a great fan of the work by Stephen Ambrose, "Undaunted Courage." I had a great-great-grandfather who was one of the laborers who pulled the boats up the Missouri River. I find it fascinating. It was truly a remarkable chapter in our Nation's history.

That chapter has come and gone and people have moved in and live and farm by the river. They are dependent upon the river for water supply, water disposal, hydropower, transportation, and, yes, in the upstream States, for recreation.

While we have had continuing discussions throughout my career serving the State of Missouri over the proper uses of the river water between upstream and downstream States, I continue to assure my colleagues in the upstream States that if there are things we can do to help improve the recreational aspects of the impoundments on the river above the dams, I would be more than happy to do so.

This amendment—very short, very simple—says, simply put, that the Secretary, meaning the Secretary of the Army, who is the ultimate responsible official, may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the U.S. Fish and Wildlife Service in the biological opinion of the Service.

In other words, they have already proposed one thing, controlled spring floods. The Secretary may also propose other alternatives. This doesn't say that he has to; it says that he can do it. He may do it. It mandates that the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

This amendment simply says, we enacted a number of different objectives for the Missouri River. Mr. Secretary, when you select an option, you have to take into consideration all of these specific congressionally authorized objectives.

I believe—and it makes a great deal of sense—that the Federal Government should prevent floods, not cause them. It should be providing more safe and efficient transportation options, not monopolies for railroads. It should not be curtailing energy production from an environmentally clean source of energy, water power, during peak summer periods of demand during an energy crisis.

People in our State of Missouri cannot believe that we need to have this debate. They cannot believe that the Endangered Species Act does not have enough flexibility in it to permit human safety and economic security to be considered. They cannot believe

that their needs are necessarily subordinate to what the Fish and Wildlife Service said is the only way the pallid sturgeon can be saved.

Unfortunately, what the Fish and Wildlife Service says goes. And then to add insult to injury, after imposing their plan on the Corps of Engineers, the Corps of Engineers has to put the States and the citizens through the hoax—I say hoax advisedly—of a public comment period that is irrelevant to the Fish and Wildlife Service that has, in the past, demonstrated it will use its dictatorial power under the Endangered Species Act not just to put people out of business and increase damage to private property but to threaten human safety of urban and rural communities where there will be greater risk of flood and flood damage.

This amendment on behalf of my colleagues gives the Corps of Engineers the opportunity to propose alternative species recovery measures that help fish and don't hurt people. It requires the continuation of public input and directs that the Corps preserve the other authorized purposes for the Missouri River.

The current Fish and Wildlife Service proposal, which they offered as a dictate to the Corps of Engineers last July, saying you have 7 days to implement this plan that will flood Missouri and downstream States in the spring, is not some new proposal that just needs a little public sunlight to be fashioned into something that is sensible.

It represents the "my way or the highway" approach to regulatory enforcement and the reincarnation of what has previously been rejected by the people and the States involved.

A spring rise and low flow period was proposed by Fish and Wildlife through the Corps of Engineers in 1994. It was subjected to 6 months of public comment, and it was ridiculed at public forums from Omaha to Kansas City to St. Louis to Memphis to Quincy to New Orleans to Onawa, IA, and elsewhere. This is what the people of the heartland of America said about the spring rise. I have a bad hand, and I can only lift a third of the transcripts at a time, but these are the comments that the Corps of Engineers received in 1994. Guess what. They didn't think much of the plan then for spring rise.

President Clinton's Secretary of Agriculture and his Secretary of Transportation criticized the plan in writing. The plan was then shelved by the Clinton administration because of public opinion. They had their public comment. People did weigh in, and they said this is a disaster. The Clinton administration withdrew it.

However, that plan was subsequently resurrected by the Fish and Wildlife Service, using the force of the so-called consultation process sufficient to impose its will on the people in the States.

In other words, the Fish and Wildlife Service failed to convince the public

and the States of the wisdom of their plan, as represented by these comments, so they decided to force their plan by putting a gun to the head of the Corps.

If the Fish and Wildlife Service cared about the views of the States and the public opinion of those who live in and around the basin and depend upon the Missouri River, we would not be here today. There is very little hope that they would care about next year's comments than they care about the comments people took pains to make in 1994 because they simply don't have to. The Fish and Wildlife Service gets to do what it wants because while they are required to allow public comment, they are not required to listen. And I guarantee you, when it comes to this plan, they have not listened.

This process, as previously orchestrated, is more rigged than a WWF championship match. But for my citizens, the price of admission is the cost of losing a planning season, a levee, an export opportunity, a flood, and maybe even the loss of a life.

Some may tell you that the Government can control this proposed flood. I know they wish that were the case. But wishes are not going to provide accurate weather forecasts in the temperamental heartland spring. Unless someone in the Corps can forecast weather accurately 5 to 10 days to 2 weeks in advance, there will be accidents, people will be hurt, and it will be because the U.S. Government decided to risk their safety for an experiment. When the Government releases pulses of water from the dams, that water can't be brought back; it is not retrievable. It takes 5 days to get to Kansas City, 10 days to get to St. Louis, and further down the river, even longer.

On average, the river never floods. In the real world, though, it isn't the averages that hurt us but the extremes. I understand that a lot of people have drowned in lakes that average only 3 feet deep. With downstream tributary flow, we already have a natural "spring rise" every time it rains, and when that happens, a "pulse" released days before is a tragic gift courtesy of the Federal Government.

Just 6 weeks ago, following a series of low pressure systems in the basin, in less than 5 days gauging stations in Missouri went from below normal stage to flood stage. Right in the heart of our State, in Herman, MO, the streamflow increased from 85,000 cubic feet per second to 250,000 cubic feet per second in 5 days. That is almost a threefold increase in the amount of water coming down that river.

Now, neither the people of Herman nor the Corps of Engineers expected this dramatic tripling of the flows, but it shows the danger of intentionally increasing those flows during the spring season, and it shows what people in our State already know: We already have a spring rise. It is natural and it is dangerous. If the pallid sturgeon really liked spring rises, they would be com-

ing out our ears. After the floods, we should have had little pallid sturgeons all over the place.

The second part of the Fish and Wildlife plan is an artificially low summer flow, which inverts the historical natural hydrograph. For those who may be a little concerned about the terms, that means the river "ain't" flowing like it used to flow before dams. The natural hydrograph is to have more water in the summer during the snowmelts in the upper basin. This natural pattern would be turned on its head if you had the releases in the spring and then low flows during the summer. It starves the hydropower generators of capacity during peak periods of energy demand, driving up the rates for customers, driving up the rates for Native American tribes and other citizens in rural areas.

According to data from the Western Area Power Administration, "Risk analysis including river thermal powerplants: Both capacity and energy losses increase exponentially as the summer flow decreases in July."

That means that when you cut the waterflow during the summer in peak cooling seasons, you get much greater than a straight line loss in capacity and energy production. The line doesn't go down like this; it goes up like that. That is what happens to power production when you reduce summer flows.

The plan does call for continued production of energy, just not when people need it. The middle part of the summer is when air-conditioning rates are the highest and when there is the greatest drain on electricity. Unless we no longer care about clean energy options, then we should not be taking deliberate steps to increase the cost of power.

Additionally, let me point out for our southern neighbors that low summer flows provide inadequate water to continue water commerce on the Missouri River and during very low water periods on the Mississippi River. During the drought years, up to 65 percent of the flow in the Mississippi River below St. Louis comes from the Missouri River.

Water commerce is important for another reason. One medium-sized 15-barge tow can carry the same amount of grain—usually going to the export markets—as 870 trucks. This one medium-sized tow is much better for safety, clean air, fuel efficiency, highway congestion, and the competitiveness of our shippers in the international marketplace than putting 870 trucks on the highway through congested metropolitan areas. Water commerce for our farmers, shippers, and exporters is a necessary insurance policy against high rates that occur when the absence of competition leaves shippers to the mercy of transportation monopolies. A key assumption of some is that freight carriers don't raise rates when they face no competition. That is a nice wish, but it is not a realistic assumption.

Other forms of transportation do raise rates when competition is not present. According to the Tennessee Valley Authority, which did a study, higher shipping costs would add up to as much as \$200 million annually to farmers and other shippers in Missouri, South Dakota, and all the States in between, not including the Lower Mississippi River States. A shipper from the Omaha, NE, region told my office that he secures railroad rates of less than \$25 per ton when they go up to Sioux City, where the river provides competition, but when he ships up to Sioux Falls, where the river doesn't go, where river transportation is not available, then rates double.

I am pleased and proud to say there are many ongoing programs and practices to improve Missouri River habitat. I have listened to the discussions that relate to this matter over the years, and there is some presumption that only the Federal Government should do something about it. That is false. There is that overtone, since Missouri strongly opposes the Federal Fish and Wildlife plan—on a bipartisan basis, I might add—we aren't as dedicated to fish and wildlife as some of our friends in the Dakotas, or Montana maybe.

Well, Mr. President, no State in the basin dedicates as much money as Missouri does to fish and wildlife conservation measures. Most States just take payments from the Pittman-Robertson and the Wallop-Breaux and licensing revenue. Some States have appropriations from their general fund.

The citizens of Missouri have imposed upon themselves by referendum a State sales tax for conservation. That has enabled Missouri to spend as much as California on fish and wildlife. This year that total will be \$140 million.

Our State conservation tax has enabled Missouri to spend twice as much as Florida, 11 times more than Massachusetts, 11 times more than Vermont, 9 times more than Nevada, and 3 times more than Illinois.

According to the latest data from the Wildlife Conservation Fund of America, Missouri spends roughly 50 percent more on fish and wildlife than the Dakotas and Montana combined. Missouri spends 5 times more than South Dakota on fish and wildlife, and 10 times more than North Dakota.

Almost all States raise money from hunting and fishing licenses and all States get Federal money. If you go beyond those sources, the difference between what Missouri citizens have set aside for fish and wildlife compared to our upstream neighbors, the numbers are staggering. In the latest years, the figures available to me, Missouri dedicated 60 times more from State taxes in the general fund than South Dakota, for example.

I will not say anything beyond this except that Missouri citizens are doing their part, and certainly we encourage other States to follow the constructive example that Missouri has set.

What have we done? What have we done for wildlife habitat? What have we done to conserve species, to preserve and help restore endangered species? Our Department of Conservation has acquired 72 properties in the Missouri River flood plain totaling almost 45,000 acres. Senator HARKIN of Iowa and I and others have requested funding for a number of ongoing habitat projects, and while two are funded in this bill, one was not funded.

We have authorized and we have begun funding for a 60,000-acre flood plain refuge between St. Louis and Kansas City. We authorize an addition of 100,000 acres of land acquisition in the lower basin to restore habitat, with almost 13,700 acres already acquired.

I have been pleased to work with American Rivers and Missouri farm groups to authorize habitat restoration on the river, to create sandbars, islands, and side channels. These are the natural structures that support and facilitate species such as the pallid sturgeon.

I regret to say this administration, as the last administration, requested no funds to start the project, and the subcommittee this year did no new starts, so a consensus approach is lying in state. We have financed over 21,740 acres of wetland easements from the Wetlands Reserve Program in Missouri. Missouri is very active with the Conservation Reserve Program, and farmers are signing up for filter strips along waterways to reduce runoff.

We are working in Missouri on an agroforestry flood plain initiative and have demonstrated tree systems that take out nearly three-quarters of the phosphorous and nitrogen so it does not reach the waterways while providing excellent bird habitat.

According to our Department of Natural Resources, river engineering efforts on the Mississippi River have paid big dividends for endangered species. For example, at river mile 84 on the Upper Mississippi River, the Corps has created hard points in the river to separate a sandbar from the bank to create a nesting island for the federally endangered least tern. In addition, larval sturgeon have been collected in the resultant side channel.

Four islands around mile 100 on the Upper Mississippi were created by modifying existing navigational structures without interfering with water transport. Islands have flourished even through the flood of 1993.

At river mile 40 on the Upper Mississippi, the Corps has established critical off-channel connectivity essential as overwintering and rearing habitat for many Mississippi River fishes.

We know there are better approaches that do not hurt people, and that is where the focus has been in Missouri, and that is where the focus should be in Washington. The sooner we table the plan that is risky, untested, and dangerous, the sooner we can get to the plans that are tested and broadly supported.

Our bipartisan amendment is supported by members across the country: the National Waterways Alliance, National Corn Growers Association, American Soybean Association, American Farm Bureau Federation, National Association of Wheat Growers, National Council of Farmer Cooperatives, Agricultural Retailers Association, National Grain and Feed Association, and others.

The Fish and Wildlife Service plan has been opposed strongly by the Southern Governors Association which issued another resolution opposing it early this year. The Fish and Wildlife plan is opposed strongly by our current Governor, Governor Holden, and his Department of Natural Resources which is just as knowledgeable and just as committed to the protection of the river they live on as the Federal field representatives who live in other regions and States.

I say to all the Senators on the Mississippi River that objections were raised to the Fish and Wildlife Service plan in a recent letter to the President signed by nine Mississippi River Governors. These Governors include Governor Patton from Kentucky, Governor Sundquist from Tennessee, Governor Foster from Louisiana, Governor Musgrove from Mississippi, Governor Ryan from Illinois, Governor Huckabee from Arkansas, Governor McCallum from Wisconsin, and Governor Holden from Missouri.

This plan is opposed on a bipartisan basis by elected officials, by our late Governor Carnahan, by mayors, farmers, and the people all along the Missouri River.

Our amendment seeks to add some balance in the decisionmaking process and attempts to permit the administration to do what is right to find ways to address species recovery that do not harm people, that do not harm property, that do not interfere with the other legitimate multiple uses of the Missouri River.

I strongly urge my colleagues to adopt this bipartisan amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the Senator from Missouri. He clearly feels as passionate about this issue as I do, and he, like I, has tried to find common ground. I have no objection to the amendment that Senator BOND is proposing this afternoon.

What he is saying through this amendment is that in addition to the proposal made by Fish and Wildlife, there ought to be consideration of other issues, other opportunities to address the problem. I have said that from the beginning.

I will support this amendment, and I urge my colleagues to support it as well. I also urge my colleagues to endorse this position as the bill proceeds through conference. This is a position that I think will clearly show unanimity on both sides of the aisle and,

as a result, I hope we can maintain this position rather than the very negative approach adopted by the House.

I am hopeful as we go into conference that Senator BOND will support the position that he and I now have adopted as a Senate position.

While I am in agreement on the amendment, we are in vast disagreement about the issue. I feel compelled to address some of the questions raised by the distinguished Senator from Missouri.

First of all, it is important to remember, most importantly perhaps, it is important to remember that this goes beyond just the pallid sturgeon. Obviously, the pallid sturgeon is an endangered species, and we can argue all afternoon about the relevance of the pallid sturgeon to the master manual debate, but in my view, this is about more than an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

This is not about an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

The distinguished Senator mentioned the organization American Rivers. The American Rivers organization has now listed for the second year in a row the Missouri River as the most endangered river in America. It doesn't get any worse than that.

We talked about the Federal Government's commitments and regulatory approach. Citizens of South Dakota know a lot about commitments and regulatory approach. We were told if we gave up hundreds of thousands of acres of land to build four dams to help downstream States, we would benefit. We would have irrigation projects, and we would have water projects, and we would have an array of special consideration given the new jeopardy within which we find ourselves as a result of the dams' construction.

The first things to go, of course, were all the irrigation projects. We don't have any in South Dakota. That is done. The second thing to go, of course, was the quality of life for people who lived along the river. We had to move communities. That is done. We have moved them. Unfortunately, because the master manual is now so out of date, we are drowning communities all along the river as we speak.

The Senator from Missouri talks about his concern for spring rise and floods. We are getting that every year. We have already authorized the construction of new homes for 200 homeowners in Pierre, SD. We will have to commit \$35 million to move homeowners because we flooded them out because the master manual isn't working.

So don't talk to us about spring rise. Don't talk to us about flooding. Don't talk to us about sacrifice. We know

sacrifice. We know the problem because we are living in it every single day.

Yes, this is about pallid sturgeons. But this is about a lot of South Dakotans who are living on the river who were told they were safe, who were told they had been given commitments, who were told they would get irrigation projects, who were told they would get all kinds of benefits which we have not seen.

This is about an endangered river. It is about a master manual written 50 years ago when times were a lot different. It is about a recognition that every once in a while, perhaps at least every two generations, we ought to look at a master manual and whether it is working or not and come to a conclusion about rewriting it so people are not flooded out.

This has been an effort 10 years in the making. In spite of all the assertions made by the Fish and Wildlife and the Corps of Engineers and others that the spring rise proposal provides 99 percent of the flood control we have today, that is not good enough for some of our people. In spite of the fact they tell us in any single year there would be high water, there would be no spring rise, we would not authorize it, that is not good enough for some people.

The distinguished Senator from Missouri mentioned a hero of mine, Steve Ambrose. I don't know of anybody who knows more about that river than he does. He has walked virtually every mile of it. He knows it backwards and forwards. He knows its history, he knows its splendor. He knows the river like no one knows the river. He has been very complimentary about the efforts made to protect it now. I will not speak for him, but I will say this. Were he here, I think he would express the same concern about how endangered this river is, as I just have.

Steve Ambrose is not the only one. The Senator from Missouri was talking about all the indignation, talking about all those who came out in opposition, and he mentioned quite a list of people. I could go on, too, with lists of organizations, lists of Governors on a bipartisan basis. I think perhaps the most important is the letter we received on May 21 from the Missouri River Natural Resources Committee. The Missouri River Natural Resources Committee is made up of people up and down the river, but especially people in the lower regions of the river. Here is what the Missouri River Natural Resources Committee has to say. I will read one sentence, and I ask unanimous consent the letter be printed in the RECORD at the end of my remarks.

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

(See Exhibit No. 1.)

Mr. DASCHLE. "The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified."

There you have it, perhaps the most authoritative organization on river management dealing with the Missouri River. This sentence is underlined: "This plan is biologically sound and scientifically justified."

I feel this as passionately as the distinguished Senator from Missouri. What happens when two people who feel as passionately as we both do, with polar opposite positions, come to the floor on a bill of this import, on an issue of this import? What I did early in the year—and I thank my very professional staff, Peter Hanson, and others, and my colleague, Senator JOHNSON, for his admirable work on the committee in working with us, and perhaps most importantly, my chairman on this subcommittee, HARRY REID. I thank them all for their extraordinary efforts to work with us to try to find some common ground.

Basically, what is in the bill is simply an amendment that says: Look, let's continue to look at this; let's see if we can find the common ground, with the depth of feeling we recognize on both sides. Let's not do any damage, but let's keep working.

That is what is in the bill. Let's not make any conclusions, let's not insert that somehow the States have to comply prematurely. We already have invested 10 years. What is another year? Let's keep working.

That is what is in the bill.

What the Senator from Missouri is saying is let's also ensure that there are other options that we look at. I have no objection to that. That is why I support this amendment. If we pass this legislation, we will look at other options, we will not take any specific action right now, but we will not deny, as the House did, the right to continue to move forward. I hope we can all agree this is a legitimate, balanced approach.

I also hope people recognize this: If we don't solve it, the Fish and Wildlife and the Corps don't solve us, there is only one other recourse: The courts of the United States will solve this. This will be tied up in the courts, and we will see litigation for a long time to come, and it will be North v. South in a new context. I don't want to see that.

I want to see a resolution to this problem. I want to see some understanding of the science that has gone into the solution to this problem. I want to see a recognition that there is pain on both sides of this problem. I want to see us not continuing to kick the ball down the field but coming to grips with it, finishing it, and moving on.

This master manual is now older than I am. The river has changed a lot, as I have, over the last 50 years. I think it is time to update it. Probably time to update, me, too. This river is a lot more important than I am. This river provides a lot more livelihood to people in South Dakota than I do. This river is dying, and we need to save it.

EXHIBIT No. 1

MISSOURI RIVER  
NATURAL RESOURCES COMMITTEE,  
*Missouri Valley, IA, May 21, 2001.*

Secretary GALE NORTON,  
*Department of the Interior,  
Washington, DC.*

DEAR Ms. NORTON: I am writing to express the position of the Missouri River Natural Resources Committee (MRNRC) concerning the biological and scientific merits of the November 30, 2000, final Biological Opinion of the U.S. Fish and Wildlife Service on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas Reservoir System. By way of introduction, the MRNRC is an organization of appointed, professional biologists representing the seven main stem Missouri River Basin state fish and wildlife management agencies. Our agencies have statutory responsibilities for management and stewardship of river fish and wildlife resources held in trust for the public. We were established in 1987 to promote and facilitate the conservation and enhancement of river fish and wildlife recognizing that river management must encompass the system as a whole and cannot focus only on the interests of one state or agency. Besides an Executive Board of state representatives, we also have three technical sections—Fish Technical Section, Tern and Plover Section, and Wildlife Section—consisting of river field biologists and managers which advise the Board on river science, management, and technical matters.

The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified. Implementation of these recommendations will not only benefit the federally-listed pallid sturgeon, interior least tern and piping plover, but also many other river and reservoir fish and wildlife for which our agencies have responsibility and jurisdiction, including river fish species which have declined in many river reaches since development of the system. A sustainable river ecosystem requires restoring as much as possible those hydrological functions and river and floodplain habitat features under which native river fish and wildlife evolved. The scientific community is increasingly recommending restoration of natural flow patterns or some semblance of them to conserve native river biota and river ecosystem integrity (Richter et al., 1998; Galat et al., 1998). The Opinion takes the first, adaptive management step toward accomplishing this task while recognizing that the river has been drastically modified and must continue to meet other human needs for power generation, water supply, recreation, flood control, and commercial navigation.

The Opinion contains most of the operating and habitat rehabilitation objectives contained in an alternative submitted by the MRNRC in August, 1999, for the Corps of Engineers' Missouri River Master Manual Environmental Impact Statement Review and Study and in a white paper we developed in 1997 (Restoration of Missouri River Ecosystem Functions and Habitats). These objectives include higher spawning flow releases from Fort Peck and Gavins Point Dams in the spring, warmer water releases from Fort Peck Dam through the spring and summer, lower flows below Gavins Point Dam in the summer, unbalancing of reservoir storage (annual rotation of high, stable, and lower reservoir storage levels among the big three reservoirs), restoration of shallow water aquatic habitat in the channelized river reaches, and restoration of emergent sandbar habitat in least tern and piping

plover nesting areas, all of which have been advocated for many years by the MRNRC.

The MRNRC also commented on and supported the draft Biological Opinion. A copy of that letter is enclosed. The final Opinion is responsive to our comments on the draft. We are especially pleased to see the commitment to include our agencies in the Agency Coordination Team process for fine-tuning and implementing management actions identified in the Opinion. I am also enclosing a copy of the 1997 white paper and a brochure which explains the function of the MRNRC. I hope this letter and accompanying materials clarify the views of professional biologists responsible for Missouri River fish and wildlife. Please do not hesitate to contact me (712-336-1714) if we can be of further help in this regard.

Sincerely,

THOMAS GENGERKE,  
MRNRC Chair,  
Iowa Department of Natural Resources.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Missouri will yield for a brief statement.

While the leader is here, I want to say this is legislation that is best. The provision in the bill could have been a benchmark for a lot of confusion and derision, but the staffs involved, because of all the concern for the river, sat down and did something constructive. I, personally, as well as Senator DOMENICI, appreciate this very much. This avoids a contentious fight. Because of the good heads of the staff and the wisdom of the Senators involved, we have resolved a very contentious issue. Senator DOMENICI and I are very thankful.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I thank my colleague for that eloquent and enthusiastic support for a solution to the problem we have worked on for so many years. I love the opportunity to work with him in being able to find that solution.

Today, I want to speak about an issue that is important to the people of Missouri. As you see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and the fall of these rivers has a tremendous effect on Missouri, on its agriculture and recreation and environment and economy.

The U.S. Fish and Wildlife Service has proposed to shift the flow of the Missouri River so that more water passes through our State in the spring and less in the summer. It is called the spring rise. If this proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding and the shutdown of the barge industry on the Missouri.

The energy and water appropriations bill being considered by the Senate contains language that would prohibit the Army Corps of Engineers from expediting the schedule to finalize revisions to the master manual that governs waterflow on the Missouri River. In effect, this provision would ensure that the decision regarding the flow of the river would not be made until 2003.

While I welcome that language as a temporary stopgap for Missouri, it is not enough to protect Missourians or other downstream States, for without additional action by Congress, it is virtually certain that the Corps of Engineers will adopt the Fish and Wildlife Service's recommendation for spring rise. That is a condition that will do great harm to Missouri and other users of the Missouri and Mississippi Rivers.

The Bond-Carnahan amendment strengthens the bill to provide greater protections for Missourians. It would allow the Corps to propose alternatives to assist the recovery of endangered species, but it would not preclude the Corps from adopting the Fish and Wildlife Service's proposal for spring rise.

Just 8 years ago, Missourians faced one of the worst floods in their history. The water crested almost 50 feet over the normal level. Entire neighborhoods were washed away and damage estimates ran into the billions. This year, we saw communities up and down the river battling against floodwaters once again.

I cannot believe that a government agency would contemplate an action that would put Missourians and residents of other downstream States at risk of even more flooding.

The proposal is to release huge amounts of water from Gavins Point, SD, in the spring when the risk of flooding is already high. It takes 10 to 11 days for water from Gavins Point to reach St. Louis. What would happen if we received an unexpected heavy rainfall after the water had been released from Gavins Point? The answer is simple. Missourians would face a severe flood. Even the Corps admits that would be the case. That is an unacceptable risk.

The change would also damage the region's economy. The barge industry contributes as much as \$200 million to our economy and would be severely hurt by the low river levels that would occur in the summer. The economic benefits to upstream users, approximately \$65 to \$85 million, pales in comparison.

We must also factor in the value of barge traffic on the Mississippi River. The proposed low summer flow would bring barge traffic to a near halt for at least 2 months during the summer at that area known as the bottleneck region of the Mississippi River. This is the portion of the river that stretches just south of the confluence of the Missouri and Mississippi Rivers, to Cairo, IL. The bottleneck needs the higher Missouri River flow to sustain barge traffic.

The disruption caused by this proposal would jeopardize 100 million tons of Mississippi River barge traffic which generates \$12 to \$15 billion in annual revenue.

Finally, there is no reason to believe that the Fish and Wildlife Service proposal will do anything to help endangered species. The Service claims that its recommended plan will benefit the

pallid sturgeon below Gavins Point, but it provides no supporting evidence that any of the claimed benefits will be realized. In fact, the Service admits, in its own Biological Opinion, that enormous gaps exist in our knowledge of the needs of the pallid sturgeon. Furthermore, the Biological Opinion notes that commercial harvesting of sturgeon is allowed in five States.

If that is the case, I would think it would be more appropriate for the Service to halt the commercial harvesting, rather than risk severe flood and shut down barge traffic, all for unproven benefits to the sturgeon.

I am also not convinced that the Fish and Wildlife Service plan will accomplish the goal of helping two bird species: the interior least tern and the piping plover. In fact, many experts believe that the higher reservoir levels upstream resulting from the Service's proposal could actually harm these birds and their habitat at a critical point in the year. Fluctuations in the river level could also greatly disrupt nesting burdens below Gavins Dam. The Service's Biological Opinion fails to address the consequences of these unnatural changes.

There are better ways to ensure the continued healthy existence of these species. After the pallid sturgeon was added to the Federal endangered species list in 1990, the U.S. Fish and Wildlife Service formed the pallid sturgeon recovery team to rebuild the fish's dwindling numbers. The Missouri Department of Conservation joined this effort by working with commercial fishermen to obtain several wild sturgeon from the lower part of the Mississippi River. In 1992, the Department successfully spawned female pallid sturgeons, which has since led to the production of thousands of 10- to 12-inch sturgeon for stocking. The pallid sturgeon had never been spawned in captivity, but the Department developed certain techniques to do so. The fish were then released into the rivers.

Before the release, the Missouri Department of Conservation tagged them for tracking purposes. They have since been amazed at the number of reported sightings of the tagged fish, which has surpassed anything they anticipated.

If we are dedicated to preserving these species, we can do so through efforts such as those carried out in Missouri.

In recent years, this has become a partisan issue. It should not be. Some say it is an environmental issue. It is not. The environmental benefits of a spring rise are totally unproven.

Some say it is an economic issue. It is not. On balance, it would harm our economy. This is an issue of fairness. It is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction.

Our amendment, the Bond-Carnahan amendment, will ensure fairness for everyone who shares these rivers. I urge its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend and applaud the work of Senator CARNAHAN and Senator BOND on crafting this amendment. We have been at a gridlock state on the master manual development now for many years. Senator CARNAHAN's work to try to break that gridlock ought to be applauded.

Last year, as many recall, this bill wound up being vetoed by President Clinton over this very issue. For years it has been an all-or-nothing struggle between upstream and downstream States over the management of the Missouri River. I think we may be moving ahead more constructively now, thanks to a more thoughtful approach being taken in this body.

The Missouri River is of utterly profound consequences to my home State of South Dakota. It divides the State in two, an East River and West River, as we say in South Dakota. It is central to the economy of the State. It is the corridor by which settlers came to Dakota territory. This Senator grew up on the Missouri River. My hometown is a college town situated on a bluff overlooking the Missouri River. Its welfare is of great concern to my State. It is of great concern to me personally.

My colleague, Senator DASCHLE, noted that the Missouri River has been referred to as "America's most endangered river." I appreciate that could be the criteria you might happen to choose to apply, but, nonetheless, the Missouri River has gone through a great many changes from its pristine early days—largely impounded at least in the upper stretches of the river behind huge earthen dams, channelized in other stretches, and barge traffic.

In my home community of Vermilion, it remains as about as close to what Lewis and Clark saw as any stretch that remains. But that is only for a stretch of some 60 or 70 miles.

This river remains of enormous consequence. The management of the river has always been a matter of great import. For 40 or 50 years now, the existing master manual—the rules for the management of the river that guides the Corps of Engineers—has been in place. When the Pick-Sloan plan was implemented and these larger earthen dams were constructed, they were constructed with multiple purposes—flood control for South Dakota and for our downstream neighbors as well; energy production; and they remain a great source of hydroelectricity for our State and throughout the region; recreation certainly; barge traffic; and drinking and irrigation purposes.

The thought at the time was that these huge bodies of water would be used for massive irrigation development through the Dakotas, and that there would then, in turn, be a need for reliable barge traffic to haul this amount of grain from the heartland and the Dakotas downstream. For

many reasons, irrigation never happened—at least not on a large scale. We have moved on from the irrigation that was envisioned.

The Missouri River is used as a significant source of drinking water. In the meantime, recreation, fish, and wildlife purposes have become paramount on the Missouri River. Although it is a far, far small industry than it was originally thought, it is of no one's interest to unnecessarily drive the barge industry out of existence. It still plays an important role in a much smaller way than was originally thought. But, nonetheless, it plays an important role, and to the degree that we can preserve it, that is well and good. But I think there is a very strong consensus that the vision for the Missouri Valley that existed at the time of the Pick-Sloan plan was envisioned and then implemented is much changed.

This master manual no longer serves the interest and no longer reflects the contemporary economic realities of the Missouri River—certainly in the upstream reaches of the river but downstream as well.

It is the responsibility of the Corps of Engineers to proceed with the study, public input, and with the science that goes into at long last a revamping of the master manual. Up until now, we have been caught up in the question of should we revise the manual or should we not revise the manual.

Now, at least in this body, there is an agreement that, yes, the manual should and needs to be revised. It should be done in a careful manner. I am pleased that we have gotten over that hurdle. That hurdle still remains in the other body, the House of Representatives, but I think as the Senate approaches this issue in a more thoughtful and wiser fashion, it is important for the Corps to take the best biological science available from the Fish and Wildlife Service.

It is also important for the Corps to listen to those who have concerns about flooding. It is important for the Corps to listen to those concerned about energy production. Our rural electrics, and public power in particular, have a great concern about levels of energy production from these hydrodams. This year more than most, we have had a lesser amount of water-flow from the head waters of the Missouri than in past years. In fact, our water levels are down this year in any event regardless of the master manual. That remains of concern.

We have endangered species. We have a great recreation and wildlife industry on the Missouri River. Much of it has been at risk because of the unreliability of the waterflows on the river and the lack of consideration given to this huge industry, the recreation and wildlife industry. In fact, every dollar's worth far exceeds that of the barge industry that has been there for so long.

We have concerns about erosion. We have concerns about the supply of

drinking water on the Missouri River. We have concerns about the health of the Missouri River itself. Steps need to be taken to restore this river to the grand status that it once had.

I am pleased we are taking this step today. This does not mean that Fish and Wildlife's views will be ignored, or that the ultimate plan developed by the Corps of Engineers will be contrary to what the Fish and Wildlife Service wishes. But it does suggest that there are other perspectives that ought to be considered as well, and that the Corps will proceed, that they will move forward finally, at last, with the revision of the master manual—one that I hope will more fully reflect the contemporary economic and environmental realities of the Missouri River.

It is my hope again that as we proceed on with this bill—again, my commendation to Senator REID, our friend from Nevada, and Senator DOMENICI, our friend from New Mexico, who have done such great work on this bill as a whole—we will proceed with an excellent piece of legislation, so that when we reach a conference circumstance with the other body, the views of the Senate on this critical issue will, in fact, prevail.

I yield the floor.

Mr. HARKIN. Mr. President, the Missouri River is a tremendous resource for the Midwest. It is used for recreation and for transportation. It supplies water for drinking, for irrigation, to cool power plants, and it can, at times provide far too much water resulting in flooding, hurting many farmers and sometimes communities as a whole.

It is also the home for a wide variety of wildlife, providing excellent hunting and fishing opportunities. It has many beautiful views to be enjoyed by all. And it is the habitat for a number of species that, unfortunately, appear to be in very serious difficulty, endangered.

I believe we have a responsibility to protect endangered and threatened species, and I take that responsibility very seriously. And, I take the needs of my constituents to minimize flooding, to maximize the benefits of barge traffic and to use the areas along the river for good hunting and fishing very seriously as well.

The Corps of Engineers which manages the large dams on the river is charged with a number of legislative purposes such as navigation, flood control, recreation and environmental remediation and enhancement. And, many of those responsibilities are in regular conflict. Doing more to promote one priority can and regularly does hurt another priority. Few Members are happy with the Corps in this balancing effort. I understand lots of Corps officials are not happy with the Corps either at times.

Under the Endangered Species Act, passed in the early 1970s just before I became a member of Congress, we said that saving endangered species was a

top priority. And, I strongly support that goal. It is often a difficult task. We so often know so little and, at times, can be so very wrong. But we should work in a determined manner to help species that are endangered.

In this case, the Fish and Wildlife Service has issued a biological opinion of what they think is the best course of action. Is it the best path to take? Under the law, there is a process that the Corps is supposed to follow in making the determination of what they will do to move forward towards saving the endangered species. It is a long process. But, as the language already in the bill notes, under its timetable, the Corps is more than a year away from coming to a final "record of decision" and then more months away from that decision's implementation.

I believe that the Corps needs to very carefully consider the input it gets during that time. Many, including the state governments, learned professors, organizations representing many sides, have a great deal of resources and expertise. I feel that the comment period is not supposed to be for show, or to allow people to vent. I believe that it should be an opportunity for people to not only forcefully note their interest, but for those with the capability to propose creative solutions, solutions that can both do more to help the endangered species and more to maintain the historic priorities of the Corps.

Do I know what that solution is? No. Is there such a solution? I don't know.

I did propose increasing funding in this measure to increase sandbars of benefit to birds and towards slow moving water which I am told will help the endangered fish. And, the committee placed a portion of that funding in the bill. But, I am certainly not sure that it will be effective. A Senator is constantly listening to experts who may or may not be correct.

I believe the Corps is responsible for truly sifting through all of the ideas and taking the best and melding them, to do what it can to find the best path. Some say the Fish and Wildlife Service has already spoken—period. This is only correct to a point. Yes, they have spoken, but that does not mean that they can't learn about new options and become aware of more information that can, with an open mind, lead to different alternatives.

Last year, I opposed Senator BOND's amendment because it simply precluded under all circumstances one type of action from being used that might help endangered species. I understand his strong concerns about a spring rise that his proposal of last year was designed to prevent under all circumstances. I certainly have considerable doubts about the logic of the Fish and Wildlife Service's proposed spring rise. But, frankly, I believe that the best path is not to legislatively say: No, this option shall be excluded. The best path is for knowledgeable parties to propose better alternatives to be considered on their merits.

Frankly, I also was told that last year's amendment would have quickly resulted in a strong lawsuit, with a likely judgement that the restrictions on the Corps to implement a spring rise would violate the Endangered Species Act. My fear was that a Federal judge, instead of the Corps would have replaced the Corp of Engineers.

Today's amendment is a balanced one. Under the already existing language of the bill, clearly, the process is not going to come to a final judgement in the coming year. The amendment adds to that reality, saying to the Corps: look at the need of the endangered species, look at the many purposes of the river. Listen to those who come to testify and to provide meritorious input. And, put together some options.

Ideally, the Corps will do just that. And, a year from now, hopefully, something will be presented that provides for the protection of the endangered species and the many benefits that are derived from its flowing waters.

Mr. President, I am pleased that I was able to help develop this language which has genuine balance.

Mr. BAUCUS. Mr. President, last year, Mr. DASCHLE and I fought hard against efforts to halt the progress of the new Missouri River Master Manual. As my distinguished colleague from South Dakota pointed out both last year and this year, the Missouri River is a river in jeopardy and the manual is long overdue for a revision.

We need a more balanced management of this river system, a balance that will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana. Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge, all to send water downstream to support the barge industry. Recreation is vital to the eastern Montana economy and to economies of other upper Missouri states. It's time the Army Corps' management practices reflected that reality.

This year, one of the worst water years in my State's history, the problems started back in March and April. The Corps told me their hands were tied by the old manual as to how much they could protect lake levels at Ft. Peck and at other upstream Missouri reservoirs—in short, they had to keep letting water out even though lake levels were dropping fast.

Which is why I applaud Senator BOND's decision to search for compromise because we all want a solution to this problem. We all want to make sure the river is managed in the best way possible. Mr. BOND has come forward with an amendment that will allow the Corps flexibility to work towards that goal. Mr. REID and Mr. DOMENICI agreed to language in the Energy and Water bill that will make sure the Corps won't accelerate this process,

and that a decision on a new master manual won't be made until 2003. The Corps now has breathing room to do what's right for the Missouri River, for upstream and downstream interests and for fish and wildlife. After more than 50 years, it's about time.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support the Bond-Carranhan-Grassley amendment to the energy and water appropriations bill. This amendment will allow the Secretary of the Army to propose alternatives to the decision mandated by the last administration which will unquestionably increase flood risk and limit barge travel on the lower Missouri and Mississippi Rivers.

If we do not correct the ill-informed position that was shoved down our throats last year by the previous administration, landowners in Iowa along the Missouri River will face the threat of increased flooding. Thanks to a few of my colleagues that have obviously never been over to Freemont, Mills, Pottawattamie, Harrison, or Monona counties in Iowa, just to name a few, we have let an issue that was decided for political gain put lives and livelihoods at risk.

This is not a new issue. Provisions to limit significant changes in flow had been placed in five previous appropriations bills by my distinguished colleague from Missouri, Senator BOND. Each of these bills had been signed into law by the last administration, except for the legislation last year. Last year a few members let special interest groups drive the agenda and place my constituents in harm's way. It was not acceptable then and it is not acceptable now.

Senator BOND's amendment will allow the U.S. Army Corps of Engineers to propose alternatives to achieve species recovery other than those specifically prescribed by the U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. Majority Leader DASCHLE championed the Fish and Wildlife Service's position last year which will eventually result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

Last year our opposition described their position as a "slight revision" to increase spring flows, known as "spring rise" once every three years. They emphasized, "not every year, but once every three". When they emphasized that point I guess I'm wondering whether that somehow makes it better or excusable to risk the lives and the livelihood of Iowans and other Americans living on the Missouri once out of every three years instead of every year.

This issue is exactly what is wrong with our representative government. How many times have we heard about special interests having too much influence and the decisions that are being made not representing the majority. Well here is my casebook example.

How many Americans would view increasing the flow of the river to scour sandbars more important than protecting life and livelihood. There might be a few, and I realize as hard as this is to believe, there were 45 in the Senate last year. But if we could let the American people vote, I bet they would feel protecting Americans is more important than scouring sandbars.

The opposition's approach is a terribly risky scheme. Keep in mind that it takes 8 days for water to travel from Gavins Point to the mouth of the Missouri. Unanticipated downstream storms can make a "controlled release" a deadly flood inflicting a widespread destruction. There are many small communities along the Missouri River in Iowa. Why should they face increased risk for flooding and its devastation? They should not.

Equally unacceptable is the low-flow summer release schedule. A so-called split navigation season would be catastrophic to the transportation of Iowa grain. In effect, the Missouri River will be shut-down to barge traffic during a good portion of the summer. It will also have a disastrous effect on the transportation of steel to Iowa steel mills, construction materials and farm inputs such as fertilizer along the Missouri.

Opponents of common sense argue that a spring flood is necessary for species protection under the Endangered Species Act, and that grain and other goods can be transported to market by railroad. I do not accept that argument.

I believe that there is significant difference of opinion whether or not a spring flood will benefit pallid sturgeon, the interior least tern, or the piping plover. In fact, the Corps has demonstrated that it can successfully create nesting habitat for the birds through mechanical means so there would be little need to scour the sandbars. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for sturgeon.

This is why it is important to allow the Secretary to propose alternatives to achieve the same goals without the same deadly, ruinous side effects.

One thing I do know for sure is that loss of barge traffic would deliver the western part of America's grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results to on farm income.

Every farmer in Iowa knows that the balance in grain transportation is competition between barges and railroads. This competition keeps both means of transportation honest. This competition keeps transportation prices down and helps to give the Iowa farmer a better financial return on the sale of his grain. This competition helps to make the grain transportation system in America the most efficient and cost effective in the world. It is crucial in

keeping American grain competitively priced in the world market. The Corps itself has estimated that barge competition reduces rail rates along the Missouri by \$75-\$200 million annually.

If a drought hits during the split navigation season, there will be even less water flowing along the Missouri unless we make this necessary change. Low flow will also significantly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer will also affect hydroelectric rates. Decreased flow means less power generation and higher electric rates for Iowans who depend upon this power source. This is not the time to be increasing the price of energy. In my opinion, the last administration already accomplished increasing energy costs to the breaking point for consumers, now it is time to start bringing those rates down.

The cornrowers summed it up best last year when they stated, "an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin. Unfortunately, the past administration felt sandbars were more important than citizens. Let's fix this. I urge my colleagues to support the Bond-Carnahan-Grassley amendment. Vote for common sense.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank you. I will be very brief.

I remind the Senate how important this Missouri River issue is and was. First of all, I am very grateful to hear that it is going to get resolved, which I understand to be the case. I haven't seen the language yet, but obviously there are very good Senators who have a more genuine interest than this Senator. So it will be right.

But last year, believe it or not, this entire bill that we are talking about was put at risk because Senator BOND sought to protect the river. An amendment passed, which I supported, that made the entire energy and water bill subject to that amendment with reference to not moving ahead too fast with the new ideas. It had a veto threat with it.

Believe it or not, since 1979, I think is the case, energy and water types of appropriations bills had never been vetoed. So we put at risk all the things that are needed in this bill and said we would take it. If the President vetoes it, we will find a way to pass the bill one way or another.

The reason I state that is because, obviously, the issue is a very important one. It brought down this entire energy and water appropriations bill.

Incidentally, we found a way to fix it. It became an issue. I am hopeful that today it remains an issue, and that, with this amendment which has been spoken to and about by those who are Missouri River affected, we will end up with something that is really an achievement.

Last year, I wondered—it is a very important bill—whether it was worth putting the entire bill at risk of a veto. My good friend, Senator BOND, who is now joined by others—and I compliment them all—told me: It is a worthwhile thing to do, Senator. I don't like putting your entire bill at risk—the one I happened to have managed then; the one I am ranking member of now—but I willingly did it, and I think that had ultimately a bit to do with resolving this issue in a better way. Because the Senate did find out it was a very serious issue and that they would put it at risk, with a veto pen, with reference to the issues between the river people and the professional Federal bureaucracies and the environmentalists. Hopefully, it has been worked out in an amendment that will be agreed to today.

I compliment everybody who has worked on it. I can see the fine hand of the majority leader. I can see other Senators from the other side of the aisle who got together to do it. I must, with all respect, compliment Senator KIT BOND for not giving up and for his tenaciousness last year in seeing to it that we, as a Senate, understood that some of our Government people were busy about changing things and that we ought to get ourselves involved.

Normally, we would not like to get involved, but we did. Today, perhaps, within an hour or so, we will end this issue with a compromise, which will mean we will not have anyone objecting, and everyone—whether they are so-called river people or environmental people or commerce interests—will all agree that their Senators have done a yeoman's job.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, while I understand the reason the amendment was put in the energy and water bill, and understand the reason that there has been discussion about a modification of it that the majority leader says he will accept, nonetheless, let me say that I would prefer that we not have this issue in this bill, that the revision of the master manual on the management of the Missouri River has been going on a long, long time—far too long.

For 12 years the Corps of Engineers has been wrestling with this issue of how to revise the master manual to manage the Missouri River. For 12 years it has been ongoing. The root of all of these amendments has been to try to continue to stall.

Let me describe why this is an important issue from the perspective of those of us who live in the upstream States. We have a flood in the state of North Dakota—a flood that came and stayed a manmade, permanent flood. It is the size of the State of Rhode Island. It visited North Dakota in the 1950s.

Why did that happen? Because this Missouri River—this wonderful 2,500

miles of wild and interesting river—was causing a lot of problems for a lot of people in some springs. On some occasions during the springtime, those downstream reaches of the Missouri River would have an awful flood. You could not play softball in the parks of St. Louis in the spring because the Missouri River had gone over its banks and caused substantial flooding. It was true, for a substantial portion of the Missouri River. And for flood control, and other reasons, it was decided that there ought to be a plan to see if they could harness, somehow, this river called the Missouri River.

A man named Lewis Pick and a man named Glenn Sloan put together a plan, as you might guess, called the Pick-Sloan plan of the 1940s. As almost anyone who knows anything about the river understands, the Pick-Sloan plan was a mechanism by which they would harness the forces of the Missouri River and create six main stem dams. One of those dams was in North Dakota, at the time, the world's largest, earth-filled dam. It was dedicated by President Eisenhower. It flooded 500,000 acres of North Dakota land. It created a manmade, permanent flood the size of Rhode Island in the middle of our State.

One might ask the question, Why would North Dakotans, in the 1950s, say: All right, you can do that. You can come to our State and create a Rhode Island-sized flood? I will tell you the answer to that. The answer to that was, the Pick-Sloan plan was a plan that said: What we would like to do is provide some benefits for everyone. Downstream, we provide the benefits of flood control, the benefits of perhaps achieving more stable navigation opportunities. Upstream, you have the opportunity to have a substantial shoreline for the recreation, fishing, and tourism industries. And then, in addition, and more importantly, what we will do for you upstream is to take from this huge body of water the ability to move water around your State, something called Garrison Diversion. And by the way, you can use that water to irrigate 1 million acres in your State.

So those were the costs and the benefits. Our cost? Our cost was the one-half million acre flood that came and stayed forever.

Now we have the cost. Take a plane and fly over it, and you will find the cost. It is there. That big old body of water is there. So we have a permanent flood. As a result of that permanent flood, some of the folks downstream do not get flooded in the spring. And some of those wonderful cities downstream in the springtime, late in the day, when the shafts of sunlight come through the leaves or trees, they can gear up and play a good softball game because there is no flooding. Good for them. That is their benefit. They have the benefits. We have the flood. But we never got the rest of what was promised to us.

But in addition to all of that, the master manual by which the river is managed was created in a way that said to the Corps of Engineers, here are the things we want to do with this river. And then the Corps of Engineers went about managing to what they thought was written in the master manual. And they have always insisted, notwithstanding the fact that the Government Accounting Office, and others, that have studied this have said they are wrong, that the issues of recreation and fishing and tourism—the industries that have spawned upstream, the industries that have spawned in my State—are somehow of lesser consequence to barge traffic and flood control downstream.

So as a result of all of that, there has been discussion about the need to revise the master manual. In 1989, we began to have the Corps of Engineers work to revise the master manual.

No one in America has ever accused the Corps of Engineers of speeding, and I expect they never will. It is as slow and as bureaucratic an organization as there is. But 12 years to revise the master manual? Twelve years? I don't think so. That is not reasonable. Yet here we are today. We do not have a master manual revision. And we have propositions that need to be delayed further. There needs to be intervals that are artificially created.

Let me say this about the states that are involved. We have had a group called the Missouri River Basin Association—eight States, all of which harbor the Missouri River. All of these States are enriched by the presence of the Missouri River. These eight States together have tried to work on plans about how one would manage the Missouri River and what kind of a master manual plan one would develop.

Seven of the eight States have reached agreement. One has not. Seven of the eight States have reached an agreement, and one will not. Can anyone guess which State is outside of the seven? The only State among the eight States that said, no, we will not agree? That is right, the state of Missouri.

Compromise is important. Compromise is an art. But it is not just in this Senate Chamber. In the Missouri Basin Association, there is not the ability to compromise on the fundamental issue of how you rewrite the master manual with respect to the Missouri River.

I have talked a little about the Rhode Island-sized flood that came and stayed in my State. Let me talk for a moment about this river.

Lewis and Clark went up that river. In the years 1804, 1805, they took keelboats and went up that river. It is a fascinating story. My colleague from South Dakota mentioned just a bit of it, but the story is really quite remarkable. Captain Lewis, Mr. Clark, and one of the world's great expeditions—what a remarkable thing they did.

Thomas Jefferson actually, with an appropriation of \$2,000 that was not dis-

closed, enlisted Captain Lewis to begin this bold venture. He told them: When you get to St. Louis, charge what you need for your venture and sign a requisition to the Federal Government, and we will pay for it. He purchased keelboats. He purchased a whole series of things. In fact, in St. Louis, he purchased 110 gallons of whiskey. Think of what they would make of that today. Requisition that to the U.S. Government.

So he left St. Louis with this band of men, his keelboats, his 110 gallons of whiskey, and so many other things to enrich that trip, and they went up the Missouri River. According to their journals, they saw their first grizzly bear when they got to what is now Williston, ND. They even made notes in their journals about the mosquitoes they encountered. You can encounter some of those same mosquitoes or relatives of them.

They wintered near where the city of Washburn, ND, now exists, and spent the winter with the Mandan Indians. Here is what the description of that river was and is by Mr. Clark and others: "A tawny, restless, brawling flood," one observer scribbled about the Missouri River. "It makes farming as fascinating as gambling; you never know whether you are going to harvest corn or catfish." What an apt description of that wonderful river.

William Clark, who braved that wilderness, admired the lush swaths of oak, ash, and cottonwood on the Missouri's floodplain. He said: It is "one of the most butifull Plains I ever Saw, open and butifullly diversified." "No other river was ever so dead-set against being navigated," another Missouri watcher wrote.

This river is unique, remarkable, and wonderful in many ways. But the river has suffered. The people who make a living on that river and near that river have suffered as well. We have not done right by that river. We have created the six main stem dams, and a whole series of things have intervened in the way the river is managed. They have upset the ecosystem. They have caused a series of problems for plants and for animals and for mankind.

We can do better. That is the purpose of this issue of rewriting the master manual. It is said that rewriting the master manual will mean that less attention will be paid to downstream barge traffic. The downstream barge traffic is a minnow compared to the upstream tourism, recreation, and fishing industries, which are a whale. We are talking about less than \$10 million compared to nearly \$80 million in terms of impact. Yet the Corps of Engineers manages this river as if the downstream barge traffic is some colossus. It is not. It is a relatively small amount of economic activity that has been shrinking.

Upstream, the interest in recreation, tourism and fishing has been growing and growing. Yet the river is managed

as if it was yesterday in terms of economic circumstances and consequences. That is wrong.

I have heard the discussions today about the spring rise and split navigation, all the myths about that. The fact is, even with the spring rise, most of the navigation traffic would be unaffected, the downstream reaches. Even with the proposed change in the master manual, and managing this river the way it ought to be managed, 99 percent of the flood protection would be available to downstream States.

Some of us have exhausted our patience. We get all the cost and virtually none of the benefits upstream. Downstream gets all the benefits and almost none of the cost. Somehow they have said to us: By the way, we love having the Missouri River run through our cities, but we don't want the inconvenience of having spring floods. We don't want to interrupt the softball games in the middle of our cities. They build a flood up north and you have the flood forever. And by the way, when we are short of water, we want your water. And when we have too much, we want you to store it because we want you to be the reservoir that takes all of the cost all of the time.

Sometimes you almost think that what we really ought to do, if they don't appreciate the flood control downstream and they don't appreciate the benefits they have received, maybe we ought to just dump those dams out of there and let that water go where it will. Then see if maybe we do have a master manual that manages this river in a manner that is sensible. Maybe everyone will understand there is a "balance" between the interests of the downstream and the upstream States.

In most cases, one would be able to resolve this in a pretty thoughtful way. Frankly, the Missouri River Basin Association has some pretty good people from every State of the eight States involved who have worked pretty hard on this issue. Seven of the eight States have pretty much reached agreement on how to resolve it. One State has not. That is the State of Missouri.

One would hope that perhaps in that venue, and perhaps also here in the Senate, we might find reasonable compromise to understand that the balance between cost and benefits of downstream and upstream States is something that ought to be a true balance.

Again, this issue is critically important to us. Our future relates to economic development. Economic development relates to water opportunities. If you don't have water, you don't have development. It is that simple. We have the development around this flood that came and stayed forever in our State, the development of an aggressive, vibrant group of industries—fishing, tourism, recreation, that of the downstream navigation interests. Yet we are told with this archaic management of the river that somehow it really doesn't count for much. We are saying that is not right. So there ensues this revision of the master manual.

Then 12 years later, we are still standing here talking about whether or not the master manual ought to be completed. Of course, it ought to be completed. What on earth can we be thinking about. Twelve years is far too long. We ought to be ashamed of ourselves, the Corps and the Congress, that it takes more than a few years to revise a master manual. Maybe we will give it 5 years. How about 7? Maybe 10 years or 11. But you can't do it in 12? You need more time than that? What kind of thinking exists that says you need more time than 12 years to revise a master manual on how to run a river? I hope we don't have to fight a war some day if that is the thinking that exists. We ought to be able to do this in a sensible way.

I will not object to what has been offered here. The majority leader spoke on behalf of all of us that while he would prefer this issue get resolved, and that it is critically important to upstream States, I will not object to this amendment. But this issue should not even be here. This is not where this issue should be considered. This issue should have been behind us, not in front of us. I hope one of these days all of the States, all eight States and not just seven in the Missouri River Basin Association, will get together and help to resolve the balance in terms of how to deal with the intricate, simple, and complex issues dealing with the management of the Missouri River.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote in relation to the Bond amendment No. 1013 at 4:45 p.m. this day, with 4 minutes for closing debate prior to the vote, equally divided between Senators BOND and DASCHLE or their designees and that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I inquire, has the Bond amendment not been accepted or at least is this a controversial amendment?

Mr. REID. No, this is not. From everything we have heard from everybody we have heard it from, the answer is no. It is just felt it would be appropriate for some to have a vote.

Mr. DORGAN. So there is a requirement of a recorded vote on a non-controversial amendment.

Mr. REID. Yes.

Mr. DORGAN. I do not object.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I won't object, but I did maybe leave a misinterpretation a while ago when I spoke about being pleased that we had reached consensus after all of these difficult times, including last year. I may have left the impression that there was not going to be a vote required. That was not my prerogative. I should not

have said it. The Senator who is the prime sponsor has indicated he wants a vote. We will have one.

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

Mr. REID. Mr. President, the Senator is absolutely right. There has been such significant progress made. This vote is more of a celebration of the great progress made. I don't know of anyone who is going to object to this vote. There may be someone I don't know. I would say this is just a culmination of days and days of deliberations.

As I indicated earlier, there have been staffs working many hours on this matter. I think the vote is more kind of a note of accomplishment, and this will be an overwhelmingly positive vote.

Mr. DOMENICI. Mr. President, actually, I don't know what Senator BOND thinks it is, a celebration or whatever. What I understand is that I have been around here a while. There are a lot of reasons to seek a rollcall vote.

I have begun the practice of not trying to speculate as to why rollcalls are requested. In some situations, I would not ask for them and Senators insist on them. Other times, I wonder why they don't because it seems to be such a great issue. Senator Bond is entitled to his request.

I yield the floor and have no objection to the unanimous consent.

Mr. REID. 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. 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. Mr. President, we have now a half-hour before the vote, approximately. I hope that those who have amendments will come over and offer them. I have had conversations with a couple people, and they said they were thinking about offering them. I wish they would because we have a managers' package we have talked to a number of Senators about, and we have a number of issues on which we are working. We are not going to do that until we have some end in sight on this legislation. If there are issues, bring them over. What we will do at a subsequent time, if enough time has gone by and everybody has had an opportunity to offer amendments—and we believe there are amendments that are no longer vital to be offered if people aren't willing to offer them—then we will move to third reading.

I recognize that I can't do that without the concurrence of the Senator from New Mexico; I would not anyway. But that is something we can do when we have waited long enough with nothing happening.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. As I understand it, we entered into an agreement to vote on the Bond amendment at a time certain. I now speak to Senators on my side of the aisle. We have the list of the kinds of amendments people are thinking about. I hope that in the next 2 minutes a Senator who has an amendment that he really wants to have us vote on and consider for some extended period of time will advise either this Senator or Senator REID because we ought to go on to another amendment or two. The Bond amendment will have its vote, and it will be disposed of. We need to have something to do. I urge them to consider coming down to talk about the amendment they would like to offer.

I yield the floor.

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. DORGAN. 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. DORGAN. Mr. President, I know we are on the energy and water appropriations bill. I ask unanimous consent to speak for 10 minutes as in morning business with the proviso that if someone shows up and wishes to speak on the bill, I will be happy to relinquish the floor.

The Senator from New Mexico is here, and I know he is anxious for people to offer amendments. I say to him that if someone shows up and wishes to offer an amendment, I will relinquish the floor and finish my statement another time.

Mr. DOMENICI. I thank the Senator. There may well be someone in particular, Senator BOND. I do not want him to have to wait if he arrives in the next 10 minutes.

I yield the floor.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Could the Presiding Officer inform the body as to the unanimous consent agreement entered into with regard to the final comments on the Bond amendment?

The PRESIDING OFFICER. There will be 4 minutes evenly divided and proceeding to a vote at 4:45.

Mr. DASCHLE. Since it is now 4:40, I consulted with the distinguished Sen-

ator from Missouri, and with his permission I will use my 2 minutes and accommodate the Senator's desire to speak to the amendment prior to the time we have the vote.

Let me say what I said a few moments ago for purposes of emphasis. No. 1, I support this amendment. I think it, again, is a bona fide effort to reach common ground. I attempted to do that. Thanks to the distinguished chair and ranking member of the appropriations subcommittee, I felt we had done so in a reasonable way.

Senator BOND goes further and says the Corps of Engineers and the Fish and Wildlife Service ought to look at other options beside spring rise, and that is certainly appropriate. We have no objections.

My hope is that we can maintain this position in the final conference on the appropriations bill. I hope on a bipartisan basis, given the kind of strength this amendment will clearly demonstrate, that we can do that.

Let me just make three points about the issue. The first point is that American Rivers and other organizations have singled out the Missouri River as the single most endangered river in the country. This issue is not just about pallid sturgeons. It is not just about endangered species. It is about an endangered river. It is about a future for a river that is in great peril.

Second, this issue is about a master manual that is over four decades old, that needs to be revised to recognize how endangered this river really is. There has been an extraordinary effort made to find a way to recognize the need for change in the way the river has been managed. I believe they have done a good job. I believe when the Corps asserts they can control 99 percent of the flooding, as they do now, we ought to believe them. But I am prepared to go beyond that, to find additional ways to accommodate those downstream even though we are being flooded out each and every day. There are 200 homes in Pierre, SD, that are being flooded out. And the families who own these homes are now being moved. So we know about floods.

Finally, let me say if we do not resolve this issue, the courts will. This will be tied up in the courts for a long time to come. We are not going to be able to avoid this issue. This issue will be dealt with. It will be resolved. The question is, "Do we do it with Fish and Wildlife with the assistance and oversight of the Congress, or do we do it in the courts?"

I hope we can move on and recognize that in spite of our passionate, deeply held feelings, it is important for us to find common ground. This amendment, in my view, moves us closer to that goal. While we have different positions on the issue of how the master manual should be written, we certainly do not have different positions on the need to resolve this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my cosponsors and others for supporting this amendment, which will get us to a final resolution of this very important question.

In response to some of the comments that have been made, the record shows in 1952, in the authorization, the projection of tonnage was we could have up to 4 million tons on the river by 2010. The latest figures I have are we currently move agricultural products on the Missouri River equivalent to 45,000 transport trucks, fully loaded, at 80,000 pounds each. That is about 9 million tons of agricultural products moved in a more environmentally friendly and more efficient and more economical way.

With respect to the work we do to enhance conservation, wildlife habitat, I note Missouri spends about \$141 million on fish and wildlife. I outlined in my remarks all the steps we have taken. I hope the managers of the bill will find it in their hearts to be able to fund the Mississippi and Missouri River Habitat Program that we authorized several years ago that enables us to continue to make improvements in the river that do not affect the multiple uses of the river but make it much more friendly and supportive of the pallid sturgeon, the least tern, the piping plover, and other endangered species.

My position is simply that the Government should be preventing floods, not forcing floods on people. We have an opportunity to ensure good transportation for farmers. We expect, under this new rule, we can have the Fish and Wildlife Service and the Corps of Engineers listening to the people who are affected and develop a plan that does not force a spring rise down our throats, that does not force flooding on the Missouri River, that does not take away our potential for hydropower, that does not cut off river transportation that is vitally important for our farmers.

I thank all who have worked with us on this amendment. I urge a strong vote because I believe this finally puts us on a path, not where we are saying you cannot resolve the issue this year, but this outlines a procedure that I believe can allow sound science to give us the right answer that achieves all of the purposes legislated for the Missouri River, including the preservation and recovery of endangered species.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1013.

The clerk will call the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 237 Leg.]  
YEAS—100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

We have just had a vote on the first amendment offered. We have been on the bill all week and the vote was 100–0. I hope we can move to the more substantive issues that have to be resolved before we can bring the bill to closure. But we will be in later this evening and tomorrow and tomorrow evening in order to accommodate Senators who wish to offer amendments.

After this, of course, we still have the Transportation bill that we have to bring up. There is a lot of work left to be done for the week. If Senators will cooperate and work with us, we can complete our work on this bill. This is a very good bill. Senators have done a good deal of work to get us to this point. I think it is a fine product, but we need cooperation from Senators in order to finish.

As the Senator from Nevada has noted, we are looking for people who can offer amendments. I know the Senator from Alaska is planning to do that now. I am hopeful that we can do more of that tonight before we complete our work for this evening.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I yield to the Senator from Massachusetts to ask a question.

Mr. KERRY. I wanted to ask something of the majority leader. It is my understanding that the majority leader made it quite clear at the beginning of the week that there was an agenda that needed to be accomplished if indeed the Senate intended to not be here on Friday. It is my understanding that, at the pace we are moving, there is a clarity to the fact that unless this changes, we will be here until late Friday and all of Monday voting; is that accurate?

Mr. DASCHLE. The Senator is correct. We will have to be here later than normal on Friday afternoon, and we will be here on Monday as well. We have no choice. We have to continue our work. This will accommodate the consideration of the bills that have to be disposed of.

Last year, eight appropriations bills had passed by the end of July. Thus far, we have only passed one in the Senate. So we have a lot of work to do just to catch up with what we did last year. So our effort to do that will go unimpeded, and we will do the best we can, given the schedule we have. We have a lot of work to do this week.

Mr. KERRY. I thank the majority leader.

Mr. DOMENICI. Mr. President, let me state in the presence of the majority leader that nobody is more interested in getting the bill completed than the Senator from New Mexico. I remember one year when this bill was vetoed over an amendment that was debated in this Chamber. The distinguished majority leader remembers that. It was a pretty onerous situation to veto an entire bill over the Missouri River.

We have not been on this bill very long because if you want to recall with me, what happened is you carved out

big pieces of time for other things during each of the days that this bill has been up, so that on Monday we had a little time but no votes; Tuesday, yesterday, we didn't start on this bill until after noon, and this morning we finished our memorials and started at 11 o'clock.

So while it may seem that we were here the whole time, we have not been on the bill that whole time. This would be a very short number of hours. Nonetheless, I will work with our Members, and I don't think anybody is intending to delay matters. We just put them off when, in fact, we have long lists, wondering who is going first. There are not a lot of amendments that people say they want to vote on. There are a lot of amendments that are going to be either in the managers' amendment or are not going to be taken care of. Senators know that. I will try to get two or three more lined up if we can proceed with this one now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. In the spirit of cooperation, after listening to the majority leader, I would be happy if the other side took the amendment and we would not need to have a vote. We are willing to do that on this side, but not on the other side. I hope after my explanation there will be a reconsideration and we will not have to have a vote. However, if we don't get accepted, we will press for a vote.

AMENDMENT NO. 1018

Mr. MURKOWSKI. 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 Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1018.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide grants and fellowships for energy industry workforce training and to monitor energy industry workforce trends)

On page 12, line 19, strike "\$732,496,000" and insert "\$722,496,000".

On page 19, line 2, strike "\$3,268,816,000, to remain available until expended." and insert "\$3,278,816,000, to remain available until expended: *Provided*, That \$10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor."

Mr. MURKOWSKI. Mr. President, this amendment makes appropriations for energy and water development for the fiscal year ending September 30, 2002, specifically providing that \$10

The amendment (No. 1013) was agreed to.

Mr. BREAUX. Mr. President, 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. REED. 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. DOMENICI. 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. DOMENICI. Mr. President, I understand we are looking for somebody to offer an amendment that can be debated tonight and voted on tonight. Senator MURKOWSKI is ready to proceed with an amendment. We have one scheduled after it, but I will try to determine if we can find some additional amendments.

Mr. REID. Mr. President, the majority leader is in the Chamber, if I could have his attention.

Senator DOMENICI just advised that there was an amendment ready on which we could have a vote tonight. I want to say in the presence of the majority leader that as the manager of this bill and having heard what he has said the last several days, we really need to do more than just one amendment. I am glad we are moving forward. I extend my appreciation to the Senator from New Mexico. We need to look at completing this bill tonight, if it is possible. Would the leader agree?

Mr. DASCHLE. Mr. President, if the Senator will yield, I appreciate very much the work of the chairman and ranking member.

million shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technological industries by the Department of Energy, in consultation with the Department of Labor.

The purpose of the amendment is to address realities associated with the area of energy and to focus in on the energy crisis in this country. To a large degree, that crisis exists because of inadequate training capabilities within the energy area.

The amendment would monitor workforce trends across the energy industry. It would provide \$10 million for DOE grants and fellowships to colleges and universities to remedy workforce shortages. It would develop the energy workforce of the future.

This amendment takes \$10 million from the increased funding proposed for the CALFED program. I want to identify for my friend, the senior Senator from California, that these are funds coming from the increased funding proposal. I recognize the sensitivity to the senior Senator from California of the CALFED program. I also direct your attention to the fact that this program has never been authorized by the Energy and Natural Resources Committee, which is an appropriate procedure.

I welcome that authorization. I would welcome the opportunity to work with my friend from California, perhaps, to find these funds in some other area. In any event, what we do in the amendment is redirect these funds to address what we consider a critical need for our Nation's energy security and the next generation of energy workers.

I recognize the CALFED program is a water program, but I also point out that we are taking this from the increased funding for CALFED.

As we talk about national energy policy—supply, demand, and infrastructure—I think we also have to consider the realities associated with the inadequacy of the workforce. Who is going to develop and deploy the new energy technologies we are going to need for the future? Even now, we find the Nation is unable to meet current labor needs and trends for the future. The forecast is ominous.

Enrollment in petroleum engineering has dropped 28 percent in the last decade. Geoscience enrollment is down 32 percent. Enrollments in nuclear engineering have declined by 60 percent in the past 10 years. Two-thirds of our nuclear faculty are older than 45; 76 percent of U.S. nuclear workers and 51 percent of geophysicists are within 10 years of retirement. There are few renewable energy and energy-efficiency programs but large potential needs for skilled workers to meet the demand.

Several years are required to train highly skilled workers with advanced

engineering or science degrees. We must act now. I have worked with Senators DOMENICI and BINGAMAN, and I agreed they were right to include workforce considerations in their energy proposals. This is a vital but unrecognized part of energy strategy.

Recognizing the urgent national need we face, I propose that we provide sufficient funding to finally get this program started. Mr. President, \$10 million will allow the Department of Energy to begin the program, conduct the initial needs assessment, and fund a few of the fellowships that are necessary in the necessary priorities.

I would have preferred to bring this program to the floor of the Senate in conjunction with comprehensive energy legislation, but we are still reviewing several proposals, still holding hearings, with the hope of action later this year.

I hope we can adopt this amendment now and get started and develop a fully authorized, fully funded program as we consider comprehensive energy legislation.

I urge the adoption of this amendment to develop the energy workforce of the future. In order to fund this critically needed education program, I am proposing to take \$10 million from funding from the CALFED bay-delta program in California. This program, just like last year, has no authorization, as I have indicated.

Last year, the Appropriations Committee refused to fund CALFED, and I think it should consider the merits of this amendment this year. I am not unsympathetic, as I have indicated, to the water needs of the Western States. When I was chairman of the Energy and Natural Resources Committee, a number of important water projects were authorized: the Garrison project in North Dakota; the Lewis and Clark Rural Water System; the Animas-LaPlata project, and several others perhaps not as expensive as these.

What these projects had in common were, A, many, sometimes agonizing, years of study and negotiation; B, numerous Senate hearings spanning several Congresses; C, most important, they were all authorized by the committee of jurisdiction, the Energy and Natural Resources Committee.

CALFED has done none of this—no hearings in the Senate ever, although I point out we do have our first CALFED hearing scheduled for this Thursday afternoon in Senator DORGAN's Water and Power Subcommittee.

When CALFED was first authorized in 1996, no hearings were held; \$430 million over 3 years was put in the Omnibus Parks Act of 1996, which I managed, to begin a process to address California's complex water problems. But that authorization expires at the end of fiscal year 2002.

Senator FEINSTEIN has introduced a bill, S. 979, to authorize the actions recommended in the RECORD of Decision last summer. I commend her for her efforts on this important project

and hope the hearing scheduled on Thursday will be helpful as she pursues this goal.

However, one scheduled hearing is certainly not adequate in my mind to justify the \$20 million requested by the administration, much less the \$20 million added by the subcommittee.

Mind you, it was \$20 million by the administration, and an additional \$20 million was added by the subcommittee. What we are proposing to do is to take \$10 million of the additional \$20 million, so it will still leave \$30 million, which is \$10 million more than the administration proposed.

In addition, one hearing is not likely to provide enough information to learn as much as is necessary to move on a 30-year project that is estimated to cost in the first 7 years alone some \$8 billion. Clearly, this is a project that should be authorized by the committee of jurisdiction.

I wonder how many Senators in the Chamber today can tell me on what some of that \$8.5 billion will be spent.

In funding the CALFED program, the committee report contains some rather interesting language. First, the committee report notes that:

The appropriate authorizing committees of Congress should thoroughly review and specifically reauthorize the CALFED program.

I believe Senator FEINSTEIN has started us along that path with S. 979 and Thursday's hearing.

Second, the committee recommended:

No funding under the California Bay-Delta Ecosystem Restoration Project.

This is where things get a little tricky. In the next paragraph of the report, the committee provides an additional \$20 million over the budget request for the Central Valley Project:

Additional funds to support the goals of CALFED are provided as follows:

Then the report goes on to list all kinds of projects with very little explanation that should be undertaken in the CVP to support the goals of CALFED.

To understand the irony of this, I have one more quote from the committee report:

The committee has consistently expressed concern regarding the duplication and overlap of CALFED activities with Central Valley Project Improvement Act programs and other activities funded under various other programs within the Bureau of Reclamation.

It seems to me by not funding CALFED, then pulling money from CVP, the committee is fostering the very confusion and overlap about which concern has been consistently expressed. If we are providing funds from the CVP, the CVP contractors should receive the benefit. Yet a central focus on the CALFED proposal is that proposals, such as raising the Shasta Dam or enlarging the Los Vaqueros Reservoir, should not be used to offset the 1.2 million acre foot reduction in CVP yield as a result of the CVPIA.

I am not proposing we completely eliminate the funding proposed under

this bill, but I am asking that a portion of the increase be redirected to critically needed educational programs.

I also suggest that the appropriators, when they get to conference, ensure that whatever they fund is directed toward the purposes of the original authorization.

The benefits of raising Shasta Dam should go to the water and power users of the CVP, even if there are collateral benefits to the CALFED process.

If you want to pick a particular aspect of the subcommittee that should not be funded, I support cutting the environmental water account. Maybe that is a good idea, but that is why we are holding a hearing on S. 979.

Mr. President, that concludes my statement. I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I regret that I have to strongly oppose the amendment of the distinguished Senator from Alaska. I recall both in the committee and in the Senate Chamber hearing the distinguished Senator from Alaska talk about supply, particularly in view of the electricity and natural gas portion of the energy crisis that faces this Nation.

One of the things we in California have learned is that the electricity crisis is a forerunner of what is going to happen with water.

California has 35 million people. It is the largest high-tech State and the largest agricultural producing State. It has a need for high-quality water for high-tech, and it does not have enough water.

Just last week, this Senate debated the Klamath with an endangered species issue involving both the coho salmon and the suckerfish. The Bureau of Reclamation had to cut off water for farmers, and 1,500 farmers on both sides of the Oregon-California border essentially could not plant.

This is not going to be an isolated incident. We are going to see this happen up and down the Central Valley if we do not act smart, if we do not work smart, if we do not move to improve the water supply, to work smarter on the big pumps on the California Water project, if we are not able to recharge our ground water and, respectfully, if we are not able to take from the wet years and store that water to use in the dry years.

The Senator is precisely going after this money so that we cannot build the storage we need. The three projects that he mentioned: Raising Shasta Dam—that is a dam that is already there—raising the Los Vaqueros Reservoir, which is for reasons of water quality. There is a need for water quality both for the people in the area as well as what is supplied to the high-tech industry. That is Los Vaqueros. And the third is a delta wetlands project to provide water for the Central Valley water community.

He mentioned that there is no authorization. CALFED was authorized, he is correct. The authorization has expired. Tomorrow we have a hearing in the committee on a bill he mentioned which I have authored to provide the necessary authorization. There are three bills in the House.

I believe we are going to authorize this project. Not to do so would be a terrible mistake.

I must correct the Senator on one point. He mentioned \$8 billion in the authorization. This is not correct. Although the bill says “such sums as may be available,” the fact is the Federal share would be \$3 billion and the State share \$5 billion.

The point of what I am trying to do in the authorization bill is have all segments of the project—the ecosystem restoration, which is necessary for fish, the environmental water account, which is there to avoid an additional takings issue, as well as the storage and the water quality improvements—moved together concurrently so there is a balanced plan to move on the California water issue prior to the time it becomes a real crisis and the fifth largest economy on Earth is put out of business.

I plead with the Senator from Alaska not to take these dollars, particularly from the storage project. Unless we can take water from the dry years and save that water and use it for the wet years, California has no chance of solving its problem. We have 34 million people, projected to be 50 million people, and we have the same basic water infrastructure we had when we were 16 million people. That is why this isn't going to work.

The chairman of the committee, the distinguished Senator from Nevada, has worked very hard to be helpful. I am enormously grateful to him. He has worked in a prudent way to meet the need, I think knowing we are going to be able to produce an acceptable authorization vehicle in this session.

Once again, I am willing to work with the Senator from Alaska. I am willing, as an appropriator, to try to help find other funds. His project is worthy. His offset is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the subcommittee was very cautious to make sure that anything we did did not interfere with the jurisdiction of the Energy Committee. The ranking member, Senator MURKOWSKI, is in the Chamber. Everything we have appropriated money for is related to things that have been authorized. We are not appropriating money that has not been authorized, and we went to great extremes to make sure we did that.

I am, some say, the third Senator from California. I am happy to be in that category. Because it is such a huge State, they need all the help they can get. We in Nevada are a neighbor of the State of California. We are small in

relation to population, compared to their 34 million, but we have some of the same problems they have. Water is one of them. The bay-delta project is an extremely complex, difficult problem. The State of California has recognized it is a difficult problem. It has spent billions of dollars of California taxpayers' money to solve these problems.

I believe, this subcommittee believes, and I think the Senate will believe, we, the Federal Government, have an obligation to help. This money we are appropriating is a very small amount of money, considering the tremendous burden the State of California has to meet their demands. Many of these problems were created by the Federal Government. The Bureau of Reclamation has been up to their hips in water. Many of the problems that California has had have been created by virtue of the Federal Government being involved in one way or another.

The committee believes, of course, the appropriate authorizing committees of Congress should shortly review and authorize the programs. We agree with the distinguished Senator from Alaska that should be the case. They are in the process of doing that, as has been indicated by the Senator from Alaska and the Senator from California.

However, in what we have appropriated, it is important to keep the Federal Government involvement. I oppose the amendment being offered by my friend from Alaska. I agree it is important to invest in the future of our energy workforce. I believe that very much. I believe his amendment, as far as what he is trying to accomplish, is excellent. I think the offset he has identified is inappropriate.

My friend from Alaska correctly notes the worker training program is subject to future authorization in his committee as is CALFED. However, this subcommittee, I repeat, has been very careful to fund only those CALFED programs that existed as authorizations under other programs. CALFED is desperately important to the bay area and is important to the whole State of California.

I oppose any changing of the mark at this time. It is an appropriate level of funding dealing with the population growth of the largest State in the Union, 34 million people and growing. As the Senator from California has indicated, it is the fifth largest economy in the world. It is the largest agricultural State in America. We hear a lot about the farm States. Rarely is California included in those, but they are an immense producer of agricultural products. We in the West appreciate very much the fruits and vegetables that come from the State of California. The commodities are great. Much of that comes from this area of the country. Agricultural needs of California are threatened if we don't provide this money.

One of the things we have not talked about that we need to talk about is the

ecosystem itself. I admire what the State of California is trying to do. The State of California in years past has created economic and environmental disasters in the State of California. The State of California, to its credit, is trying to correct this. We, the Federal Government, should join in trying to help them.

I will try to work with my friend from Alaska. It is my understanding that the chairman of the committee also likes very much this program dealing with worker training. I think that is important. I would like to work with him to try to accommodate this new program for workers in conference. I will try to do that.

I am aware, as I indicated, that we have a situation where the chairman and the ranking member agree on this, as they agree on a number of issues. I honestly believe we have stayed out of the authorizers' jurisdiction in this matter, and I will ask at the appropriate time for the Senators to support this motion to table that I will make at a subsequent time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Let me make a couple of observations. In arguing against the amendment, it is somewhat ironic that the two Senators probably have as much exposure as any Members who come from States where there is either a risk or an exposure to electricity blackouts. Clearly, training a new generation of energy workers suggests we need the best engineers in the world to create the best energy development, the best delivery system. That will help fund the solutions to the States' problems, particularly California.

I remind my friend from Nevada, the floor manager, and the distinguished senior Senator from California, we are not creating a new program. We are not creating a new program that requires authorization. We are directing funding to the DAO Office of Science to carry out this important function as opposed to what we are doing relative to the California issue.

As far as the CALFED issue is concerned, I agree California needs to address its problems with the help of the Congress. However, they must do so in a process that is customarily laid out in procedure before this body. I am happy to help the Senator from California with her concern, but the Senate has never, ever, ever, ever held a hearing on the proposals mentioned here. That is significant itself. Many Senators in this body assume there is a process where we hold a hearing, we do an evaluation, and we hear from witnesses on the merits of the proposal. There has been no explanation offered as to why we have not had a hearing. I recognize there will be a hearing tomorrow. We have held a hearing on workforce needs, specially nuclear workforce needs in the Energy Committee.

So we have some reasonable reference point to justifiably say there is

a significant difference here between funding this workforce effort and having had a hearing on it and not having had any hearings on the CALFED issue, as proposed in this legislation. The dollars are not specifically taken from an individual project, only from a larger overall account. I am happy to support appropriations once a proposed authorization is completed, and I would work with the Senator from California to address from where those funds might come. But the bottom line—and I encourage my colleagues and those who are monitoring this debate to recognize the realities—is the administration requested \$20 million. What did the Appropriations Committee do? They said no. They said no because CALFED is not authorized.

Instead, the Appropriations Committee put \$40 million into the CVP, which is a separate California project. But the intent was to spend it on the CALFED project. It is kind of a sleight of hand, if you will. I do not mean this in a derogatory way, but when you look at the \$20 million the administration requested and the Appropriations Committee said no because CALFED is not authorized, then the Appropriations Committee put \$20 million into CVP, so they basically doubled the amount that was requested by the administration.

What we are talking about here is not taking anything beyond what the administration requested, which was \$20 million. They got \$40 million in the CVP. We are talking about taking \$10 million to fund the workforce effort in the Department of Energy. Clearly, the CVP would have \$10 million more than the administration requested. Instead of \$40 million, they would have \$30 million. So I think that is an adequate explanation of the points brought up.

Again, I have the deepest respect for the senior Senator from California and for the floor manager, the senior Senator from Nevada. Having gone to school in California, having familiarity with the necessity of California's productivity related to water, I suggest we proceed with this process through an authorization in the committees of jurisdiction, including the Energy and Natural Resources Committee, and I will pledge to the delegation from California my effort, and that of the professional staff, to work toward the end to meet the legitimate needs of California. But I think we need to adhere to the process.

It is my understanding there has been an effort to try to reach consensus on a vote, perhaps at 6 o'clock or shortly after?

Mrs. BOXER. I object to 6 o'clock.

Mr. MURKOWSKI. I hear the Senator from California objecting. I am not asking for a unanimous consent. I was making an inquiry. Again, I encourage recognition of the necessity of authorization on this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:15 today be equally divided and controlled between Senators REID and MURKOWSKI; that no amendments be in order prior to the vote in relation to the amendment; that at 6:15 the Senate vote in relation to the amendment with no intervening action; and that the Senator from Nevada allocate 10 minutes that I have to the Senator from California, Mrs. BOXER.

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

If no one yields time, time will be charged to both sides.

The Senator from California.

Mrs. BOXER. Mr. President, I rise to address the amendment before us. Is that in order at this time?

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, because I was preparing for this debate, I do not know exactly the time I have been allowed. May I be informed?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I am really disappointed that we have this amendment pending which would take \$10 million out of a \$40 million appropriation that my colleague Senator FEINSTEIN has worked hard to get for the California water, I would say, near crisis.

We have a process in California called the CALFED process. I think a lot of our States could learn some good lessons from this process. Why do I say that? Because we all know that questions about water, when it is in short supply, can be extremely contentious. We certainly know water is the staff of life. People need it to live. We certainly know that water and the free flow of water is important to our wildlife, to our environment, unless we believe we can abandon being good stewards of the environment and forget about the wildlife, about endangered species, and suddenly have a circumstance where we have fishermen worried they cannot fish. We certainly know we need the water for our farmers.

The reason Senator FEINSTEIN has worked hard on this appropriation is we did not have an appropriation last year. We have to move this process forward. We cannot abandon this very carefully balanced approach which I think has worked so well. We will have a reauthorization; that is clear. But the bottom line is we have many times appropriated funds where there was no authorization, where we had a history, a good history, with the project as we have had with CALFED. This important process would be harmed if the Murkowski amendment were to pass.

Why do I say that? I refer you to the bill where we have very carefully explained it. My colleagues are again to be commended, for this spells out exactly where these funds will go. Yes, we have an environmental water council, which my colleague from Alaska talked about without seeming to praise it very much. But it is crucial because if we can take care of that particular part of the equation environmentally, it will free us up to get more water storage to be able to take care of the other users.

The money that is in this bill is not put there lightly. My colleague from California understands the needs of the country. But every single appropriation is spelled out very clearly and very carefully. As I read it, most of this will go in terms of numbers for projects to find water for the farmers. And, yes, we have an environmental council that will take care of that set-aside.

We know what it is to go through water wars in California. We know what it is to go through electricity wars in California. We know what it is to have people pointing fingers back and forth about who is to blame. We also know that the CALFED process works. It is very important that we hold it together. It is very balanced.

As my colleague and I seek to get reauthorization, we are trying to be as one as we go forward. But we certainly have one goal, and that is to be true to the CALFED process. We will in fact be sending a very bad signal this evening if this appropriation is reduced.

This funding is needed. This funding is important. This funding sends a signal to all stakeholders—be they urban users or farmers or environmentalists—that their goals are important; we will come behind those goals with funding. I think it will be in fact very detrimental to the CALFED process if the Senate sends this kind of signal tonight.

This is not controversial. We talk about water. Water in itself always brings up controversy. But the CALFED process to date has been very successful. What Senator FEINSTEIN has done and what the committee has done is to take those projects that are not controversial, that are part of the CALFED process, and fund them.

I hope we will reject the Murkowski amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, the Senator from California wishes to speak.

Mrs. FEINSTEIN. Mr. President, I thank my friend and colleague for her comments. I very much appreciate her solidarity and unity on this subject. It is extraordinarily important.

I also want to say there is a statement from the administration in support of this appropriation. We have the support of the Secretary of the Interior, as well as the administration,

that this appropriation move forward. I am very hopeful that we will have unanimous support from our side of the aisle as well as support from the Republican side.

As my colleague has well stated, we are fighting for every dollar. The energy subcommittee listened. I think it is a fact that the money in this appropriations bill is extraordinarily important. I believe that unless we can move aggressively to build an environmentally sensitive water infrastructure in our State, there is no way we are going to be able to meet the challenges of the future.

This is a beginning.

I thank the Chair. I thank the chairman and my colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am certainly sensitive to the considerations of my two friends from California. I would like to correct the record in one sense. We are not talking about a reauthorization; we are talking about an authorization that has never taken place. While there are exceptions from time to time, it is the general rule that we authorize these projects.

This is a complex project. Again, I remind my colleagues that the Appropriations Committee during this process increased over the administration's proposal from \$20 million to \$40 million total. As a consequence, to take \$10 million away is still giving this project \$10 million more than originally proposed by the administration.

Again, let the record note specifically that the administration requested \$20 million. The appropriators said no. Why did the appropriators say no? They said no because CALFED is not authorized.

That is the only real reservation the Senator from Alaska has. I do that as the ranking member and former chairman of the committee of jurisdiction. I have no other reason, no other motivation, because I am sensitive to the water needs of California. Instead, the appropriators put \$20 million in the CVP, a separate California project. But the intent was for it to be spent on CALFED projects.

There has been a little sleight of hand here, if you will, in the manner in which the appropriators addressed this. That is their business. But it is my business as the ranking member of the Energy Committee to advise my colleagues that we have not had an authorization. That is the basis for my objection.

I think it is certainly a justification, since we are not creating a new program with \$10 million of the \$40 million, which is more than the administration requested in the sense that they offered \$20 million and offered to move \$10 million to a worthwhile project while not creating a new program that would need authorization, but directed funding to the DOE Office of Science to carry out the important

function of technical training in the State.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise to compliment the distinguished Senator from Alaska on what his amendment will do.

There is no question that the Department of Energy is now engaged in a transition period as we prepare for new technologies, both in conservation and in the production of electricity and other aspects of energy consumption in our country.

His amendment supplements a portion of this bill which continues to fund college programs in the area of nuclear physics and related matters. He brings it down to creating some openings for internships to get involved in this kind of technology and training. I think it is a rather interesting approach to this changing period. He discussed it with me. I urged him to proceed with reference to this idea.

I urged that we not support the motion to table and that we permit this new idea to be approved with reference to the kinds of skills that are necessary to make the transition, and see whether it will work, along with other programs that we are now funding out of the Department of Energy.

I yield any time I may have.

Mr. REID. Mr. President, I move to table the amendment offered by the Senator from Alaska, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The question is on agreeing to the motion to table amendment No. 1018. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—56

Akaka	Collins	Inouye
Baucus	Conrad	Jeffords
Bayh	Corzine	Johnson
Biden	Daschle	Kennedy
Bingaman	Dayton	Kerry
Boxer	Dodd	Kohl
Breaux	Dorgan	Landrieu
Byrd	Durbin	Leahy
Campbell	Edwards	Levin
Cantwell	Ensign	Lieberman
Carnahan	Feinstein	Lincoln
Carper	Graham	Mikulski
Chafee	Harkin	Miller
Cleland	Hollings	Murray
Clinton	Hutchison	Nelson (FL)

Nelson (NE)	Sarbanes	Torricelli
Reed	Schumer	Wellstone
Reid	Smith (OR)	Wyden
Rockefeller	Stabenow	

## NAYS—44

Allard	Frist	Nickles
Allen	Gramm	Roberts
Bennett	Grassley	Santorum
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith (NH)
Burns	Helms	Snowe
Cochran	Hutchinson	Specter
Craig	Inhofe	Stevens
Crapo	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	McCain	Voinovich
Feingold	McConnell	Warner
Fitzgerald	Murkowski	

The motion was agreed to.

Mrs. BOXER. Madam President, 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.

Mrs. BOXER. 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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Jack Reed, Daniel Inouye, Bob Graham, Kent Conrad, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Harry Reid, Barbara Mikulski, Fritz Hollings, Ted Kennedy, Joseph Lieberman, Byron Dorgan, and Tim Johnson.

## CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Harry Reid, Jeff Bingaman, Bob Graham, Kent Conrad, Daniel Inouye, Jack Reed, Joseph Lieberman, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Byron L. Dorgan, Tim Johnson, Debbie Stabenow, and Richard J. Durbin.

Mr. REID. Madam President, I ask unanimous consent that the live

quorums in relation to these two cloture motions be waived.

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

Mr. NELSON of Florida. Mr. President, I rise today to speak about the programs in the fiscal year 2002 Energy and Water Appropriations Report that prevent the spread of nuclear weapons and nuclear weapon-usable material. These programs are vital to the national security of the United States.

Appropriately, the committee has expressed concern that the "proposed budget would seriously erode progress made at great expense to assure the Nation's capability to detect and mitigate global proliferation activities." By providing \$106.8 million above the President's request, the committee has restored many of the administration's cuts to nuclear non-proliferation programs.

Programs restored by the committee include the Nuclear Cities Initiative, which redirects Russian nuclear expertise and reduces Russian nuclear infrastructure. This project was given a \$14.5 million boost. An additional \$15 million was added to the Initiatives for Proliferation Prevention program, which funds joint non-military research and development projects, pairs U.S. industries with industries in the former Soviet Union and identifies and creates non-military commercial applications. I support the committee's recommendation that some of the excess funds for this program be directed to projects within Russian nuclear cities, in coordination with the Nuclear Cities Initiative. While encouraging, these actions by the committee merely move us back to the starting line.

I also would like to express my support for the committee recommendation of \$300 million to recapitalize existing operation facilities. The President proposed nothing in his budget to recapitalize our nuclear infrastructure.

The National Nuclear Security Administration released a study last year on defense programs facilities and infrastructure assessment that reviewed the conditions of our nuclear facilities and labs. The report identified a \$650 million annual shortfall over the next five years in our nuclear weapons complex, with unfunded priority requirements increasing by \$200 million per year.

This is unacceptable.

Many of our facilities are World War II-era and in dire need of upgrades and repair. I have visited the facilities in Oak Ridge, TN, and can personally attest to the amount of recapitalization and modernization needed. The President's budget addressed none of these needs.

Recently the distinguished former leader of this body, the Honorable Howard Baker from Tennessee, testified before the Senate Foreign Relations Committee about the serious funding inadequacies in non-proliferation programs run by the Department of Energy. As Co-Chair of the Baker-Cutler

Task Force, Baker testified that increased funding is critical to the future of these vital programs.

He testified that in the former Soviet Union "over 40,000 nuclear weapons, over a thousand metric tons of nuclear materials, vast quantities of chemical and biological weapons materials, and thousands of missiles. This Cold War arsenal is spread across 11 time zones, but lacks the Cold War infrastructure that provided the control and financing necessary to assure [they] remain securely beyond the reach of terrorists . . . The most urgent unmet National Security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or our citizens at home." As a result, the Baker-Cutler report called for an increase in funding for such initiatives—approximately \$30 billion over the next 8–10 years.

I urge the Senate to consider the efforts and work of Howard Baker and Lloyd Cutler and provide the resources needed to fund these programs and facilities because they are vital to our national security.

Our nuclear weapons complex and infrastructure will become even more important if the president seeks to reduce our stockpile as part of a new strategic framework. I encourage President Bush to place appropriate emphasis on non-proliferation as we develop this new framework with Russia and other involved nations.

Mr. HOLLINGS. Mr. President, in 1997, the Department of Energy and the State of South Carolina reached an agreement for the Savannah River Site to accept and dispose of surplus weapons-grade plutonium. In response to an effort by the former Soviet Union and the United States to reduce weapons-grade plutonium, the Savannah River Site would accept plutonium from the Pantex Plant in Texas and the Rocky Flats Environmental Technology Site in Colorado. South Carolina was promised that this plutonium would only be treated at SRS, not stored for a significant amount of time. The disposition agreement included two types of treatment—blending the plutonium into mixed oxide fuel for use in commercial nuclear reactors, commonly known as MOX—and immobilizing it in a facility known as the Plutonium Immobilization Plant. The reason for using two different treatments was simple and spelled out in the Federal Register on January 21, 1997.

Due to technology, complexity, timing, cost, and other factors that would be involved in purifying certain plutonium materials to make them suitable for potential use in MOX fuel, approximately 30 percent of the total quantity of plutonium (that has or may be declared surplus to defense needs) would require extensive purification to use in MOX fuel, and therefore will likely be immobilized. DOE will immobilize at least 8 metric tons, MT, of currently declared surplus plutonium materials that DOE has already

determined are not suitable for use in MOX fuel.

Since 1997, DOE has continued on this dual-track path for disposition. That is until this year. In the administration's fiscal year 2002 DOE budget request, funds for the National Nuclear Security Administration, NNSA, were cut by over \$100 million. Due to these budget cuts, one of the plutonium disposition programs, immobilization, was delayed indefinitely. I don't blame the NNSA for the cut to this program because I know it is their job to work within the budget they are given. However, I do blame the Administration for providing a budget that is woefully inadequate to provide for plutonium disposition activities at Savannah River. When General Gordon, the NNSA Director, testified in front of the Energy and Water Appropriations Subcommittee, he stated plainly that Plutonium Immobilization was delayed because of financial reasons, not policy ones. DOE claims it can process all of the plutonium by converting it into MOX, but, when pressed on the matter they say there is no certainty in this treatment. If MOX fails and there is not a back-up, SRS will be left with large amounts of surplus weapons-grade plutonium, but without a plan to treat it.

There is an analogous situation to this one track mind set that previously occurred at SRS. To separate the sludge and liquid wastes contained in the tank farms, DOE proposed In-Tank Precipitation, ITP. After putting more than a billion dollars into this separation process, problems occurred. Excessive benzene was being produced as a by-product of the separation. As a result, the program was shut down until a new process could be found. The new process was selected last week—four years after the old process failed. Why? Because there was not an alternative to this process. Four years and a billion dollars later, the tanks are still overflowing with 60 percent of the Nation's high-level waste. This is exactly why I want to continue a dual-track disposition program for this plutonium. It was part of the original agreement and I believe that any attempt to change the agreement should be made in consultation with all the affected parties.

To date, the Secretary of Energy and the Governor of South Carolina, Governor Hodges, have not spoken about the disposition activities, which is unfortunate. In fact, Governor Hodges has said he may take steps to stop shipments of plutonium to SRS, which are scheduled to begin in August. I hope the Secretary and the Governor can come to some agreement to ensure safe and timely disposition of this surplus plutonium.

I had an amendment, which would have prohibited the shipment of plutonium to SRS until March 1, 2002 or until a final agreement could be reached on disposition activities, whichever comes first. Some say that

stopping these shipments would be devastating to our clean-up efforts at other sites. I say that walking away from our commitments of safe and timely disposition of this material would be just as devastating. All I want is for the Administration to commit to me, the Congress and to the State of South Carolina on plutonium disposition. I do not want this plutonium to be shipped to SRS and then have the Administration come back and say that MOX is not going to work and they're going to study another way of disposing of the material. I fear this is the road we are going down, especially in light of a recent article in the New York Times saying the White House wants to restructure or end programs aimed at disposing of tons of military plutonium.

I have spoken to the Chairman and Ranking Member of the Energy and Water Appropriations Subcommittee and we have worked out an agreement on my amendment. With this compromise, hopefully, DOE and the State of South Carolina will come together and reach an agreement to continue these disposition programs at SRS, while ensuring they're done in a timely and safe manner. If an agreement cannot be reached, you can rest assured this will not be the last time this issue is raised on the Senate floor.

I want to thank the distinguished chairman and ranking member for all their help on this amendment.

#### ORDERS FOR THURSDAY, JULY 19, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, July 19. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Energy and Water Appropriations Act.

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

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

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

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with each Senator allowed to speak for up to 10 minutes each.

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

#### PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in the coming days I suspect there will be appropriations bills and we will visit another issue we have visited previously in the Senate and also in the House, and that is the price of prescription drugs, especially those imported into this country from other countries.

About a week ago, the Secretary of Health and Human Services decided that legislation which I and several of my colleagues drafted and was passed last year and became law would not be administered. It is a law dealing with the reimportation of prescription drugs into this country.

The provision allows distributors and pharmacists to go to another country such as Canada, to access the same prescription drugs made in an FDA-approved plant and bring them to this country because it is much less expensive in Canada, and pass those savings along to consumers. That is what our legislation did.

The Secretary of Health and Human Services under the previous administration and now under this administration said they could not certify, A, that it would be lowering costs for prescription drugs and, B, that it would be safe; therefore, they would not certify to that and would not implement the law.

We are terribly disappointed by that. We think it was a mistake in the past administration to have made that decision, and we think last week it was a mistake for the Department of Health and Human Services to make that decision.

We will revisit this issue, and there will be another vote in the Senate dealing with it. We will have to do it in a different way, but the principles are still the same.

The same pill put in the same bottle manufactured by the same prescription drug company by the same pharmaceutical manufacturer is sent to Grand Forks, ND, and to Winnipeg, Canada—the same drug made in the same plant put in the same bottle made by the same company. The difference? Price, and in many circumstances a very big difference.

One pays 10 times more for the drug tamoxifen, which is used to treat breast cancer, in the United States than in Canada. I happen to have in my desk—I have had several of them. These are two empty bottles. I ask unanimous consent to show these bottles in the Senate Chamber.

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

Mr. DORGAN. Mr. President, this drug called Zolof is used to treat depression, a very commonly used drug. The same pill made by the same company; one is marketed in Canada, one in the United States; \$2.34 per tablet sold in the United States; \$1.28 per tablet—same drug—sold in Canada.

Let me make it more immediate. Emerson, Canada; Pembina, ND—5 miles apart. I took a group of senior

citizens to Emerson, Canada. We left Pembina, ND, traveled across the border, and went to a little one-room drugstore in Emerson, Canada. The prices for the prescription drugs, for a whole range of prescription drugs that these senior citizens needed for heart disease, diabetes, and a whole series of ailments they had, in every circumstance, was much less expensive in Canada.

Why is that the case? It is not just the case in Canada; it is the case in every other country in the world: Mexico, England, Italy, France, Sweden, the identical drug, produced in a plant approved by the Food and Drug Administration, in many cases produced in the United States, is sold for a much higher price here than any other country in the world.

Why is that the case? Because the pharmaceutical industry can do it. They can impose whatever price they choose and they choose to do it in this country. The result is the American consumer is charged multiples of what the same pill is sold for or the same drug is sold for to virtually every other citizen in the world.

We said if this is truly a global economy, there is trade back and forth, it is a global economy that ought to benefit everyone, how about making this a global economy with respect to the purchase of prescription drugs? Why should you not be able, if you are a pharmacist in Grand Forks, ND, to go to Winnipeg to access a supply of prescription drugs at a fraction of the cost and bring it back and pass the savings on to the customers? Why should you not be able to do it?

At the moment, a law prevents it. The United States has a law that says the only entity that can bring a prescription drug into this country is the manufacturer itself. What a sweetheart deal that is.

So we said, provided this is a drug that is approved by the FDA, provided for a chain of custody and safety of supply, our distributors and pharmacists ought to be able to go to another country to access the same prescription drug, made in the same plant, put in the same bottle, and come back and pass those savings along to the American consumers.

So we passed a piece of legislation like that on the floor of the Senate with over 70 votes. It went to conference. After some laboring in conference, it became law. And then the Health and Human Services Secretary in both the last administration and this administration refused to administer it because they said they cannot demonstrate there will be, A, savings, and, B, they cannot assure the safety.

Let's take part A, savings, first. This is not rocket science. I am happy to give the names of citizens from Fargo who can describe to the Secretary of Health and Human Services, either in the previous administration or this administration, that there is savings. They have gone to the one-room drug-

store in Emerson, Canada, and saved the money on the prescription drugs. If you are going to pay half the price or a third of the price or a tenth of the price for the identical prescription drug, how on Earth can a Cabinet Secretary not compute that to be savings? What nonsense is this? Of course there are savings, and substantial savings.

Second, with respect to safety, we import a massive quantity of prescription drugs into this country from other countries with the pharmaceutical manufacturers doing the importing. What is the difference between that and having a licensed pharmacist or a licensed distributor access from a licensed pharmacy in Canada the identical prescription drug made in the identical plant, approved by the FDA, to bring back into this country to sell to American consumers at a reduced price? Why on Earth should someone have to go in the first place to a foreign country to find a reasonable price for a prescription drug that was made in the United States? That doesn't make any sense to me. So we passed that legislation and now it has been sidetracked because the HHS Secretary has refused to implement it both last year and this year.

We will be back to revisit that and we will change the construct of it some. A group of Senators, including Senator STABENOW, Senator COLLINS, myself, Senator JEFFORDS, Senator WELLSTONE, and others, have worked very hard on this issue for a long period of time. There is no justification for the American consumer paying the highest prices for prescription drugs in this country. There is no justification for that.

I have held hearings across this country as chairman of the Democratic Policy Committee in recent years on this subject. It doesn't matter where you are—in downtown Manhattan; I have held hearings in Dickinson, ND; hearings in Chicago; you hear the same story. The stories are from people 70 or 75 years of age. A woman testifies at a hearing, saying: I go into a grocery store and I must go to the back of the store first where the pharmacy is because when I buy my prescription drugs and pay for them, then I will know how much money is left for food, if any.

We hear that all the time. Or the doctor from Dickinson who did a mastectomy on a senior citizen and told her: Now, in order to reduce the chance of recurrence of breast cancer, you have to take these prescription drugs I will prescribe. And she asked how much they would cost. He told her, and she said: There isn't any way I can take the prescription drugs; I have to take my chances.

We hear those stories in town after town. It doesn't matter what the State is.

The fact is, prescription drug prices are higher in this country for the American consumer than they are any-

where else in the world. It is unfair. We ought to do something about it. My feeling is we ought to pass a piece of legislation we will offer once again this year and expect someone to implement that legislation as we enact it, that gives pharmacists and distributors and ultimately the American consumers—not just senior citizens, the American consumers—the opportunity in a global economy to access prescription drugs that are reasonably priced. They are reasonably priced in virtually every other country of the world but are overpriced here, often in multiples of prices as elsewhere for the exact same drug that was manufactured in this country.

I wanted to offer a preview, again, of this issue to say we won last year, passed legislation that became law, and HHS refused to implement it. But we are not giving up. This is the right thing to do for the right reasons. We say to the American people who struggle to pay the prices, there is a way to make the global economy work for you and allow, through your pharmacist or distributor, a personal amount of prescription drugs, to access those prescription drugs in Canada or elsewhere.

Ultimately, my goal is not to ask someone to go elsewhere to buy drugs but to force the pharmaceutical industry to reprice the drugs in this country so our consumers get a fair price as well.

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#### LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1172, the Legislative Branch Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$1.9 billion in discretionary budget authority. Per tradition, that amount does not include funding for exclusive House items. The discretionary budget authority will result in new outlays in 2002 of \$1.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$2 billion in 2002. The Senate bill is well under its Section 302(b) allocation for budget authority and outlays. In addition, the committee once again has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

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

S. 1172. LEGISLATIVE BRANCH, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Mandatory	Total
<b>Senate-reported bill:</b>			
Budget Authority .....	1,944	99	2,043
Outlays .....	2,020	99	2,119
<b>Senate 302(b) allocation:</b>			
Budget Authority .....	2,877	99	2,976
Outlays .....	2,912	99	3,011
<b>House-reported:</b>			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>President's request:</b>			
Budget Authority .....	2,987	99	3,086
Outlays .....	2,921	99	3,020
<b>SENATE-REPORTED BILL COMPARED TO—</b>			
<b>Senate 302(b) allocation:</b>			
Budget Authority .....	(933)	0	(933)
Outlays .....	(892)	0	(892)
<b>House-reported:</b>			
Budget Authority .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
Outlays .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
<b>President's request:</b>			
Budget Authority .....	(1,043)	0	(1,043)
Outlays .....	(901)	0	(901)

<sup>1</sup> Not applicable. The House Appropriations Committee has yet to consider its 2002 bill for the Legislative Branch.

Notes: Details may not add to totals due to rounding. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation. Prepared by SBC Majority Staff, 7-19-01.

DEPARTMENT OF DEFENSE  
COUNTERDRUG SUPPORT

Mr. GRASSLEY. Mr. President, I rise to express my deep concern about the apparent lack of emphasis by the Department of Defense on the counterdrug mission. This has been a year of continual discussion of increased DOD funding for various military missions. However, all the indications I am hearing point to a decreased DOD interest in this mission, as well as decreased funding levels. I believe this would be a poor policy decision, and a poor indication of the Nation's priorities.

In May 2001 testimony, before the Senate Caucus on International Narcotics Control, on which I served as Chairman, the heads of the Drug Enforcement Administration, the U.S. Customs Service, and the U.S. Coast Guard all testified that DOD reductions would be detrimental to their agencies' counterdrug efforts. The Office of National Drug Control Policy summarized that, "DOD's command and control system provides the communications connectivity and information system backbone \* \* \* while the military services detection and monitoring assets provide a much need intelligence cueing capability."

The Commandant of the Coast Guard testified at length about DOD counterdrug support, stating "[w]e would go downhill very quickly" without DOD contributions. The Commandant also stated that 43 percent of Coast Guard seizures last year were from U.S. Navy vessels, using onboard Coast Guard law enforcement detachments. The Coast Guard concluded that "[s]hould there be any radical reduction of the assets provided through the Department of Defense \* \* \* it would peril the potential for all the other agencies to make their contributions as productive \* \* \* mainly because of the synergy that is generated by the enormous capability that the 800-pound

gorilla brings to the table \* \* \* They are very, very good at what they do. They are the best in the world \* \* \* and when they share those capabilities \* \* \* in terms of intelligence fusion and command and control, we do much better than we would ever otherwise have a chance to do." I understand that an internal review of DOD's drug role contemplated severe reductions as a working assumption. After years of decline in DOD's role in this area, I believe this sends the wrong signal and flies in the face of DOD's statutory authority.

I have consistently supported an integrated national counterdrug strategy. If we reduce the DOD role, we risk lessening the effectiveness of other agencies as well. We need to make these decisions carefully, and with full Congressional involvement. I urge the Department of Defense to keep in mind DOD's important role in, and necessary contribution to, a serious national drug control strategy.

COST ESTIMATE ON S. 180

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 180, the Sudan Peace Act. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 17, 2001

S. 180: SUDAN PEACE ACT

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

S. 180 would condemn slavery and human rights abuses in Sudan, authorize the Secretary of State to support the peace process in Sudan, and require the President to devise a contingency plan for delivering aid to Sudan. CBO estimates that enacting S. 180 would have no significant budgetary impact. The act would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply. S. 180 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Each year the United States provides nearly \$190 million in assistance to the people of Sudan through various emergency food-aid, disaster assistance, refugee assistance, and development assistance programs. The provisions of S. 180 would not substantially expand the Administration's authority to provide such assistance. CBO estimates that spending on those emergency and humanitarian programs would continue at current levels.

The bill contains several reporting and contingency planning requirements that would not affect the State Department's or the U.S. Agency for international Development's (USAID) workload significantly. Based on information from the department and USAID, CBO estimates that enacting S. 180 would increase the agency's spending by

less than \$500,000 annually, assuming the availability of appropriated funds.

On June 7, 2001, CBO prepared an estimate for a similar bill, H.R. 2052, as ordered reported by the House Committee on International Relations, on June 6, 2001. Like S. 180, H.R. 2052 would not significantly affect discretionary spending. That bill would require disclosure of business activities in Sudan prior to an entity trading its securities in any capital market in the United States. That provision constitutes a private-sector mandate, as defined in UMRA, but the cost of the mandate would fall below the annual threshold established in UMRA (\$113 million in 2001, adjusted annually for inflation).

The CBO staff contact is Joseph C. Whitehill, who can be reached at 226-2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COST ESTIMATE ON S. 1021

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001

S. 1021: A BILL TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

[As reported by the Senate Committee on Foreign Relations on July 12, 2001]

SUMMARY

S. 1021 would extend the Tropical Forest Conservation Act for three years through 2004 and would authorize the appropriation of \$225 million for the cost of implementing the act over that period. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$221 million over the 2002-2006 period. Because S. 1021 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Tropical Forest Conservation Act authorizes the Secretary of State to negotiate agreements with eligible countries to create local funds administered by local boards with the authority to make grants to preserve, maintain, and restore tropical forests. The local funds receive a stream of payments generated by modifying the terms of outstanding development assistance or food-aid debt owed to the United States. The debt modifications include authority to reduce and to restructure debt, to swap the debt, or to sell the debt back to an eligible country in ways that will generate income for the local funds. The amounts authorized by S. 1021 would be used to cover the cost, as defined by the Federal Credit Reform Act, of modifying the debt.

S. 1021 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1021 is shown in the following table. The costs of

this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Debt Reduction of Developing Countries with Tropical Forests:						
Budget Authority <sup>1</sup> .....	13	0	0	0	0	0
Estimated Outlays .....	6	13	0	0	0	0
Proposed Changes:						
Authorization Level .....	0	50	75	100	0	0
Estimated Outlays .....	0	13	36	69	64	39
Spending Under S. 1021 for Debt Reduction of Developing Countries with Tropical Forests:						
Authorization Level <sup>1</sup> .....	13	50	75	100	0	0
Estimated Outlays .....	6	26	36	69	64	39

<sup>1</sup> The 2001 level is the amount appropriated for that year for the cost of implementing the Tropical Forest Conservation Act of 1998.

**BASIS OF ESTIMATE**

CBO assumes that the authorized amounts would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns.

*Pay-As-You-Go Considerations:* None.

**INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

S. 1021 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

**PREVIOUS CBO ESTIMATE**

On June 21, 2001, CBO prepared an estimate for H.R. 2131, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes, as ordered reported by the House Committee on International Relations. The amounts authorized and the estimated cost of implementing that bill and S. 1021 are the same.

*Estimate Prepared By:* Federal Costs: Joseph C. Whitehill (226-2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220); and Impact on the Private Sector: Lauren Marks (226-2940).

*Estimate Approved By:* Robert A. Sunshine, Assistant Director for Budget Analysis.

**COST ESTIMATE ON S. 494**

Mr. BIDEN, Mr. President, on July 12, the Committee on Foreign Relations reported S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. At the time the bill was reported, the cost estimate from the Congressional budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

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

**CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001**

**S. 494: ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001**

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

**SUMMARY**

S. 494 would support a transition to democracy and promote economic recovery in Zimbabwe through a set of incentives and sanctions. The bill would require the United States to oppose lending by international financial institution to or debt relief for Zimbabwe until the President certifies to the Congress that certain conditions are satisfied. It would, however, authorize additional funds for programs to reform landholding

and to promote democracy and good governance in Zimbabwe. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$23 million over the 2002-2006 period. Because S. 494 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 494 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

**ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of S. 494 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

**BASIS OF ESTIMATE**

S. 494 would earmark \$20 million for land reform and \$6 million for programs to promote democracy and good governance in Zimbabwe from funds otherwise authorized to be appropriated in 2002 for development assistance and economic support fund. No funds are currently authorized for 2002. CBO assumes that the specified amounts would be appropriated by October 1, 2001, and that outlays would follow historical spending patterns.

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
Spending Under Current Law for Zimbabwe:						
Budget Authority <sup>1</sup> .....	16	0	0	0	0	0
Estimated Outlays .....	22	19	10	5	3	2
Proposed Changes:						
Authorization Level .....	0	26	0	0	0	0
Estimated Outlays .....	0	2	8	7	4	2
Spending Under S. 494 for Zimbabwe:						
Authorization Level <sup>1</sup> .....	16	26	0	0	0	0
Estimated Outlays .....	22	21	18	12	7	4

<sup>1</sup> The 2001 level is the amount appropriated for that year.

*Pay-As-You-Go Considerations:* None.

**INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

S. 494 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

*Estimate Prepared By:* Federal Costs: Joseph C. Whitehill (226-2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220); and Impact on the Private Sector: Lauren Marks (226-2940).

*Estimate Approved By:* Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

**“DISAPPEARED” BELARUSIAN OPPOSITION LEADERS**

Mr. CAMPBELL. Mr. President, earlier today, I had the opportunity to meet with the wives of four Belarusian opposition leaders who have either disappeared, been imprisoned, or have died under mysterious circumstances. Theirs is a compelling story which starkly illustrates the human toll of Alexander Lukashenka's regime in which human rights, democracy and the rule of law are violated with impunity.

These courageous women—Ludmilla Karpenko, Irina Krasovska, Tatiana Klimova and Svetlana Zavadska—conveyed their concerns about their husbands as well as about the continuing climate of fear in Belarus.

Earlier this month, I led a delegation to the OSCE Parliamentary Assembly

Annual Session, where I met with Anatoly Lebedko, one of the leaders of the Belarusian democratic opposition.

Belarusian presidential elections are quickly coming up—on September 9. Unfortunately, the Belarusian authorities have not yet made a serious commitment to abide by criteria set forth well over a year ago by the Organization for Security and Cooperation in Europe, OSCE, of which Belarus is a member. These criteria include an end of the climate of fear, equal access to the state media for all candidates, respect for freedom of assembly, as well as transparency and fairness in the registration of candidates and functioning of electoral commissions.

The Helsinki Commission, which I chair, continues to receive troubling reports concerning developments in Belarus. Indeed, the prospects for free and fair presidential elections this fall remain dim. The unbalanced composition of the regional electoral commissions is particularly disturbing given the apparent rejection by the authorities of all candidates—over 800—proposed by Belarusian democratic parties and non-governmental organizations. The Belarusian authorities need to guarantee the impartiality of the electoral commissions by ensuring that democratic parties and non-governmental organizations, NGOs, are represented meaningfully and to correct other reported violations of the electoral code.

The State Department has urged the Belarusian authorities to mount a credible investigation to account for missing former Minister of Internal Affairs Yury Zakharenka, 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his associate Anatoly Krasovskiy, as well as Russian Television cameraman Dmitry Zavadsky. They have urged the immediate release of political prisoners and 13th Supreme Soviet members Andrei Klimov and Valery Shchukin. Such an investigation, as well as the release of political prisoners, will be an essential factor in reducing the current climate of fear.

Finally, the Belarusian authorities need to work with the OSCE to facilitate the work of international and domestic observers and to help ensure that all candidates are able to organize freely, without harassment, and carry their campaigns to the people.

While it is not yet too late for the Belarusian authorities to take the steps necessary to ensure an atmosphere conducive to elections that will meet international democratic standards, time is of the essence. Free and fair presidential elections are an essential step if Belarus is to move ahead and end its self-imposed isolation. As President Bush has remarked in connection with this week's observance of Captive Nations Week, America must remain vigilant in our support of those living under authoritarianism. The people of Belarus have that support as they seek to overcome the legacy of

the past and build an independent nation based on democracy, human rights and the rule of law.

#### NURSE RECRUITMENT AND RETENTION ACT OF 2001

Mr. CLELAND. Mr. President, I want to commend Senator ROCKEFELLER, Chairman of the Committee on Veterans' Affairs, VA, for his leadership on the measure we are introducing today, the Nurse Recruitment and Retention Act of 2001.

I also want to commend Senator ROCKEFELLER for conducting his first hearing as newly appointed Chairman of the Committee on Veterans' Affairs on the looming nursing shortage. The Federal health sector, employing approximately 45,000 nurses and the VA as the single largest employer of nurses may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement in the year 2004. Current and anticipated nursing vacancies in Federal health care agencies are particularly alarming with the increased nursing care needs of an aging America. The Journal of the American Medical Association published a study last year which found the average age of the nursing workforce rose by 4.5 years between 1983 and 1998, mostly because fewer younger people are joining the profession.

It is imperative that the VA have the ability to recruit and retain nurses. Expert witnesses, like Nurses' Organization of Veterans Affairs, NOVA, President Sarah Meyers R.N., Ph.D. of Atlanta, GA, testified at the June 14 hearing. These witnesses identified critical issues ranging from those impacting VA nurses' ability to continue to safely care for veterans to nursing burn-out. Senator ROCKEFELLER and I have developed a comprehensive proposal to address both recruitment and retention of VA nurses.

The Nurse Recruitment and Retention Act of 2001 includes provisions for the nurse scholarship program and education debt reduction. The bill's other needed measures to enhance retention of nurses are: Saturday premium pay for nurses and other identified health professionals, inclusion of unused sick leave in retirement computation for nurses enrolled in the Federal Employees Retirement System, FERS, and full-time service credit in annuity computation for part-time service prior to April 7, 1986. Also proposed are reports to Congress on: (1) the use of mandatory overtime with recommendations for alternative staffing strategies and (2) the encouraged use of waivers of pay reduction for reemployed annuitants to fill needed nurse positions to enhance recruitment.

The Nurse Recruitment and Retention Act of 2001 is needed now in order for VA nurses to continue to care for this country's veterans.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in 1998 in Boston, MA. A 27-year old gay man was allegedly attacked and beaten when he was walking home from work by assailants who shouted anti-gay epithets. One of the attackers carved the letter "F," presumably for "faggot," on the victim's shoulder.

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 of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### COSPONSORSHIP OF S. 1188

Mr. ROCKEFELLER. Mr. President, because of a clerical mistake, Senator SPECTER was not listed as an original cosponsor to S. 1188, the Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001. This bill was introduced yesterday.

Although Senator SPECTER has now been added as a cosponsor and my introductory statement on the bill referred to him as an original cosponsor, I want the RECORD to reflect his early support of the legislation. I look forward to working with him to enact the VA Nurse Recruitment and Retention Act of 2001.

#### SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. KERRY. Mr. President, I am pleased to join my colleague, Senator BOND, in introducing the Small Business Investment Company, SBIC, Amendments Act of 2001. I am a strong supporter of this program, and am mystified and frustrated by efforts to eliminate funding for and restrict the investment capacity of a program that does so much good for the economy.

Last year, the Agency financed 4,600 venture capital deals, which invested \$5.6 billion in our fastest-growing small businesses. In spite of this impressive track record, the President's budget, and the House appropriators, have eliminated funding for the SBIC participating securities program and reduced the program level for the debenture program, which requires no appropriations. Why eliminate funding and restrict activity for the SBIC programs when venture capital has all but dried up? As I have said so many times, the

programs at SBA are a bargain. For very little, taxpayers leverage their money to help thousands of small businesses every year and fuel the economy.

In the SBIC participating securities program last year, taxpayers spent \$1.31 for every \$100 leveraged for investment in our fastest growing companies—companies like Staples, Callaway Golf, Federal Express, and Apple computers.

The main purpose of this Act is to adjust the fees charged to Participating Security SBICs from one percent to 1.28 percent. The change is necessary because the demand for the SBIC program is growing beyond what is possible to fund solely through appropriations.

The National Association of Small Business Investment Companies, NASBIC, testified before both the Senate and House Committees on Small Business in favor of increasing the program level from \$2 billion to \$3.5 billion.

This legislation raises fees just enough to make up the difference between appropriations of \$26.2 million, which is level funding, and the \$65.4 million that would be needed to provide a \$3.5 billion program level. This approach is consistent with the Kerry/Bond amendment to the Budget Resolution that was agreed to in the Senate by voice vote in April, and retained in the final budget resolution.

The other changes strengthen the oversight and authority of SBA to take action against bad actors and protect the integrity of the program.

#### THE LOSS OF KATHARINE GRAHAM

Ms. LANDRIEU. Mr. President, yesterday Washington D.C. and the Nation lost a great friend. A first-rate role model and deft businesswoman, Katharine Graham was a believer in the first amendment who printed the stories that defined our Nation and impacted our lives. As one of the first female executives to run a major newspaper, Katharine Graham opened the doors of power for women here in the Nation's capital and around the country. When Katharine Graham assumed the reigns at The Washington Post, two women served in the U.S. Senate, and none served as Governors of States. Today, in large part because of the path that she and other women of her generation have blazed, there are more women serving as Members of Congress, as Governors, and as corporate executives than ever before. Among all her accomplishments, it is this inspiration for which I am most grateful. Katharine Graham will be surely remembered by her family, friends and her many admirers around the world.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday,

July 17, 2001, the Federal debt stood at \$5,714,215,489,048.80, five trillion, seven hundred fourteen billion, two hundred fifteen million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents.

One year ago, July 17, 2000, the Federal debt stood at \$5,671,573,000,000, five trillion, six hundred seventy-one billion, five hundred seventy-three million.

Five years ago, July 17, 1996, the Federal debt stood at \$5,162,070,000,000, five trillion, one hundred sixty-two billion, seventy million.

Ten years ago, July 17, 1991, the Federal debt stood at \$3,541,621,000,000, three trillion, five hundred forty-one billion, six hundred twenty-one million.

Fifteen years ago, July 17, 1986, the Federal debt stood at \$2,070,188,000,000, two trillion, seventy billion, one hundred eighty-eight million, which reflects a debt increase of more than \$3.5 trillion, \$3,644,027,489,048.80, three trillion, six hundred forty-four billion, twenty-seven million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents during the past 15 years.

#### ADDITIONAL STATEMENTS

##### HONORING COLONEL HAROLD DEAN WEEKLEY

• Mr. INHOFE. Mr. President, in a couple of days, July 27th to be exact, I will be going to Oshkosh, WI, to attend "2001 Air Venture" or the Oshkosh Fly-In for those of us who are involved in general aviation. This will be the 23rd consecutive year that I have gone and it is an event that I look forward to each July.

As in years past, I will use the opportunity to catch up with old friends, watch a couple of air shows, and look over hundreds of planes. In addition, this year I will have the opportunity to meet a true American hero, Colonel Harold Dean Weekley, retired, who will be honored by the WAR BIRDS for his 30 years of service in the Army Air Corp and then the United States Air Force. During World War II, Colonel Weekley flew B17's where he had a great many close calls but in each instance heroically finished his mission and on several occasions put his own life on the line to protect his crew.

I know all my colleagues will agree with me that we owe the men and women of the Armed Forces a tremendous debt of gratitude because they are the ones on the front lines protecting our liberty. Colonel Weekley and his generation went above and beyond the call of duty when they put their lives and careers on hold to fight in a conflict a half a world away which many at the time did not believe should involve the United States. Certainly in hindsight, American involvement in World War II was not only the right thing to do but critical to our own se-

curity. It was courageous individuals like Colonel Weekley that won the war. Therefore, I think it very fitting that the WAR BIRDS honor Colonel Weekley for his service and urge my colleagues to join me in thanking the Colonel for the sacrifices he has made for us.●

##### HONORING CENTENNIAL OF BROWNE'S MARKET AND DELI

• Mrs. CARNAHAN. Mr. President, it is the 100th anniversary of a business in Kansas City, MO that represents the entrepreneurial spirit that has made America great. In 1901, two Irish immigrants, Edward and Mary Flavin, in search of the American dream, designed and constructed a building that would serve as a grocery store and meat market. The couple wished to develop a successful business, catering to the needs of the residents in their neighborhood. The Flavins recognized the opportunity offered in the United States and took advantage of it, building a strong business that still exists today.

The store continued to flourish, proving to be a profitable investment. But as the couple grew older, the Flavin Grocery store was eventually passed on to their daughter, Margaret Flavin-Browne, and her husband James Browne. They continued to operate and develop the store, changing the name to J.R. Browne Grocery.

The grocery and building complex is now operated by Kerry Browne, fourth generation, and is known to Kansas Citians as Browne's Market & Deli. The building was designated a historic landmark in 1983, symbolizing the certainty of the American dream and the opportunity which embodies it.

Today we celebrate the contributions of the Flavin-Browne family and this building complex to the cultural, aesthetic and architectural heritage of Kansas City and Jackson County. The great State of Missouri is very proud to honor this significant landmark on the centennial of its founding.●

##### TRIBUTE TO LARRY HORNSBY

• Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding representative of Alabama State, Larry G. Hornsby, CRNA, BSN. Mr. Hornsby will soon complete his year as national president of the American Association of Nurse Anesthetists, AANA. I am very pleased that one of Alabama's own was tapped as the 2000-2001 president of this prestigious national organization.

The AANA is the professional organization that represents more than 28,000 practicing Certified Registered Nurse Anesthetists, CRNAs. Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthesia for all types of surgical cases

and are the sole anesthesia provider in 2/3 of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and the plastic surgeons.

Larry received his nurse anesthesia education at the University of Alabama, Birmingham, where he also earned his bachelor's of science and nursing degrees. He is currently president of Anesthesia Professionals, Inc., in Montgomery, AL, and Anesthesia Resources Management, Inc., in Birmingham, AL. Mr. Hornsby has held various leadership positions in the AANA as regional director, vice president, and president-elect before becoming the national president of AANA in 2000. Also, Larry has served terms as president and vice president for the Alabama Association of Nurse Anesthetists, and has chaired the Government Relations and the Educational District Six committees.

In addition to his service to the AANA, Mr. Hornsby sits on the Alabama Board of Nursing Advisory Council to the Nursing Practice/Discipline Committee and was a representative to the State of Alabama Commission on Nursing. Adding to his professional accomplishments, Mr. Hornsby has become a nationally recognized speaker on anesthesia-related topics over the years.

Even with his time commitments to the AANA and in his profession as a CRNA, Larry still manages time for his second passion, to fish for bass in the rivers of Alabama. As a bassmaster, Mr. Hornsby was president of the Capital City Bassmasters in Montgomery, AL between 1987-1997.

I ask my colleagues to join me today in recognizing Mr. Larry G. Hornsby, CRNA, BSN, for his notable career and outstanding achievements.●

##### IN MEMORY OF ALDERMAN LORRAINE L. DIXON

• Mr. DURBIN. Mr. President, I would like to take this moment to commemorate the life of Lorraine L. Dixon, Alderman from the 8th Ward in the City of Chicago.

Born on Father's Day, June 18, 1950, in the south side neighborhood of Bronzeville, she was the youngest of five children born to Edwin and Edra Godwin. Alderman Dixon grew up surrounded by friends and family including her four brothers Edward Jr., Eddie, Andrew and John. She was particularly close to her brothers Eddie and John who would do anything to protect and please their little sister including taking the blame for accidents. After attending Fuller Elementary School and South Shore High School, she graduated from Chicago State University in 1972 with a Bachelor of

Science Degree in Secondary Education and a minor in English Literature.

Alderman Dixon's career in the public service began soon thereafter. After graduation she became a member of the 8th Ward Young Democrats Organization and became the vice president of the organization in 1977. In that same year and again in 1978 she was elected Woman's Vice Chairman of the Cook County Young Democrats.

From these positions she went on to work for current Cook County Board President John Stroger during his 1980 congressional campaign, and thus began a strong alliance between these two public servants. President Stroger was a mentor to Alderman Dixon throughout her years of community involvement and work for her constituents. Her years of service with President Stroger were representative of the intense loyalty she had for her colleagues in public service.

Alderman Dixon next held positions with the Chicago Department of Human Services, the Chicago City Council Committee on Zoning and the Committee on Energy. She also served as an aide to Alderman Keith Caldwell, who represented the 8th Ward at the time.

Lorraine Dixon's career as an alderman began when she was appointed by Mayor Richard M. Daley to complete the term of the late Alderman Keith Caldwell in June 1990. Her commitment to the position was demonstrated by her scheduling of weekly Monday night meetings with constituents of the 8th Ward. Alderman Dixon won her first aldermanic election to represent the 8th Ward in 1991 and won overwhelming reelections in 1995 and 1999, demonstrating the support she inspired from her constituents. During her years as the standard bearer for the 8th Ward, she served as Chairman of the Human Relations Committee and Chairman of the Subcommittee on MBE/WBE and Affirmative Action Matters. In 1993 she was elected President Pro Tempore of the Chicago City Council, becoming the first woman in the history of the Chicago City Council to be so honored. Then in August 1994 she was elected as the first woman to serve as Chairman of the Committee on the Budget and Government Operations. From this powerful committee she was able to oversee taxpayer dollars used to support programs in the city that she loved. She served her ward, and the entire City of Chicago, with passion and grace.

Her dedication to the public was equaled only by her dedication to God and her unwavering faith gave her courage as she battled breast cancer. Alderman Dixon's faith gave her the strength to overcome the anguish of being diagnosed with this grave disease and to continue her work in the 8th Ward during the last days of her life. She worshiped at Christ Temple Cathedral and was active within the community of the 8th Ward, where she is re-

membered by many for her willingness to come to the aid of those in need. The constituents of the 8th Ward will not soon forget her kindness.

Alderman Dixon was a member of many community boards and professional organizations and from these activities she was able to hear and effectively respond to the issues and needs of her constituents in the 8th Ward. Her involvement touched many lives. Lorraine L. Dixon was a true leader and a true public servant. Her accomplishments in life leave a rich legacy to all who knew and respected her. She has left an extended family that includes her mother, Edra, her brothers Edward Jr. and Eddie, and countless nieces, nephews, cousins and close personal friends. I was honored to call her a friend and I will miss her warm smile, boundless energy and personal commitment to help those in need.●

#### IN RECOGNITION OF THE 100TH ANNIVERSARY OF IRONWORKERS LOCAL NUMBER 25

● Mr. LEVIN. Mr. President, today marks the 100th anniversary of Ironworkers Local Number 25—the largest ironworkers local in the Nation. On Saturday, July 21, 2001, thousands of members of Local 25, their families and friends will gather in Detroit, MI to celebrate this significant milestone.

Founded on July 18, 1901, and chartered by the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 25 is responsible for the construction of much of modern day Detroit. As we continue to celebrate the 300th anniversary of Detroit, many of the most notable landmarks that dot Detroit's skyline were constructed by members of Local 25. Cobo Hall, the Broadway Theater, the Renaissance Center and many of the cities' auto plants are just a few of the facilities constructed with the help of Local 25.

Dubbed "I-beam cowboys" or "cowboys of the sky," because of their independent nature and the fact that they often work hundreds of feet above ground on steel beams only a few inches wide, ironworkers are proud of the challenging and rewarding nature of their work. Ironworkers are not to be confused with steelworkers who make steel. Ironworkers take architectural plans and turn them into massive steel structures. This work can send ironworkers all over the country—in fact, some members of Local 25 are working in our very backyard on the biggest steel project underway in North America: the Washington, DC Convention Center.

The independent nature of ironworkers makes the success of Local 25 even more significant. While one should never doubt the strength of an individual ironworker, the strength of ironworkers uniting together around a common goal is something to behold. While their collective work is evident in beautiful structures across our Na-

tion, Local 25 and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers have also worked together to guarantee fair wages, increased safety and needed benefits for their members.

Local 25's contributions to Detroit and our Nation can be seen in skylines, bridges and facilities across our country. At the same time, Local 25 has worked to protect the rights of skilled workers enabling them and their families to build better lives. I know that my Senate colleagues join me in saluting Local 25 for all the enthusiasm they bring to their work everyday, and for all they have done to build our Nation.●

#### REMEMBERING THREE GREAT MUSICIANS, THREE GREAT FRIENDS

● Mr. MILLER. Mr. President, three good and uniquely talented men who spoke to the world through the universal language of music died recently.

Chet Atkins, John Hartford, and Johnny Russell are gone. They are dead, but as long as their music is played they remain alive, and they will be for a long, long time.

Chet Atkins was as responsible as any single person for turning Nashville, Tennessee, into "Music City, USA" and was the originator of what came to be called "The Nashville Sound." From his position as vice president in charge of country music for RCA and because of the great respect other artists had for him, he was able to influence the direction the music went in and who the artists were who made it.

A laconic, modest man, Chet Atkins played down his own importance and referred to himself simply as "a picker."

John Hartford is best known as the songwriter of "Gentle On My Mind," one of country music's most recorded songs and as the banjo picker in the Glenn Campbell and Smothers Brothers Shows. But he was much more than that. He was a versatile musician who recorded nearly 40 albums of his own and appeared most recently on the soundtrack of "O Brother, Where Art Thou?"

Johnny Russell was a country music singer and songwriter, but it was one of his songs by The Beatles that was his most successful compositions. It was called "Act Naturally" and was on the flip side of the Beatles' single "Yesterday." His biggest hit as a singer was "Red Necks, White Socks and Blue Ribbon Beer."

Much more could be said, and has been said, about these three remarkable talents who died so closely together. The New York Times wrote lengthy obituaries of both Atkins and Hartford.

I had the good fortune of knowing all three as personal friends. Chet once showed me the toilet stall in a school in Harris County, Georgia, where as a young picker using it, he got the idea

for an echo chamber. John Hartford and his talented son, Jamie, have stayed up late with me at the Georgia Governor's Mansion picking and singing. And Johnny Russell always said my wife, Shirley, made the best biscuits he had ever eaten. Coming from a 275-pound man with a tremendous appetite, she always considered that to be the supreme compliment.

I will miss them. America will miss them. But their music still lives. Thank God, their music still lives.●

#### COMCAST LEADERS OF TOMORROW SCHOLARSHIPS

● Mr. CORZINE. Mr. President, it is a pleasure to take this opportunity to recognize the 144 New Jersey students who were recently selected to receive this year's Comcast Leaders of Tomorrow Scholarship. The company awarded scholarships totaling \$144,000 to college bound students from 96 high schools throughout New Jersey. Each scholar is receiving a grant in the amount of \$1,000 to pursue further, post-secondary studies. To be considered for this scholarship, prospective candidates were required to demonstrate a positive attitude, outstanding academic achievement, exemplary leadership skills, and a serious commitment to community service. Therefore, it is with great pride that I bring the outstanding accomplishments of these individuals from the great State of New Jersey to your attention.

Education has always been one of my top priorities. In an era of globalization and high technology, it is vital that each child has access to a world-class education that emphasizes the importance of both academics and social responsibility. The quality of our educational system will determine the future of our children, our nation, as well as the world.

At a time in history where environmental hazards and civil conflicts have captured our interests, we must not abandon the ongoing battle to modernize schools and reform education. It is truly gratifying to learn how these individuals from New Jersey are challenging themselves to reach their highest potential. As these students quickly emerge as the future leaders in our society, I would ask that my colleagues join me in applauding this year's Comcast Leaders of Tomorrow Scholarship winners for their remarkable accomplishments and their sincere desire to make a difference.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

#### MESSAGE FROM THE HOUSE

At 3:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H.R. 1) entitled "An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind," and agreed to the conference asked by the Senate to the disagreeing votes of the two Houses thereon.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

#### REPORTS OF COMMITTEES RECEIVED DURING RECESS

The following reports of committees were submitted on July 18, 2001:

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1191: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107-41).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

\*Mark B. McClellan, of California, to be a Member of the Council of Economic Advisers.

\*Sheila C. Bair, of Kansas, to be an Assistant Secretary of the Treasury.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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. LOTT (for himself and Mr. DASCHLE):

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

By Mr. KOHL:

S. 1191. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

By Mr. BAYH:

S. 1193. A bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 136. A resolution to authorize testimony, document production, and legal representation in State of Connecticut v. Kenneth J. LaFontaine, Jr; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 60

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 304

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 367

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 661, a bill to amend the Internal

Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 723

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 816

At the request of Mr. BREAUX, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 816, a bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agri-

cultural and animal waste sources as a renewable energy resource.

S. 856

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1002

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1008

At the request of Mr. STEVENS, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from Vermont

(Mr. JEFFORDS) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1185

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1185, a bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program.

S. 1188

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1188, a bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 119

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 119, a resolution combating the Global AIDS pandemic.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free mar-

ket economies and democratic institutions, in sub-Saharan Africa.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. DASCHLE).

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

Mr. LOTT. Mr. President, 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. 1190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking “an education individual retirement account” each place it appears and inserting “a Coverdell education savings account”.

(2) Section 530(a) of such Code is amended—  
(A) by striking “An education individual retirement account” and inserting “A Coverdell education savings account”, and

(B) by striking “the education individual retirement account” and inserting “the Coverdell education savings account”.

(3) Section 530(b)(1) of such Code is amended—

(A) by striking “education individual retirement account” in the text and inserting “Coverdell education savings account”, and

(B) by striking “EDUCATION INDIVIDUAL RETIREMENT ACCOUNT” in the heading and inserting “COVERDELL EDUCATION SAVINGS ACCOUNT”.

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking “education individual retirement account” each place it appears and inserting “Coverdell education savings account”.

(5) The heading for section 530 of such Code is amended to read as follows:

“SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.”

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

“Sec. 530. Coverdell education savings accounts.”.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking “an education individual retirement” each place it appears and inserting “a Coverdell education savings”:

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking “education individual retirement” each place it appears in the text and inserting “Coverdell education savings”:

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking

“EDUCATION INDIVIDUAL RETIREMENT” each place it appears and inserting “COVERDELL EDUCATION SAVINGS”.

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking “EDUCATION INDIVIDUAL RETIREMENT” and inserting “COVERDELL EDUCATION SAVINGS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

Mr. CLELAND. Mr. President, in the summer of 1990, President George Bush signed the Americans with Disabilities Act, ADA, into law saying, “Let the shameful wall of exclusion finally come tumbling down.” With intercity buses playing an important role in transporting millions of passengers throughout the country, we must ensure the means are available for all Americans to access this transportation mode. That is why I am introducing, along with Senators SNOWE, HOLLINGS, and SCHUMER, a bill to provide tax credits to intercity bus companies which purchase coaches in compliance with the ADA. Our bill expands a current tax credit to give bus owners a 50 percent tax credit of the cost of purchasing and installing hydraulic wheelchair lifts and other devices to improve accessibility.

As my colleagues know, I have long been a proponent of ensuring accessibility. In fact, while I was a member of the Georgia State Senate in the early 1970s, I sponsored a bill to make public facilities accessible to the disabled, and this bill became law. Georgia was a national leader at that time, and I have been pleased to see the changes throughout the country with regard to accessibility over the past three decades. However, there is more that can and should be done.

With their reliability, safety and low cost, over the road buses are the preferred mode of transportation for millions of Americans, and with the 2012 deadline to have all over the road buses be wheelchair accessible approaching, it is time for Congress to aid in meeting this mandate. The Transportation Research Board estimates that the annual coast of upgrading and replacing the over the road bus fleet could average \$25–\$27 million, not to mention the extra training and maintenance costs. At the heart of the intercity bus industry are small businesses, on which this deadline would impose a significant toll. If these small businesses can not meet this deadline, the rural communities that have no other means of transportation will suffer, or large portions of the upgrade costs will be

passed on to consumers in the form of higher fares, that is, unless Congress provides some assistance. Our legislation would do exactly that.

I believe that bus service is destined to play an ever important role in transportation planning. In my home State of Georgia, many of the metropolitan counties have been declared as out of attainment with the Clean Air Act. As a result, Georgia is re-evaluating its transportation priorities, which includes moving people between intercity destinations. Personally, I envision a Georgia, and a United States, where buses play an important role in transporting people to hub cities for work or to transfer to another mode of transportation.

The cost to us if we lose bus services is incalculable. All segments of the community will obviously be affected and not for the better. However, by working together, legislators, the disabled, the elderly, and the bus industry can and must strengthen bus service for all communities and the millions of Americans who use the service of over the road buses. I encourage my colleagues to join in support of this legislation.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow States to pass laws limiting the import of waste from other States. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94-6 margin, only to see it die in the House of Representatives. I look forward to my new role as a member of the Senate Committee on Environment and Public Works and am confident that with the strong leadership of my colleagues Chairmen CHAFEE and SMITH, we can get quick action on a strong waste bill and put the necessary pressure on the other body to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution. The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, 6.3 million tons from out-of-State in 1996 and 1997, and a record 7.2 million tons in 1998, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 44 percent and New Jersey responsible for 41 percent of the municipal solid waste imported into Pennsylvania in 1998.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where the closure of the city's one remaining landfill, Fresh Kills, has been announced this year. I am advised that 13,200 tons per day of New York City trash were sent there and that Pennsylvania is a likely destination of this trash.

I have met with county officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filling up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator John Heinz, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to

municipal solid waste, the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6-3) in *Carbone versus Clarkstown* that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and composting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-State waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest exporting states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today Senator MIKULSKI, Senator BOND, and I, along with a number of our colleagues, are introducing, "The Credit Watch Act of 2001," a bill that will authorize the Federal Housing Administration (FHA), to identify lenders who have excessively high early default and claim rates and consequently terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A rash of FHA loan defaults have led to foreclosures and vacant properties in cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are many vacant foreclosed homes within just a few blocks of each other. This can often be the beginning of a neighborhood's decline. The high volume of vacant properties creates a perception that both the property and the neighborhood are not highly valued. In turn, these neighborhoods deteriorate physically and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Stabilization and revitalization efforts are undermined by the presence of abandoned homes.

The Department of Housing and Urban Development, HUD, community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups that careless lenders are offering the FHA insured loans to families who cannot afford to pay them back. This results in defaults and foreclosures. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods, one of which is "Credit Watch."

"Credit Watch" is an automated system that keeps track of the number of early foreclosures and claims of lenders in a particular area. This legislation authorizes the FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than other lenders in the same area. The FHA is currently targeting lenders with default rates of 300 percent of the area average.

Credit Watch has been an effective tool in tracking down bad lenders.

Since HUD launched Credit Watch in May 1999, the Department has terminated the origination approval agreements of 77 lender branches. An additional 177 lender branches were placed on Credit Watch, warning, status.

The legislation accounts for differing regional by ensuring that lenders are only compared to other making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe that mitigating factors may justify higher default rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner so that costly abuses of the FHA insurance fund can be stopped. Quick action not only protects the health of the Mutual Mortgage Insurance, MMI, fund, it protect neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an useful and efficient way for the FHA to prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities, "Credit Watch" is an obvious and immediate solution to one part of this problem.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, today I am introducing the Small Business Investment Company Amendments Act of 2001. This bill is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of \$500,000—\$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nation's best known companies. It has

provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided \$500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of \$10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The "Small Business Investment Company Amendments Act of 2001"

would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.28 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958, '58 Act, that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is \$3.5 billion, a significant increase over the FY 2001 program level of \$2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. This fee increase, when combined with an appropriation of \$26.2 million for FY 2002, the same amount Congress approved for FY 2001, will support a program level of \$3.5 million.

The "Small Business Investment Company Amendments Act of 2001" would also make some relatively technical changes to the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and-desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be "management officials," which includes officers, directors, general partners, managers, employees, agents of other participants in the management or conduct of the SBIC. At the time Section 313 of the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Mr. President, I ask unanimous consent that section-by-section summary be printed in the RECORD.

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

**SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001—SECTION-BY-SECTION SUMMARY**

*Section 1. Short title*

This Act will be called the "Small Business Investment Company Amendments Act of 2001."

*Section 2. Subsidy fees*

This section amends the Small Business Investment Act of 1958 to permit the SBA to collect an annual interest fee from SBICs in an amount not to exceed 1.28 percent of the outstanding Participating Security and Debt balance. In no case will the SBA be permitted to charge an interest fee that would reduce the credit subsidy rate to less than 0 percent, when combined with other fees and congressional appropriations. This section would take effect on October 1, 2001.

*Section 3. Conflicts of interest*

This change would remove the requirement that SBA run local advertisements when it seeks to determine if a conflict of interest is present. SBA has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary. SBA would continue to publish these notices in the Federal Register. This section would not prohibit the SBA from running local advertisements should it believe it is necessary. It is supported by the SBA.

*Section 4. Penalties for false statements*

This section would amend Title 12 and Title 18 of the United States Code to insure that false statements made to SBA under the SBIC program would have the same penalty as making false statements to an SBIC. The section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the Small Business Investment Act of 1958 would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

*Section 5. Removal or suspension of management officials*

This section would amend Section 313 of the Small Business Investment Act of 1958 to expand the list of persons who could be removed or suspended by the SBA from the management of an SBIC to include officers, directors, employees, agents, or other participants of an SBIC. The persons subject to this section are called "Management Officials," a new term added by this amendment. The amendment does not change the legal or practical effect of the provisions of Section 313; however, it has been drafted to make its provisions easier to follow.

Sections 3, 4, and 5 would take effect on enactment of the Act.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 136—TO AUTHORIZE TESTIMONY DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF CONNECTICUT V. KENNETH J. LAFONTAINE, JR.**

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

**S. RES. 136**

Whereas, in the case of State of Connecticut v. Kenneth J. LaFontaine Jr., No. 01-29206, pending in Connecticut Superior Court in the City of Hartford, testimony and document production have been requested from James O'Connell, an employee in the office of Senator Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That James O'Connell and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of State of Connecticut v. Kenneth J. LaFontaine Jr., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent James O'Connell and any Member or employee of the Senate in connection with the testimony and document production authorize in section one of this resolution.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1012. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill H.R. 2311, supra.

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, supra.

## TEXT OF AMENDMENTS

**SA 1010.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, before the period, insert the following: “, of which not less than \$500,000 shall be used to conduct a study of Port of Iberia, Louisiana”.

**SA 1011.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

“The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood control project in Iowa.”

**SA 1012.** Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 15, strike “For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration, up to \$2,000,000,000 in borrowing authority is authorized to be appropriated, subject to the subsequent annual appropriations, to remain outstanding at any given time:” and insert, “For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the Administrator’s authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, an additional \$2,000,000,000 in borrowing authority is made available, under the Federal Columbia River Transmission System Act (16 U.S.C. 838) to remain outstanding at any given time:”

**SA 1013.** Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill (H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 11, at the end of line 16, add the following “During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.”.

**SA 1014.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appro-

priations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 3, strike line 24 and insert the following: “\$2,500,000; and

“For completion of plans and specifications, environmental documentation, and design for, and initiation of construction of, the navigation mitigation project, Saco River and Camp Ellis Beach, Maine, \$500,000:”.

**SA 1015.** Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike “\$732,496,000” and insert “\$722,496,000”.

On page 17, line 21, strike “\$736,139,000” and insert “\$601,139,000”.

On page 19, line 7, strike “\$25,000,000” and insert “\$170,000,000”.

**SA 1016.** Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title I, insert the following:

“SEC. . The non-Federal interest shall receive credit toward the non-Federal share of the project the cost of lands, easements, relocations, rights-of-way, and disposal areas required for the Portneuf River at Lava Hot Springs habitat restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: *Provided*, That the Secretary shall provide such credit only if the Secretary determines the work to be integral to the project.”

**SA 1017.** Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place in Title II, insert the following:

“SEC. . The Secretary of Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than \$6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of not less than 15 years.”

**SA 1018.** Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike “\$732,496,000” and insert “\$722,496,000”.

On page 19, line 2, strike “\$3,268,816,000, to remain available until expended.” and insert “\$3,278,816,000, to remain available until expended: *Provided*, That \$10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor:”.

## NOTICE OF HEARING

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, July 23, 2001, at 9 a.m., in room 2306 of the Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, NW., Atlanta, GA.

The purpose of this field hearing is to receive testimony on election reform issues. For further information, please contact Kennie Gill at the Rules Committee staff on 224-6352.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs authorized to meet during the session of the Senate on July 18, 2001, to conduct a markup of the reauthorization of the U.S. Export-Import Bank; the reauthorization of the Iran and Libya Sanctions Act; the nomination of Mr. Mark B. McClellan, of California, to be a member of the Council of Economic Advisors; and the nomination of Ms. Sheila C. Bair, of Kansas, to be Assistant Secretary of the Treasury for Financial Institutions.

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

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., on cross border truck and bus operations.

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

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9 a.m., to conduct a hearing. The committee will consider the nomination of Dan R. Brouillette to be an Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

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

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, July 18, 2001, at 2:30 p.m., in Dirksen 226.

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

## COMMITTEE ON FOREIGN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m., to hold a hearing titled, "The Putin Administration's Policies Toward the Non-Russian Federation".

Witnesses: Dr. Marjorie M. Balzer, Research Professor and Coordinator, Social, Ethnic, and Regional Issues Center for Eurasian, Russian, and East European Studies (CERES), Georgetown University, Washington, DC; Dr. John B. Dunlop, Senior Fellow, Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, CA; Dr. Paul Goble, Director, Communications Department, Radio Free Europe/Radio Liberty, Inc., Washington, DC; Dr. Steven Solnick, Associate Professor of Political Science, Columbia University, New York, NY.

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

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., for a hearing regarding S. 1008, the Climate Change Strategy and Technology Innovation Act of 2001.

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

## COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 18, 2001, at 9:30 a.m., in room 485, Russell Senate Building to conduct a hearing on Indian tribal good governance practices as they relate to tribal economic development.

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

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 18, 2001, at 10 a.m., in Dirksen 226. The subject of the hearing will be "Reforming FBI Management: The Views from Inside and Out."

Panel I: The Honorable Raymond W. Kelly, Senior Managing Director, Bear Stearns, New York, NY; Robert Dies, Assistant Director, Federal Bureau of Investigation, Washington, DC; Kenneth Senser, Deputy Assistant Director, Federal Bureau of Investigation, Washington, DC.

Panel II: John E. Roberts, Unit Chief, Office of Professional Responsibility,

Federal Bureau of Investigation, Washington, DC; John Werner, Blue Sky Enterprises of N.C., Inc., Cary, NC; Frank L. Perry, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC; Patrick J. Kiernan, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC.

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

## COMMITTEE ON NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on legislative proposals related to energy and scientific research, development, technology deployment, education, and training, including sections 107, 114, 115, 607, title II, and subtitle B of title IV of S. 388, the National Energy Security Act of 2001; titles VIII, XI, and division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 111, 121, 122, 123, 125, 127, 204, 205, title IV and title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 90, the Department of Energy Nanoscale Science and Engineering Research Act; S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 259, the National Laboratories Partnership Improvement Act of 2001; S. 636, to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; S. 1130, the Fusion Energy Sciences Act of 2001; and S. 1166, a bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes.

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

## SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on protecting workers from ergonomic hazards during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m.

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

## SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2002.

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

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 2 p.m., for a hearing entitled "What Is The U.S. Position On Offshore Tax Havens?"

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

## SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, July 18, 2001, from 10 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

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

## TRANSFER OF SLOBODAN MILOSEVIC TO THE INTERNATIONAL CRIMINAL TRIBUNAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) relating to the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution, which was referred to the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

## S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

【Whereas the transfer of Slobodan Milosevic and other indicted war criminals is a triumph of international justice and the rule of law in Serbia;】

*Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;*

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated \$29,400,000,000 in lost output and a foreign debt that exceeds \$12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

*Resolved*, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia; and

[(2) calls for the continued transfer of indicted war criminals to the International Criminal Tribunal for Yugoslavia and the release of all political prisoners held in Serbian prisons.]

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

Mr. CRAIG. Mr. President, I am not raising an objection to the Senate's approval of S. Res. 122 regarding the transfer of former Yugoslav President Slobodan Milosevic to the United Nations war crimes tribunal. It is clear that the primary purpose of the resolution is to applaud the fact that someone credibly alleged to have been a primary instigator of heinous crimes be brought to justice. I applaud that sentiment. A number of similarly culpable persons from all the groups concerned should have to answer for what has occurred during the past ten years of war and strife in former Yugoslavia, and by all accounts Milosevic tops the list. His prosecution and, if he is found guilty after a fair and open judicial process, his severe punishment are very much in order.

However, despite my decision not to object to this resolution, I think it is important to point out that it contains several elements that do not serve United States interests. And some of what is stated in it is not even accurate. Indeed, when an effort was made to pass this resolution just prior to the July 4 recess, I asked that it be held up until some of these could be addressed. It was then sent to committee and some of the problematic portions were in fact made worse. I wish to address some of these briefly.

First, just as a factual matter—and this is new language added in committee—it is inaccurate to state, as the Resolution does in the second "Whereas" clause, that "the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute" Milosevic. Actually, as far as anyone knows, the federal Yugoslav government headed by President Vojislav Kostunica, an old-fashioned patriot, who, incidentally, was the translator of the U.S. Federalist Papers into Serbian, had nothing to do with the Milosevic handover and in fact strongly opposed it, but was circumvented by the Serbian republic government of Prime Minister Zoran Djindjic.

Second, one can hardly say that this was a "free exercise of sovereignty." It is well known that the United States—mistakenly, in my view, continuing the policies of the Clinton administration—had threatened to boycott an international aid donors' conference unless Milosevic were surrendered. It should be understood that this is not just a matter of the U.S. withholding foreign aid. Rather, it amounts to continuing a policy of sanctions against an economically devastated country, and threatening to destabilize its weak democratic government, until it disregarded its own laws and complied with our demands. I could call this many things, but "free exercise of sovereignty" is not one of them. Moreover, Prime Minister Djindjic's compliance with this pressure is hardly an example of "courage," as the resolution calls it, especially since it is well known the extent to which he has used the Milosevic handover to undermine his political rival, President Kostunica.

Third, the same clause says the handover fosters "the rule of law in Yugoslavia." Again the opposite is true. When we have here, to give an American analogy, would be as if an American State Governor violated provisions of the U.S. constitution and policies set by the President in order to comply with the wishes of foreign countries. Instead of the rule of law, what has been fostered in Yugoslavia—and in its two remaining republics, Serbia and Montenegro—is the idea that laws, constitutional government, and national sovereignty are meaningless, and that the only real authorities are the demands of foreign powers and the "jurisdiction" of global United Nations "justice," represented by the tribunal to which Milosevic has been delivered. For a country trying to emerge from decades of dictatorship, this is exactly the wrong message to send.

Fourth and finally, the same clause applauds the notion that the Milosevic handover has fostered "international justice." That unfortunately is true, but I don't think it is reason for applause. As many of my colleagues know, I am strongly and unalterably opposed to the creation of a permanent International Criminal Court, of which the Yugoslavia tribunal and its Rwanda counterpart are precursors. In sending Milosevic to the U.N. tribunal—on charges arising in his own country, specifically Kosovo, which is a province of Serbia—we are helping to set a dangerous precedent for the ICC. We are saying to the world that when the will of a United Nations "court" clashes with a country's laws and constitution, the latter go into the trash can. I cannot speak for my colleagues, but I would object to sending any American citizen, no matter how evil the acts of which he was accused and however guilty he might be, to a United Nations court, especially if his alleged crimes took place in the United States. But we have successfully demanded that Serbia and Yugoslavia do exactly that,

and similar demands are being made against the Bosnian Serb republic and against Croatia. Serious crimes deserve serious punishment, but the question is not one of whether justice will be done but before what court and under whose authority.

At a time when U.S. troops are facing danger every day in Bosnia and Kosovo—and may soon be sent, unwisely in my view, to Macedonia—the policy consequences of setting in motion political events that may destabilize non-democratic Yugoslavia and even help break up the federation are counterproductive to U.S. interests and a threat to the safety of our troops. For the reasons stated above, it has been a blow, not a benefit, to democracy and constitutionalism. But worst of all, it has lent credence to the principles supporting the ICC, which is a direct threat to the sovereignty of our own constitutional republic and our democratic institutions. I welcome the day that Milosevic and comparable persons face justice for their deeds. But he should have been allowed to face justice at home, in front of a court of his own people, under his own laws and constitution, as President Kostunica wanted. The fact that we have ensured that this will not occur is not something for us to be proud of.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 122), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated \$29,400,000,000 in lost output and a foreign debt that exceeds \$12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

*Resolved*, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister

crats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia;

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

#### CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. Con. Res. 34.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 34) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was referred to the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

*Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;*

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of [the restoration of their full independence] *the end of their illegal incorporation into the Soviet Union;* and

(2) calls on the President to continue to build the close and mutually beneficial rela-

tions the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Amend the title so as to read: "Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union."

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the title, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Con. Res. 34), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The title amendment was agreed to.

#### DEVELOPMENT OF STRATEGIES IN SUB-SAHARAN AFRICA

Mr. REID. Mr. President, I ask consent that the Senate proceed to the im-

mediate consideration of Calendar No. 86, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, I am very pleased that the Senate will unanimously pass Senate Concurrent Resolution 53: Africa Hunger to Harvest. I became a cosponsor of the resolution because I strongly believe that it is an important first step towards a renewed commitment to acting in concert with our African partners to significantly reduce poverty and hunger on the subcontinent in the next ten years. I saw to it that the resolution moved out of the Foreign Relations Committee expeditiously because I wanted this legislation to pass with all due haste. As you know, the G-8 members are preparing for their meeting in Genoa. I hope that President Bush will interpret the passage of Africa: Hunger to Harvest as a signal of the Senate's support for development in Africa, and obtain commitments from other members of the G-8 to devise comprehensive plans to increase the ability of African nations to feed their people.

Sub-Saharan Africa is a region with vast human and economic potential. There is a preponderance of natural resources, and a large enough population to provide the labor necessary to fuel industry. Yet Africa, for the most part, has not prospered. It is the only region of the world where hunger is increasing. In the past thirty years the number of hungry people in Africa has more than doubled to the point where one of every three Africans is chronically undernourished. There are many reasons why: war, natural disaster, corruption, and poor governance, to name a few. And while African themselves must take ultimate responsibility for the success or failure of their countries, we have the resources and opportunity to help improve the lives of millions of people living there.

This resolution lays out a preliminary blueprint for doing so. It directs the Agency for International Development to devise solid, concrete five- and ten-year strategic plans to help Africans reverse the current state of affairs for many living in the region, and asks that the plans focus on such key areas as the establishment of democratic institutions, private sector and free market development, access to education, improved health, and debt relief. The blueprint itself acknowledges that hunger and poverty must be attached along these critical fronts to be eliminated.

A necessary component to achieving development is stability in the region, but stability alone will not result in

economic growth and improved living conditions. The establishment of the rule of law and democratic institutions is also necessary. Africans must have a say in the structure of their societies. They must be able to find a remedy through courts, they must have rules and regulations in place that provide an atmosphere of accountability. They must be able to put leaders in place that are dedicated and capable of imposing sound fiscal and economic policies. Leaders that work for the African people. That is why an emphasis on building democratic institutions is an essential building block in any plan to help improve conditions in African countries. Establishing institutions, accountability and rule of law helps establish favorable conditions for investment in the private sector.

Such investment is supported by increased opportunities for education, especially for women and girls. Education must be an integral part of this undertaking. While the illiteracy rate for women in the developing world stands at 32 percent, in Africa it is approaching 48 percent. In other words nearly half the women in Sub-Saharan Africa are completely illiterate, according to the World Bank. This has very serious and costly implications. Women with more education have fewer children, and start families later. Great education increase a mother's knowledge about child healthcare, which increases the chances that their offspring will grow to adulthood. Having fewer children frees more resources to educate the children families do have. The illiteracy rate for man and Africa is just as startling: 31.1 percent compared to 18 percent in the rest of the developing world. Economic growth is nearly impossible without investment in human capital. We must work to change this state of affairs.

Health indicators are equally alarming. The infant mortality rate in Sub-Saharan Africa is higher than in any other region of the world. For every 1000 children born, 107 die in infancy. The under five mortality rate is 160 for every child born. This rate is significantly lower than it is in the rest of the developing world. Life expectancy for women fortunate enough to survive childhood is less than 48 years. Men who survive childhood live just shy of 46 years on average.

Seventy percent of those living with HIV/AIDS are in sub-Saharan Africa. The UN Human Development Report states that Rwanda, Botswana, Burundi, Namibia, Zambia, and Zimbabwe life expectancy has dropped more than seven years because of the disease. It knows no boundaries of income or education or occupation. Teacher and soldiers as well as mine workers and women who work in the house are equally at risk. While there are a few notable exceptions, it seems as through African heads of state are just now beginning to realize that they cannot hold their heads in the sand with respect to this issue. We must help and

encourage them to not only devise credible plans to combat the spread of the disease, but to speak out about it.

All of the above emphasizes the fact that development in the health sector must be addressed as part of the USAID's strategic plans on humanitarian grounds and economic grounds. If we fail to do so, we risk losing a huge portion of the population of African countries, both in infancy due to childhood maladies and between the ages of 15 and 49, which is the bulk of the working population.

Finally, let me say that while we have made great strides on the issue of debt relief, we need to continue our efforts. Many countries will continue to have unsustainable levels of debt despite the advances that were made by the global ecumenical debt relief movement. Debt relief has positive results. In Uganda, for example, debt relief has meant that the government has increased spending on education so that children are able to attend primary school for free. New ways must be found to provide resources for countries where the poorest of the poor residents reside.

A reversal of fortune for the region is sorely needed. The rest of the world is leaving Africa behind in terms of economic development. It was the only region in the world to have experienced a shrinkage of Gross Domestic Product during the past 25 years. This trend must not continue. We have a lot of work ahead of us. The United States will never be able to help African nations feed their hungry populations without dedicating resources to implement plans which concentrate on the areas aforementioned. My colleagues have heard me say over and over again that we are not spending enough money on constructive foreign assistance programs such as the one set out in Senate Congressional Resolution 53. I repeat that admonition and add this: We can direct USAID to develop as many plans as we want to. At the end of the day, we must be willing to finance such plans. I stand ready to do so. I encourage my colleagues to do the same.

Mr. REID. I ask consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 53) was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 53

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. SHORT TITLE.**

This concurrent resolution may be cited as the "Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millen-

nium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than \$1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately \$12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of \$4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately \$1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the years 2002 through 2012 should be declared "A Decade of Support for Sub-Saharan Africa";

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-

year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global economy, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

#### MEASURE READ THE FIRST TIME—H.J. RES. 36

Mr. REID. Mr. President, on behalf of the Republican leadership, I understand the House Joint Resolution 36 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Mr. REID. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The joint resolution will receive a second reading on the next day.

#### AUTHORIZATION OF TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 136 submitted earlier today by the majority and other Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 136) to authorize testimony, document production, and legal representation in the State of Connecticut versus Kenneth J. LaFontaine, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a request for testimony and document production in a criminal case in the Superior Court in Hartford, CT. A resident of Connecticut has been charged with inciting injury to a person, second-degree harassment, and threatening. The criminal charges arise out of threatening and abusive telephone messages left on an answering machine at Senator LIEBERMAN's Connecticut District office, located in Hartford, CT, threatening, among other things, to inflict bodily injury through an attack on a Federal building.

This resolution would authorize an employee on Senator LIEBERMAN's staff who heard the threatening messages to testify and to produce evidence of the calls, with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Resolutions Submitted.")

#### FILING OF AMENDMENTS TO H.R. 2311

Mr. REID. Mr. President, because we have filed a cloture motion in the matter before the Senate, everyone who has an amendment to file will have to do so by 1 o'clock tomorrow.

#### PROGRAM

Mr. REID. Mr. President, on Thursday the Senate will convene at 10 a.m.

and resume consideration of the Energy and Water Appropriations Act. We still have every belief that we can complete this bill in the morning. We may also consider several Executive Calendar nominations. We had about 10 we thought we were going to be able to do tonight, but for various reasons they were not done.

We hope to complete the debate on the Graham nomination which has an agreed-upon time. And, of course, we hope to begin consideration of the Transportation Appropriations Act.

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate adjourn following the statement by the Senator from the State of Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Alabama.

#### NOMINATIONS

Mr. SESSIONS. Mr. President, I appreciate the opportunity just to say a few words. I thank Senator REID for his leadership and effort to move the legislation that has been moving forward pretty well so far. I think this side has certainly been cooperative. We have not had anything like the 100-plus amendments that we had when this side was trying to move bills last year. We have been very cooperative.

There is a real concern that this administration, as it gets itself into office facing all kinds of challenges, needs to get its people on board as soon as possible. We are now entering the seventh month of President Bush's administration. Maybe 15 percent of his term has been used up, and we now have 150 nominees who have not been confirmed. Maybe there will be some objections to some and they will need some scrutiny, but most of them are nominations which, if called up and are voted upon on the floor, are going to pass virtually unanimously.

These are good men and women who have left their jobs and careers. They are committed to public service for a period of time. We need to give them an up-or-down vote.

I think we need to set a higher standard than we have done before. I do not object to a Senator who has a concern over a nominee to raise that concern, to highlight the problem, to ask questions, even delay a nominee. But when we have a nominee nobody objects to—and this is true of the overwhelming majority of the 150 or so—we believe they ought to be moving forward promptly. That is why we are at loggerheads a little bit here. There are some strong feelings that we need a good, firm commitment we will move these nominations before we leave in August for a month away because then we will come back with all kinds of things and it will be September with appropriations bills and there will be

other issues and it will be harder than ever to get up nominations. Even more of them will be in the system by then, having been submitted by the President. It is going to be a big problem if we do not move promptly.

I think this is a reasonable request. I know Senator REID, Senator DASCHLE and others, have indicated they will make some progress, but we are not confident we have made a strong enough determination and commitment at this point in time to ensure those nominees move forward. I hope maybe this cloture motion can be vitiated and we will be able to reach accord and move forward, but I just want to say for the record that the matter is very serious. We have probably taken too long to move nominations as we go forward.

I think the ones that have little or no objection certainly ought to be moved forward.

Mr. REID. Mr. President, my friend from Alabama is right. There is no question that the process is very cumbersome. I hope in the future that we can maintain our record. We have a clear conscience. We cleared 54 last week. It was really the first week that we were in power because committees were just organized. With the leadership having changed, it slowed things down a little bit. But there wasn't much the Republicans could have done while they controlled the Senate because of the funnel that just doesn't allow these nominations to get here.

We have worked diligently today. Our staff worked. I told one of Senator LOTT's staff people just a minute ago that I spoke to Senator BIDEN earlier today, and we had told him that prior to the August recess we would clear all of those that already had hearings. We received a call back from Senator BIDEN's staff, and he told us that he spoke to Senator BIDEN and Senator BIDEN hopes to clear as many as 20 from the Foreign Relations Committee prior to the recess.

We recognize it is an embarrassment to this country—as powerful as the United States is—not having an Ambassador in a country. That is something that is good for the country. It is not because of Democrats or Republicans.

The Senator from Alabama is absolutely right. For the vast majority of these people, there is no problem at all. We just have to get them through the hearing process, which is sometimes cumbersome.

If there is somebody who has some objections, we can arrange something just like Graham. We are going to debate the Graham nomination when we finish the energy and water bill. There is time. I wanted to finish it tonight.

I wish right now that we could be doing this and Graham could look forward tomorrow morning to a very early vote and we could complete that matter. It is a contentious issue, but it is something we need to do. We can do that on others.

I have worked diligently. A lot of times people criticize me on my side because I work too closely with Senator LOTT on moving some of these bills. Last year, prior to the August recess, we did eight appropriations bills. Republicans controlled the Senate. But we moved eight appropriations bills. That was hard, hard work. But we did it. The Senator is right. A lot of times there were lots of amendments on those bills. But we worked our way through them.

I hope the Senator, who has a fine legal mind, is very concerned about what is happening. He wants his President to have all the help he needs. I hope the President gets all of his sub-cabinet people approved real soon.

I listened to an account on public radio just a short time ago. It is absolutely correct. It said what I already know—that President Bush will be lucky to have his sub-cabinet people approved by February. That is not because of partisan politics. It is because a system has developed in this country where we have vetting by the White House, by the Justice Department, by the agency in which the person is going to serve. It is too cumbersome and too burdensome.

Why do we need to have all this process for Dan Coats? Dan Coats served in the Senate up until a couple of years ago. He will be confirmed easily. Everybody likes him. It seems to me that the administration—Democratic and Republican administrations—should just have a little more courage, and say: We don't need Dan Coats to be vetted—that is just how I feel about it—by anyone. Let's just bring him down here, and he will stand or fall on how we feel about Dan Coats.

I hope in the morning that the Senator from Alabama and his colleagues who are concerned about this will look at our good-faith efforts. We are trying to do everything that we can. As I said, we were willing to clear 9 or 10 people tonight. For reasons that the Senator understands, we decided not to do that.

We haven't gotten much credit for the 54 we confirmed. We want to make sure that you feel good about what we are trying to do. There are a number of people as we proceed who may have some problems. We will identify those and set a special time for having some debate on the floor so we can have an up-or-down vote on them. We are not going to hold them up just to be holding them up.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We have made some progress. There were some objections last week and some concerns about not moving. The Democratic leadership moved 50 or more. But we still have 150, and we are coming up on the August recess. That is all we are saying.

Mr. REID. One-hundred and sixty.

Mr. SESSIONS. If we don't get moving now, we are not going to be able to finish by August with many confirmed. That will get us even further behind.

We are going to have a flood of nominations that haven't even come in yet. I am frustrated, as a former U.S. attorney, that no U.S. attorney nominees have even been made. I guess the President deserves blame for that. Maybe the FBI is working the other nominees and can't get the backgrounds on them, or whatever. The Senator from Nevada said perhaps they are terrified that they will nominate somebody who will have a black mark on their record and the administration will be embarrassed.

But I think all we are asking is let's give an intensity of interest to it. Let's give it our best shot before we recess in August to make sure that the backgrounds have been done on every one of these nominees so they are ready to go forward. The committees have to have some hearings. I know they are busy. We have been having hearings in the Judiciary on the FBI and DEA nominees, but we haven't had but three judges come out of Judiciary in 7 months, and none have been confirmed. We have to speed up a little bit. That is what we are asking.

I thank the Chair and yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 10 a.m. tomorrow, Thursday, July 19, 2001.

Thereupon, the Senate, at 8:17 p.m., adjourned until Thursday, July 19, 2001, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 18, 2001:

##### SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2002. VICE PAUL R. CARY.

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2007. (REAPPOINTMENT)

##### MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL EDWIN J. ARNOLD, JR., UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

BRIGADIER GENERAL CARL A. STROCK, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

##### DEPARTMENT OF STATE

THEODORE H. KATTOUF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

MAUREEN QUINN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

JOSEPH GERARD SULLIVAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

JOHNNY YOUNG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

##### DEPARTMENT OF THE INTERIOR

JEFFREY D. JARRETT, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE KATHLEEN M. KARPAN.

DEPARTMENT OF STATE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.  
 R. NICHOLAS BURNS, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ALEXANDER R. VERSHBOW.

DEPARTMENT OF JUSTICE

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF TEN YEARS, VICE LOUIS J. FREEH, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, ARMY CHAPLAIN (CH) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

*To be colonel*

JOSE R. ARROYONIEVES, 3172

*To be lieutenant colonel*

JAMES R. WHITE JR., 1236 CH

*To be major*

BRIAN T. \*MYERS, 6125

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MARIA L. BRITT, 6771  
 ANN D. DEMOLSKI, 4821  
 JADWIN V. MAYEAUX JR., 3032  
 MARK W. OLSON, 1553  
 LEONARD P. PARESA JR., 7478  
 ROBERT H. RHEN, 8790  
 RANDOLPH W. THOMAS, 5684  
 JOHN W. WILKINS II, 6981

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

DAVID M. BURCH, 9321  
 DAVID W. FLOYD, 4478

*To be lieutenant commander*

CURT D. ANDERSEN, 4756  
 MICHAEL G. MUELLER, 5108  
 MARCIA A. RIPLEY, 0730  
 BRENT W. SCOTT, 8695

MARCOS A. SEVILLA, 7243  
 MIL A. YI, 0125

DEPARTMENT OF STATE

EDMUND JAMES HULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

FRANKLIN L. LAVIN, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.  
 JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 18, 2001, withdrawing from further Senate consideration the following nomination:

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2005, WHICH WAS SENT TO THE SENATE ON JULY 10, 2001.