

My question to the Senator is, when Congress first authorized this project, was the area I just described supposed to be within the scope of the original project, thus allowing the corps to proceed with the required dredging and maintenance?

Mr. DOMENICI. I thank the Senator from Alaska for his question. I have been made aware of the problem in the Cook Inlet Navigation Channel, and I am concerned about its current condition. I am also aware that the channel is the lifeline for products to the State of Alaska. The area described by the Senator from Alaska should be considered within the scope of the original authorization and I urge the corps to address this issue soon as possible.

Mr. STEVENS. I thank the senator.

JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman in a colloquy regarding two provisions in the conference report to accompany the fiscal year 2002 Energy and Water Appropriations Act.

Mr. REID. I would be pleased to discuss these matters with the senior Senator from Maryland.

Mr. SARBANES. I want to clarify that it was the conference committee's intent that a portion of the additional funding provided in the Army Corps of Engineers operations and maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area on the Maryland Side of the Jennings Randolph Lake immediately downstream from the dam.

Mr. REID. The Senator is correct. The committee has provided an additional \$1 million in this account for the Jennings Randolph Lake project to be used for recreational facility improvements as well as for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph Dam.

Mr. SARBANES. I would also like to clarify that it was the conference committee's intent that the funding provided for the Chesapeake Bay shoreline erosion study will also include an examination of management measures to address the sediments behind the dams on the lower Susquehanna River.

Mr. REID. The Senator is again correct.

Mr. SARBANES. I thank the chairman for these assurances and commend him and the staff for the terrific work in crafting this conference agreement.

ALASKA'S COOK INLET

Mr. STEVENS. Mr. President, I would like to engage in a short colloquy with the distinguished manager of the Energy and Water conference report. My question is raised to assure that the managers have provided adequate funding and authority for the Department of Energy to provide grants for research on tidal power as an alternative energy source. As the managers know, this country needs viable alternative power sources. One of these could be tidal power.

In Alaska, nearly 65 percent of our population resides on the shores of Cook Inlet which also has the second highest tides in the world. These tides rise as high as 46 feet, second only to the Bay of Fundy off of Nova Scotia. I have been contacted by Anchorage Municipal Light and Power, the municipally owned electric utility of the Municipality of Anchorage. The utility believe that it can effectively harness the power of the tides at Cook Inlet to supply clean, renewable power to its customers. However, it needs a grant for research to adapt current technology in use in other parts of the world to Cook Inlet. That grant would probably require between \$200,000 and \$300,000.

Let me ask the managers if they agree that there is both sufficient funding and authority under the existing statutes to permit such a renewable research grant to be funded under the Renewable Energy accounts in this bill. I also want to clarify that this grant can be awarded to an applicant such as Anchorage Municipal Light & Power even though past DOE grants have been unsuccessful and DOE has been concentrating more recently on other renewable concepts. Do the managers agree with me on this?

Mr. DOMENICI. Mr. President, let me say to my friend from Alaska and ranking Republican on the full committee, that I agree completely with his analysis. The DOE is both authorized and adequately funded to provide for such a research grant. I join the distinguished Senator from Alaska in exploring and providing such a grant to explore the tidal energy protection of Alaska's Cook Inlet.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of the conference report to H.R. 2311, the Energy and Water Development Appropriations Act for Fiscal Year 2002.

The conference report provides \$24.596 billion in discretionary budget authority, which will result in new outlays in 2002 of \$15.973 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total \$24.77 billion in 2002. Of that total, \$14.7 billion in budget authority and \$14.715 billion in outlays is for defense spending. The conference report is at the appropriations' subcommittee's section 302(b) allocations for both budget authority and outlays. Further, the committee has met its target without the use of any emergency designations.

I am relieved that we are moving forward on this and other appropriations bills, so that we can meet our obligation to the country to enact a spending plan for the government in a reasonably timely manner. I commend subcommittee Chairman REID, Ranking Member DOMENICI, and their House counterparts for their hard work in forging reasonable compromises between the House and Senate versions of this bill. This report addresses some of

our country's most pressing nuclear security and water resources needs, as well as important energy issues.

I ask unanimous consent that a table displaying the budget committee scoring of this report be inserted in the RECORD at this point.

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

H.R. 2311, CONFERENCE REPORT TO THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

(In millions of dollars)

	General purpose ¹	Defense ¹	Mandatory	Total
Conference report:				
Budget Authority	9,896	14,700	0	24,596
Outlays	10,055	14,715	0	24,770
Senate 302(b) allocation:²				
Budget Authority	9,896	14,700	0	24,596
Outlays	24,770	0	0	24,770
President's request:				
Budget Authority	9,003	13,514	0	22,517
Outlays	9,389	13,928	0	23,317
House-passed:				
Budget Authority	9,668	14,037	0	23,705
Outlays	9,931	14,287	0	24,218
Senate-passed:				
Budget Authority	9,709	15,250	0	24,959
Outlays	9,905	15,073	0	24,978
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation:²				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
President's request:				
Budget Authority	893	1,186	0	2,079
Outlays	666	787	0	1,453
House-passed:				
Budget Authority	228	663	0	891
Outlays	124	428	0	552
Senate-passed:				
Budget Authority	187	-550	0	-363
Outlays	150	-358	0	-208

¹ The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending. Because the firewall is for budget authority only, the Senate appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the conference report outlays with the Senate subcommittee's allocation.

² For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. I yield back our time.

The PRESIDING OFFICER. Does the Senator from Arizona yield back time?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. All time is yielded.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report to accompany H.R. 2311 occur upon disposition of the Kyl impact aid amendment and that the previous consent regarding the Treasury-Postal appropriations bill remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. I ask unanimous consent that there be 30 minutes for debate equally divided in the usual form in relation to the Kyl amendment regarding impact aid prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

H.R. 3061 is now pending before the Senate. The Senator from Arizona is recognized to offer an amendment.

AMENDMENT NO. 2075

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, Mr. DOMENICI, and Mrs. HUTCHISON, proposes an amendment numbered 2075.

Mr. KYL. 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:

At the appropriate place add the following: "Notwithstanding any other provision of this Act, no appropriation contained in this Act for the purposes of school repair or renovation of state and local schools shall remain available beyond the current fiscal year unless assistance under such program is provided to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such assistance available to other schools: Provided further, notwithstanding any other provision of this Act, the Secretary of Education is not authorized to expend or transfer unexpended balances of prior appropriations appropriated for the purposes of school repair or renovation of state and local schools to accounts corresponding to current appropriations provided in this Act: Provided, however, that such balances may be expended and so transferred if the unexpended balances are used for the purpose of providing assistance to meet the renovation or repair needs of Indian schools and schools receiving Impact Aid or under the jurisdiction of the Department of Defense or the Bureau of Indian Affairs prior to making such repair or renovation assistance available to other schools."

Mr. KYL. Mr. President, I note that this amendment is cosponsored by the distinguished Senator from New Mexico, my colleague from Arizona, Mr. MCCAIN, and the Senator from Texas, Mrs. HUTCHISON. It is an amendment which we have debated before but which I now present as the appropriate time for getting this done.

This amendment would make it very clear that the Federal Government from now on must give absolute priority to Indian military and impact aid schools when it allocates funds for school renovation or repair. The amendment establishes this priority by directing the Secretary of Education to direct any school construction funds not expended in a given fiscal year only to those categories of schools that fall within the exclusive responsibility of the Federal Government; namely, the impact aid schools, Department of Defense schools, and Bureau of Indian Affairs schools.

This priority would apply to unexpended funds from fiscal years 2001 and 2002.

As I said, this debate is not a new one. The question before us is, should the Federal Government concentrate on meeting its fundamental existing obligations or should we define our mission as finding new things for the Federal Government to do first?

Most aspects of primary and secondary education have traditionally been, and remain, the responsibility of States and local school districts. But there are certain facets of elementary and secondary education in this country that are the clear and only responsibility of the Federal Government. Those are the education of our Indian children, the children on reservations, and the so-called impact aid schools.

Yet proponents of finding new things to do with Federal education dollars propose branching out into new areas and ignoring this fundamental Federal obligation to, first of all, take care of these kids' educational needs.

So under this bill, the way it is written right now, without my amendment, for the first time the Federal Government begins building schools, which is a State responsibility, while ignoring the obligation to the Indian children and the children on American military bases.

The Federal Government has a huge unmet obligation to address the infrastructure needs of schools administered under the auspices of the BIA, as well as those schools impacted by the presence, within their taxing jurisdictions, of Federal installations through the program known as impact aid.

Yet by extending this unauthorized school construction program—and I note "unauthorized"—the money in this Labor-HHS bill has never been endorsed by the Senate on a recorded vote. The language in the bill would entangle the Federal Government in the business of building and repairing local schools, while leaving the existing needs on the Federal reservations unmet.

Impact aid provides funds for school facility repair and renovation, especially on, as I said, the schools that are largely on Indian lands. All told, impact aid assists 1,600 schools serving 1.2 million federally connected children. In addition, the Department of Defense operates 70 schools nationwide.

Impact aid construction has not been fully funded since 1967. The result is a huge backlog of projects estimated to exceed \$2 billion. These numbers only hint at the grim reality faced by students and teachers in these impacted districts.

A school board member in a military impact aid district told Education Week that some districts conducted so much of their business in portable classrooms and aging buildings that they "more closely resemble prison camps than schools."

He went on to say: "Our troops are in Bosnia and those are the kinds of schools their kids"—that is, the children of war-torn Bosnia—"are in."

The Military Impacted Schools Association has estimated it would take

\$310 million to meet facilities needs in their members' districts.

The situation for Indian impacted schools is even more dire. According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than \$7 million in facilities needs.

It is important to reiterate that these federally impacted districts cannot rely on the local property tax base to fund repairs and construction, unlike nearly all of the districts that would receive the funds appropriated under this bill.

The superintendent of one district in my State, for example, reports that his jurisdiction contains exactly four taxpayers. I know in one of the counties in my State, where I had to help because of the large amounts of Federal land, only 1 percent of the land—and most of the taxing comes from property taxes—was non-Federal land in this community; in fact, only 3 percent in the entire county. Most States do not have that problem.

But since the Federal Government has the obligation of educating these kids, then it is important for us to ensure that the priority for construction be given to these districts. The facilities, as I said, are in dire straits on our Indian reservations, which educate about 50,000 Indian students. The education of Indian children, which includes the provision of safe and adequate facilities, is a specific trust responsibility of the United States and is codified in numerous treaties and acts of Congress.

Nobody who believes in keeping our treaty obligations to Native Americans can vote against this amendment because its purpose is to ensure that we meet the obligations of these treaties.

According to testimony from the Director of the Office of Indian Education Programs, half of the schools within the jurisdiction of the Bureau of Indian Affairs have exceeded their useful lives of 50 years and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced. Many students lack access to computer and science labs, gym facilities, and other basic resources.

At least one school in my State lacks even a library and basic dining facilities.

The Committee on Indian Affairs estimates it would take \$2.1 billion to address these schools' current repair and renovation needs.

I am pleased that President Bush has made it a priority to address the construction needs of Indian and impact aid schools. But that will only occur if we can adopt the amendment that I have proposed.

The President's fiscal year 2002 budget proposal provided for a significant increase in impact aid construction. This is the first step toward keeping the promise that we made to our Native Americans.

By passing my amendment, the Senate will make it clear that Congress

shares this commitment and will put existing Federal obligations ahead of proposals to involve the Federal Government in areas that can and should be addressed by States and local governments.

For those colleagues who want to know where the major impact of this is, I will candidly tell you, my State of Arizona is one of the States of major impact because of the large number of Indian students we have in Arizona and the large number of students being educated in affiliation with military bases.

Other States, however, that are also very heavily impacted and that would be benefited significantly by this amendment are the States of New Mexico, North Dakota, South Dakota, Montana, Missouri, and Nebraska. Those are, candidly, the States that receive the most benefit. But almost every State would, in some respect, benefit by the allocation of these funds on this priority basis.

Mr. President, I am going the reserve the remainder of my time to see if there is any response to my amendment. I will be happy to reply to any points that any of my colleagues may have if there is any objection to it.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I am beginning to wonder where my friend from Arizona was a couple hours ago. I ask him, where was he? Senator INHOFE of Oklahoma just came to this Chamber 3 hours ago and offered an amendment which was approved by the Senate. The Senator from Arizona raised no objection, none. None of his staff came to me to raise an objection.

And what did the Inhofe amendment do? It reduced the funding for impact aid construction. It transferred the money to basic support payments.

Three hours ago we voted unanimously, as a Senate, to reduce impact aid construction. Now the Senator from Arizona comes to this Chamber and wants to increase impact aid construction. I ask, where was he 3 hours ago? Why didn't he oppose the Inhofe amendment?

I think what that shows is really what the Senator from Arizona is after: They want to undo what the Senate did earlier by a vote of 54-45; that is, to provide renovation and construction money for schools all over America.

Mr. JOHNSON. Will the Senator yield?

Mr. HARKIN. I do not have much time, but I am delighted to yield.

Mr. JOHNSON. I ask my colleague, does it seem odd—and I speak as someone who has been very committed to impact aid schools in my State—that some people would have voted earlier to spend billions of dollars in tax relief that went into the hands of people already millionaires, and then to come to us today to tell us the only way we can help repair and build impact aid schools is to take it from other schools

that are in desperate need of school construction and repair? Does it seem to the Senator that the goal here is an ideological issue to make sure that somehow the Federal Government does not get into the business of assisting school districts with school construction and that is what seems to be the end product of this amendment?

Mr. HARKIN. I thank my friend from South Dakota for pointing that out. I am glad I yielded to him. I had not thought of it that way.

The Senator is absolutely right. This is an attempt by my friend from Arizona to try to undo what we did earlier and then, as the Senator pointed out, to take money from some poor schools and put it into certain poor schools. That is what he is trying to do.

I don't know. I cannot believe the Senator is really serious about this. First of all, last year, Congress approved \$12.8 million for impact aid construction.

This year, with the leadership of my good friend from Pennsylvania, Senator SPECTER, and I and others on our committee, we raised that from \$12.8 million to \$68 million. Last year, impact aid construction was \$12.8 million. We raised it to \$68 million in our bill. The Inhofe amendment earlier knocked it down to \$35 million. That is still three times more than what we spent last year. I am proud of that increase. We fought hard for it.

But I ask the Senator from Arizona, where was he 3 hours ago, to come over here and fight against the Inhofe amendment?

I am proud that we stuck up for impact aid schools and school construction. Again, last year, Senator SPECTER and I, in conference—I say this to all Senators who are here or may be watching on their sets—carved out of our construction money \$75 million for impact aid construction. We will be happy to do that again in conference to make sure our Indian schools and impact aid schools can get some of this money. I wish now that maybe we had opposed the Inhofe amendment and maybe the Senator from Arizona would have helped us round up some votes. That was \$68 million.

Under the wording of the amendment of the Senator from Arizona, there are 10 States that have applied for school renovation and repair money. The money has not gone out yet. His amendment would say: You are not going to get it. That is money we appropriated last year. Those States are Alaska, Arizona, California, District of Columbia, Georgia, New Hampshire, New Mexico, New York, South Carolina, and Utah. All those States would have the money taken away. I hope Senators understand that when they come over here to vote.

Again, this is nothing more than a bald face attempt to undo what the Senate did earlier today when we said, I thought very loudly, 54 votes to 45 votes, that we wanted to provide school construction money. I can't speak for

my friend from Pennsylvania, but we did carve out the money last time. When we get into conference, we will try to undo what Senator INHOFE did earlier and try to get that money back up to the level at which we initially agreed upon in our committee on a bipartisan basis, which was \$68 million.

I am certain we could at least carve out that much more for Indian schools. We did it last year, and I am sure we can do it again this year.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains for Senator HARKIN?

The PRESIDING OFFICER. There are 8½ minutes.

Mr. SPECTER. I ask the Senator to yield me 4 minutes.

Mr. President, I join the chairman of the subcommittee in opposing the amendment by the Senator from Arizona. I believe that impact aid is very important, beyond any question.

We have the responsibility, as proponents of this bill, to make a lot of allocations. We try to do it as fairly as we can, recognizing all of the priorities which are present.

Senator HARKIN pointed out that we raised impact aid from \$12.5 million last year to \$68 million. It is difficult to follow all the matters. Another Senator approached us and has raised a concern. I made a statement that there would be an effort made in conference—that is always uncertain—to put back some of the money which was transferred by the amendment by the Senator from Oklahoma, Mr. INHOFE.

As Senator HARKIN has already noted, last year we did make an allocation from school construction money. Basically, this is a dispute about the role of the Federal Government in school construction.

We had a very spirited debate on the amendment by the Senator from New Hampshire, Mr. GREGG, earlier today. A margin of 54-45 on a hotly contested issue is a fairly decisive margin.

It is my view that we will try to improve the position of impact aid which the Senator from Arizona wants once in conference, but the allocations which we have made here, taking the bill as a whole, represent a fair allocation.

In dealing with a budget of this size, we have had relatively few amendments offered signifying relatively little opposition to the priorities which were established first by the chairman and the ranking member and then by the full subcommittee and then by the full committee.

I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, might I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 45 seconds.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if no one is speaking, this might be a good time for a vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as a matter of courtesy, I was trying to enable those in opposition to the amendment to continue to speak.

I ask unanimous consent that Senator ALLARD be added as a cosponsor to my amendment.

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

Mr. KYL. Mr. President, let me respond to the two questions the Senator from Iowa asked. The first question was where was I during the Inhofe amendment. He presumes, I gather, that I opposed the Inhofe amendment. I didn't oppose the Inhofe amendment. I don't. I guess I would ask where he was. It was approved on a voice vote unanimously, as I understand it.

Second, he characterizes my amendment as an attempt to undo what we already did today. I want to make clear that I will characterize my amendment as I did in my opening presentation. What we did earlier today is not what this amendment is all about.

The amendment I presume the Senator from Iowa is referring to is the amendment offered by the Senator from New Hampshire. That is an amendment which would have transferred the funds from the program the Senator from Iowa supports to title I programs. My amendment doesn't have anything to do with title I programs. My amendment says merely that the priority in the expenditure of school construction funds—that is what they are used for: construction, repair, renovation, and so on—that the priority for that funding be first to the Federal area of responsibility, the Indian kids, the kids on the military bases, the impact aid districts; in other words, those children who are the responsibility for being educated by the Federal Government should have the first priority in the school construction funds.

I am not trying to undo what we did earlier today. I supported the Gregg amendment. But what I would prefer to see us do is to say that the funds that we are going to put forth for construction of schools be prioritized, and that the first priority be the responsibility of the Federal Government.

That is for two reasons: No. 1, the States and local school districts have the ability to fund the construction of the schools that they have a tax base to fund. As I pointed out, in some of these reservation areas, be it military reservation or other Federal reservation, there is not the tax base to support it.

Second, we have a huge unmet obligation. We as Federal legislators should be ashamed that there is an

over \$2 billion shortfall in the funding of Indian school construction. That is our obligation. It is a treaty obligation.

All I am saying is, we take the Federal obligation, put that at the top, and then the other schools can be funded. Those are the State and local schools' responsibilities. Up until last year, the Federal Government had never paid a dollar for construction of those schools. Let's keep the priority we should have had in the first place to fund our obligation first, the Federal schools, and then the rest of the money could go to the funding of the State and local schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. HARKIN. Mr. President, I still didn't hear the answer to the question, where he was, and if he opposed the Inhofe amendment or not. I didn't hear about that. Nonetheless, we do have an obligation to our Indian schools and our places where we have military bases, that kind of thing, for impact aid. There is no doubt about that.

Obviously, under the wording of his amendment, there would be no money left for any other States that don't get any impact aid whatsoever. Again, we are trying to be fair about this and to answer the needs of construction all over America.

Let's face it, the American Society of Civil Engineers estimated that the repair needs of our schools in America are about \$187 billion.

And so we are trying to get a billion out nationally. But as I pointed out and Senator SPECTER pointed out earlier today, that money is leveraged. We have experience in knowing how that money is leveraged. So we might get maybe 7 to 10 times leverage on that. So \$1 billion might equal \$7 billion to \$10 billion in construction in schools. So it helps, but it is nowhere near what needs to be done all over this country.

Under the amendment by the Senator from Arizona, there would not be any money left for anyone. All of the money would go to Indian schools and to the impact area aid schools, where there are military bases. I don't think that is what we want to do here.

As I said, we carved out money last time. I have talked to a lot of my friends who are Native Americans in Indian territory. They were very appreciative of that money. We carved out \$75 million. Quite frankly, we accepted the amendment of the Senator from Oklahoma. However, it is my intention, along with the ranking member, to make sure we meet our obligations again this year in carving it out again in the conference committee when we go to conference.

The last thing I will mention is that the amendment offered by the Senator from Arizona is also retrospective. It

goes back last year and takes money from last year that States have already applied for; it takes that money away from them, too. I hardly think we want to do that.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. I yield to the Senator.

Mr. INHOFE. On this point, I have looked at the Kyl amendment, and his language affects a different section. Mine is just found in the section dealing with impact aid under "basic support." Now, the change in funding came from the construction portion of that section, which is a different section. That is my understanding, and it would not make the conference report.

Mr. HARKIN. Also, the amendment of the Senator from Oklahoma reduced impact aid construction. I don't care what you say. It puts it into the basic impact aid.

Mr. INHOFE. That is correct.

Mr. HARKIN. That is correct. So this Senator from Arizona wants to boost up impact aid construction. This is really to take away school construction money. I don't think we need to talk anymore about it. We all know what this is about.

Mr. KYL. Mr. President, I will set the record straight. The Senator said he didn't get an answer to my question. I was in a briefing during the Inhofe amendment in S-407 as a member of the Senate Intelligence Committee on some other matters. I didn't object to the Inhofe amendment. Like the Senator from Iowa, I was willing to have it approved on a unanimous vote. The Senator from Oklahoma has explained that it deals with a different section of the bill. That is irrelevant.

There is one central question before us. I ask my colleagues to focus on this carefully. Until last year, there had never been a thought that the Federal Government would begin building schools that had always been the responsibility of our States and the local school districts. There was never a thought that we would do that. Our school construction effort was always targeted to our one area of responsibility—the kids on the military reservations, Indian reservations, and the other Federal impact aid areas. That was our responsibility, and it remains our responsibility now.

But what we are now proposing to do is to take the school construction money and distribute it all around the country to States and local school districts. I am sure there is a lot of good politics in that, Mr. President, but it is the wrong policy for those of us at the Federal Government level who have a responsibility to these other children. We are not meeting that responsibility.

If we were building the schools on the Indian reservations or taking care of these military children, that would be one thing. I have pointed out that we were failing miserably in that responsibility. I ask colleagues, how can we sit here and blithely spend over \$900 million on schools around the country that could just as easily be built by the

taxpayers of those jurisdictions, while ignoring our responsibility to the very kids who are our responsibility and whom the States and local governments can't take care of.

What sense does that make? How does that make us feel at night when we go to bed and say we have done a good thing today—violating treaties with our Native Americans and denying the kids of the people we put in harm's way serving in the military the kind of education other kids get because we want to sprinkle that money around the country rather than putting it in the area of responsibility that we in the Federal Government have.

That is horrible public policy. The only way to set it right is to reorder the priorities and put back as the first priority our responsibility of funding the schools in the military and for the Indian reservations, and that would remain our top priority for school construction. To do that, we need to vote yes on the Kyl amendment. I urge colleagues to do that.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

ORDER OF PROCEDURE—VOTES

Mr. REID. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays en bloc on the two conference reports.

The PRESIDING OFFICER. Is there objection?

Without objection it is so ordered.

Mr. REID. I ask for the yeas and nays on both conference reports.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. HARKIN. Mr. President, I yield back the remainder of my time, and I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arizona has 47 seconds.

Mr. KYL. I will yield back my time. I am sorry we have to confuse the issue by moving to table it. In view of that, the proper vote here now is a "no" vote to table the Kyl amendment. I yield back my time.

Mr. REID. Mr. President, I ask unanimous consent that the first vote be the normal 15 minutes and the subsequent two be 10-minute votes.

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

Mr. HARKIN. Mr. President, I move to table the Kyl amendment and 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 the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—57

Akaka	Dodd	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Miller
Bingaman	Ensign	Murray
Boxer	Feingold	Nelson (FL)
Breaux	Feinstein	Nelson (NE)
Byrd	Graham	Reed
Cantwell	Harkin	Reid
Carnahan	Hollings	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Shelby
Clinton	Kennedy	Smith (OR)
Collins	Kerry	Snowe
Corzine	Kohl	Spencer
Craig	Landrieu	Stabenow
Crapo	Leahy	Torricelli
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden

NAYS—41

Allard	Enzi	McCain
Allen	Fitzgerald	McConnell
Baucus	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hatch	Smith (NH)
Burns	Helms	Stevens
Campbell	Hutchinson	Thomas
Cochran	Hutchison	Thompson
Conrad	Inhofe	Thurmond
DeWine	Kyl	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	

NOT VOTING—2

Hagel Sessions

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

ENERGY AND WATER DEVELOPMENT ACT FOR FISCAL YEAR 2002—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mrs. CLINTON). Under the previous order, the question is on agreeing to the conference report to accompany H.R. 2311, the energy and water appropriations bill. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

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

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—96

Akaka	Brownback	Clinton
Allard	Bunning	Cochran
Allen	Burns	Collins
Baucus	Byrd	Conrad
Bennett	Campbell	Corzine
Biden	Cantwell	Craig
Bingaman	Carnahan	Crapo
Bond	Carper	Daschle
Boxer	Chafee	Dayton
Breaux	Cleland	DeWine

Dodd	Inouye	Reed (RI)
Domenici	Jeffords	Reid (NV)
Dorgan	Johnson	Roberts
Durbin	Kennedy	Rockefeller
Edwards	Kerry	Santorum
Ensign	Kohl	Sarbanes
Enzi	Kyl	Schumer
Feingold	Landrieu	Shelby
Feinstein	Leahy	Smith (NH)
Fitzgerald	Levin	Smith (OR)
Frist	Lieberman	Snowe
Graham (FL)	Lincoln	Specter
Gramm (TX)	Lott	Stabenow
Grassley	Lugar	Stevens
Gregg	McConnell	Thomas
Harkin	Mikulski	Thompson
Hatch	Miller	Thurmond
Helms	Murkowski	Torricelli
Hollings	Murray	Voinovich
Hutchinson (AR)	Nelson (FL)	Warner
Hutchinson (TX)	Nelson (NE)	Wellstone
Inhofe	Nickles	Wyden

NAYS—2

Bayh McCain

NOT VOTING—2

Hagel Sessions

The conference report was agreed to. Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. For the information of all Senators, the next vote will be the final vote for the evening. We will have more to say about the schedule for the balance of the week after the vote.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the conference report to accompany H.R. 2590, the Treasury-Postal appropriations bill. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) and the Senator from Nebraska (Mr. HAGEL) are necessarily absent.

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

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—83

Akaka	Cochran	Gramm
Allen	Conrad	Grassley
Bennett	Corzine	Gregg
Biden	Craig	Harkin
Bingaman	Crapo	Hatch
Bond	Daschle	Hollings
Boxer	Dayton	Hutchison
Breaux	DeWine	Inhofe
Burns	Dodd	Inouye
Byrd	Domenici	Jeffords
Campbell	Dorgan	Johnson
Cantwell	Durbin	Kennedy
Carnahan	Enzi	Kerry
Carper	Feinstein	Kohl
Chafee	Fitzgerald	Kyl
Cleland	Frist	Landrieu
Clinton	Graham	Leahy