consent agreement was entered assigning conferees to the antiterrorism legislation. It is very important legislation. It is going to help all over the country.

I compliment and applaud Senator LOTT and others who allowed us to go forward. It is an important day. Construction will be able to go forward as soon as we complete this conference in Nevada, Delaware, all over the country. It is important legislation. I compliment and applaud the Republican leader.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, let me make a couple comments.

No. 1, my friend from Texas speaks with enormous passion about the overriding power of the budget, and at the very last moment of his last statement, for the first time he used the word ''people.'' I sat in the same Finance Committee with him for a long time when we were debating tax cuts—and I am not here to argue whether it was a good or bad thing, but there was no question that we went from a $5.6 trillion surplus to a $165 billion annual deficit probably for the next 10 years, if nothing gets worse—and I never heard him make the argument—for some reason, maybe I missed it, maybe I wasn't there at the moment—that we shouldn't do that tax cut which was the largest tax cut that this particular Senator from West Virginia, who does not need it, has ever received from the Federal Government—I never heard him talk about the possibility of budget deficits.

So it does become a matter of priorities. It is fair, as the Senators from Nebraska, Massachusetts, and Maine have mentioned, to talk about 40 million people. And to say we are doing this to bail out the States, good grief, it is quite the opposite. The States are not powerful in the same sense that the Federal Government is. The States cannot go into deficit financing—with the exception of Vermont—as can the Federal Government. They have to balance their budgets.

I was a Governor; I know that. The Senator from Nebraska was a Governor; he knows that. The States are not being bailed out. If the States cut their Medicaid eligibility, they cannot receive any of this money, unless they restore their portion through legislative action to the proper eligibility rate and, only then, on a temporary basis, for 1 and a half years, written into law, do they get this money.

I want to close on the concept of people. Sometimes it appears to me on this floor that helping people is sort of a bad thing to do because if you help people, it implies that it might cost some money. It almost always does. It also costs an awful lot more money if you don't, on some occasions. This is one of those occasions. If we do not support the motion to waive, then health infrastructure all across this country is going to be hurt because of its dependency upon Medicaid. Forty million people are going to be hurt, including disabled people, children, seniors, and others, because of this motion.

I need to tell you that this is not a bailout. This is temporary. This was in the original emergency stimulus package. Nobody argued then. Now, all of a sudden, they argue. It is very important for the States to be healthy and for the States to be able to balance their budgets, and therefore I strongly urge colleagues to support the motion to waive the point of order.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAMM. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 51 seconds remaining.

Mr. GRAMM. Mr. President, anybody who has not heard me talk about the deficit has not been listening in the last days, weeks, and years.

Secondly, I ask unanimous consent to have printed in the RECORD the accounting of the Office of Management and Budget on where this deficit has come from. We have gone from $283 billion in the black to $165 billion in the red, and only 9 percent of that change had anything to do with the tax cut.

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

CHANGE IN SURPLUS

	FY2002		FY2003		FY2002–FY2011	
	Billions	Percent	Billions	Percent	Billions	Percent
Total surplus (OMB February 2001)	$283	.....	$334	.....	$5,637	.....
Economic and technical changes	278	64	194	49	1,669	43
Bush tax cut	41	9	94	24	1,491	38
Appropriations	45	10	40	10	409	10
Farm bill	2	0	13	3	81	2
Stimulus	59	14	39	10	42	1
Other	9	2	15	4	228	6
Total change in surplus	434	100	395	100	3,920	100
Total deficit/surplus (OMB July 2002)	150	.....	(62)	.....	1,718	.....

Source: CBO; provided by Senator Don Nickles, 7/16/02.

Mr. GRAMM. Mr. President, I will conclude by saying that we have come down to a decision about whether or not we are going to borrow $9 billion, which we don't have. Given the state of the American economy and budget, given that our deficit is four times as big as the cumulative deficit of the States, I urge my colleagues not to bust the budget, not to waive this budget point of order, but instead to be fiscally responsible.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion. 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 North Carolina (Mr. HELMS) is necessarily absent.

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

The yeas and nays resulted—yeas 75, nays 24, as follows:

(Rollcall Vote No. 190 Leg.)

YEAS—75

Akaka	Domenici	Lugar
Allard	Dorgan	McCain
Allen	Durbin	McConnell
Baucus	Edwards	Mikulski
Bayh	Enzi	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Graham	Nelson (FL)
Boxer	Hagel	Nelson (NE)
Breaux	Harkin	Reed
Bunning	Hatch	Reid
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Cantwell	Inouye	Sessions
Chafee	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Landrieu	Stevens
Corzine	Leahy	Torricelli
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
Dodd	Lincoln	Wyden

NAYS—24

Bond	Feingold	Nickles
Brownback	Frist	Roberts
Carnahan	Gramm	Santorum
Carper	Grassley	Smith (NH)
Craig	Gregg	Thomas
Crapo	Inhofe	Thompson
DeWine	Kyl	Thurmond
Ensign	Lott	Voinovich

NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote the yeas are 75, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2003

Mr. DASCHLE. Madam President, under the authority granted to me and after consulting with the Republican leader, I now call up Calendar No. 504, H.R. 5121, the legislative branch appropriations bill.

The PRESIDING OFFICER. The leader has that right. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5121) making appropriations for the Legislative Branch for the fiscal year ending September 30th, 2003, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of S. 2720, the Senate committee-reported bill, is inserted in the appropriate place in the measure.

Who yields time?

The Senator from Illinois.

AMENDMENT NO. 4319

Mr. DURBIN. Madam President, I ask unanimous consent to make a technical correction to the bill relating to a House matter. This amendment simply strikes a requirement that the GAO report to the House Administration Committee regarding its work on the Architect of the Capitol. We have been informed the committee does not have oversight for the Architect and therefore have been requested to delete this reference. I have consulted with my colleague and the ranking member, Senator BENNETT, and I ask unanimous consent this technical correction be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BENNETT, proposes an amendment numbered 4319.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment was (No. 4319) was agreed to, as follows:

On page 33, lines 19 and 20, strike '', the Committee on House Administration of the House of Representatives,''.

On page 34, line 24, through page 35, line 1, strike ''the Committee on House Administration of the House of Representatives,''.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague and chairman of the committee, the Senator from West Virginia, for his help in bringing this matter to the floor.

Mr. President, I am honored to present to the Senate the fiscal year 2003 legislative branch appropriations bill as reported by the Appropriations Committee. I thank the chairman and ranking member of the full committee, Senate BYRD and Senator STEVENS, and of course my ranking member Senator BENNETT who has been a real partner in crafting this legislation.

The bill is within its budget authority and outlay allocation, with total funding of $2.417 billion. This excludes House amounts which is the normal protocol.

This is only $8 million—0.35 percent—over the request level and $164 million or 7 percent over the fiscal year 2002 enacted level. Virtually all significant increases are focused on enhancing security for the Capitol complex.

Highlights of the bill include—$675 million for the Senate, $31 million over the enacted level and $11 million below the request. Significant increases are provided for the Sergeant-at-Arms, directed at increasing the security of the Capitol complex, including new mail handling protocols and a new Office of Emergency Preparedness.

For the Architect of the Capitol, funding would total approximately $396 million compared to the request level of $363 million. The largest project in the Architect's budget that we are recommending is the expansion of the Capitol power plant's west refrigeration plant, which is critically needed due to aging equipment and increased capacity requirements, at a cost of $82 million. In addition, a number of critical security-related projects have been included such as an alternate computing facility for the legislative branch.

The bill includes language aimed at helping the Architect of the Capitol improve his operations by creating a new deputy Architect of the Capitol who will also serve as the chief operating officer.

We have worked closely with the General Accounting Office in these efforts to upgrade AOC operations, including a greater focus on worker safety, and I might add significant progress has been made in the last year due to the efforts of this committee and the cooperation of the Architect's office, project management, accountability for performance, and coordination of roles and responsibilities.

The Architect of the Capitol operation has been making some improvements over the past year and the employees worked very hard to do their part in addressing the anthrax cleanup, an historic challenge to all who worked on Capitol Hill. But there is much more to be done in making AOC a best-practices organization.

They have been given tremendous additional responsibilities for executing a myriad of security projects, particularly the Capitol Visitor Center—which we want to ensure remains on schedule and on budget as it is today. Any visitor to Capitol Hill in the last 6 months or a year has noted the extensive construction underway. The authorities included in this bill should provide new tools with the goal of making the AOC a model for facilities management and construction management.

Funding for the Capitol Police totals roughly $210 million which reflects their latest payroll and expense estimates. Funding has been provided to accommodate at 9.1 percent pay raise—which includes comparability pay—to help the Capitol Police recruit and retain new officers as they attempt to increase significantly the force size over the next few years to about 2,000 officers. Also included is authority for increasing pay for specialty assignments and providing authority and funding for full premium pay earned during the September 11th and October 15th incidents.

I can say that the hundreds of thousands of visitors to Capitol Hill understand the important responsibility of the Capitol Police which was enhanced and challenged by September 11. We want to make certain that we have the very best men and women to protect this great national asset, all the people who work here, and our visitors whom we treasure very much.

This bill will require that within 3 years the Library of Congress, just across the street, and Capitol Police officers be merged in order to improve security. This has been an initiative urged and encouraged by my colleague, Senator BENNETT. The 3-year implementation period will allow time to work out the details, differences in retirement, training and equipment.

The Government Printing Office, $122 million is included with the directive to the administration not to implement the recently announced policy directing agencies to violate our law and bypass the Government Printing Office for their printing needs. If such a directive were implemented, not only would the law be broken, but the process by which 1,300 Federal depository libraries receive Government publications would be decimated.

For the Library of Congress, including the Congressional Research Service, funding would total $497 million, an increase of $15 million over the enacted level, but $15 million below the request, reflecting a more realistic projection of the cost of new positions. New positions are provided for preserving the access of the Library's collections, including digital initiatives.

The General Accounting Office will receive $455 million. This covers all mandatory and price level increases, and includes $1 million to continue their important technology assessment work which was initiated by Congress last year.

The recommendation includes $13 million for the Center for Foreign Leadership Development. We have expanded what was originally the center for Russian Leadership Development to include newly independent states of the former Soviet Union including the Baltics. This program has proven successful in bringing emerging political leaders in Russia to the United States to learn democracy firsthand and to make certain they take those lessons home. Expanding this program to include these additional countries will continue to promote that critical goal.

Before I turn it over to my colleague and friend Senator BENNETT, I want to particularly thank all the staff on the Appropriations Committee for their work, and especially Carrie Apostolou, who has done a tremendous amount of work to make this bill ready for floor consideration, and Pat Souders of my own staff, who has worked closely with her.

I thank Senator BENNETT for his cooperation, and I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I am grateful for the generous remarks

of my friend and chairman, the Senator from Illinois. I am grateful for the cooperative way in which we have been able to work through this bill.

The Senator from Illinois had the challenge of taking over this subcommittee in the middle of the session, and he had just come to the subcommittee by virtue of his assignment to the Appropriations Committee. He has demonstrated that he is a very quick study. He has moved quickly to get on top of these issues.

I do not want to repeat the various elements of the bill he has described, but it is a good bill and it is one that I am happy to join in recommending to the Senate.

As the Senator from Illinois has indicated, I have been advocating for some time a merger of the Capitol Police, at least with the Library of Congress Police, and looking at the other police agencies that are under our jurisdiction. We are now moving ahead with this. I think it only makes sense, in the new security environment in which we find ourselves. To have an area as small as the Capitol campus be divided up into jurisdictions under, not necessarily competing but certainly different police departments, does not make a whole lot of sense.

I have made reference to this before, but I think it is appropriate here. One of the things that was particularly significant for the success of the Olympics in Utah was the coordination that occurred between competing law enforcement agencies. Of course, we were involved in a much bigger venue there, a much larger geographic area, but it was important that everybody got together and was able to communicate.

Given the small nature but highly visible nature of the Capitol campus, it makes sense to have the police come together. I am grateful to my friend from Illinois for his support and leadership on this particular issue.

We all know about the Visitor Center. We can't come into the Capitol without having it in our face every day. But the demands of the Architect of the Capitol to bring that project through are significant. So I think the decision of the committee to fund a Deputy Architect of the Capitol, creating a full-time manager for the day-to-day activities of the Architect of the Capitol, is the right decision.

Senator DURBIN has been particularly aggressive in trying to solve some of the management challenges the Architect of the Capitol has had over the past years. The decision to move toward a Deputy Architect, toward an operating officer to run the office of the Architect of the Capitol, is a good decision, and I think we need to highlight that in this bill.

Finally, I want to make a personal comment about a very small but maybe high-profile aspect of this bill, which is the Russian Leadership Conference that now has been expanded, as Chairman Durbin has indicated, to include other countries.

During the Fourth of July break, I was in Russia. This was the fourth time I had been there. I was very pleasantly surprised at the high degree of pro-American atmosphere we ran into. I was in Russia before when there was, frankly, an underlying current of suspicion—I wouldn't go so far as to say anti-American attitude in Russia, but suspicion of America and America's motives. We got that over the issue of the expansion of NATO, for which I voted and which I supported.

The first time I met with members of the Russian Duma, they were automatically anti-expansion of NATO. And no matter what we tried to talk about, they would always bring it back to NATO and, what are you Americans doing?

On this occasion, we met with officers of the National Council. They told us they were going to rename it the Senate because they indicated they did not get appropriate respect in their own country, when everybody thought of the parliament being the Duma and they thought of themselves as the upper house. We are very careful in this Congress that we never use that term. And they thought, if they renamed themselves the Russian Senate, they would get appropriate respect.

One of the members of that council told me this story. He said: My grandmother told me that all her life she has been taught to mistrust, indeed fear, NATO. However, she said, in the present atmosphere, if President Putin tells me that NATO is no longer a threat, I guess I am going to have to change my point of view.

He told me that story to illustrate President Putin's popularity in Russia, but I took that story to indicate a significant change in Russian attitudes toward Americans, and it has been the Russian leadership group that has been participating in this function, that we have been funding out of this subcommittee, that has helped plant the seeds of that kind of circumstance.

So even though it is a relatively small amount and has been a controversial program with Members of the House of Representatives, I can give personal testimony, if you will, that it has borne fruit, that the fruit has been significant, and I congratulate Senator DURBIN on his continued support of this program and its expansion into other countries as well.

So, Madam President, I am happy to join with Senator DURBIN in recommending this bill to the other Members of the Senate and urging its passage.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 2720, the Legislative Branch Appropriations Act for Fiscal Year 2003.

The Senate bill provides $2.417 billion in discretionary budget authority. Per tradition, that amount does not include funding for exclusive House items, which will be added in conference. The discretionary budget authority will result in new outlays in 2003 of $1.935 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total l$2.547 billion in 2002.

The Appropriations Committee voted 29–0 on June 27 to adopt a set of nonbinding sub-allocations for its 13 subcommittees totaling $768.1 billion in budget authority and $793.1 billion in outlays. While the committee's subcommittee allocations are consistent with both the amendment supported by 59 Senators last month and with the President's request for total discretionary budget authority for fiscal year 2003, they are not enforceable under either Senate budget rules or the Balanced Budget and Emergency Deficit Control Act. While I applaud the committee for adopting its own set of sub-allocations, I urge the Senate to take up and pass the bipartisan resolution, which would make the committee's sub-allocations enforceable under Senate rules and provide for other important budgetary disciplines.

For the Legislative Branch Subcommittee, the full committee allocated $3.413 billion in budget authority and $3.467 billion in total outlays for 2003. The bill reported by the full committee on July 11 is fully consistent with that allocation. In addition, S. 2720 does not include any emergency designations or advance appropriations.

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

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

S. 2720, LEGISLATIVE BRANCH, 2003

[Spending comparisions—Senate-Reported Bill (in million of dollars)]

	General purpose	Mandatory	Total
Senate-reported bill:[1]			
Budget Authority	2,417	102	2,519
Outlays	2,547	101	2,648
Senate committee allocation:[2]			
Budget Authority	3,413	102	3,515
Outlays	3,467	101	3,568
House-reported bill:			
Budget Authority	2,674	102	2,776
Outlays	2,856	101	2,957
President's request:[3]			
Budget Authority	3,404	102	3,506
Outlays	3,451	101	3,552
SENATE—REPORTED BILL COMPARED TO:			
Senate committee allocatin:			
Budget Authority	−996	0	−996
Outlays	−920	0	−920
House-reported bill:			
Budget Authority	−257	0	−257
Outlays	−309	0	−309
President's request:			
Budget Authority	−987	0	−987
Outlays	−904	0	−904

[1] Per tradition, the Senate bill does not include funding for exclusive House items, which will be added in conference.

[2] The Senate has not adopted a 302(a) allocation for the Appropriations Committee. The committee has set non-enforceable sub-allocations to its 13 subcommittees. This table compares the committee-reported bill with the committee's allocation to the Legislative Branch Subcommittee for informational purposes only.

[3] The President requested total discretionary budget authority for 2003 of $768.1 billion, including a proposal to change how the budget records the accrued cost of future pension and health retiree benefits earned by current federal employees. Because the Congress has not acted on that proposal, for comparability, the numbers in this table exclude the effects of the President's accural proposal.

Notes: Details may not add to totals due to rounding.

Prepared by majority staff, 07–25–02.

Mr. MCCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation

which provides Federal funding for the legislative branch.

In reviewing this bill to determine whether it contains items that are low-priority, unnecessary, wasteful, or have not been appropriately reviewed in the normal, merit-based prioritization process, I applaud the Appropriations Committee for their fiscal restraint in including a minimal number of such items.

For this legislation, only two locality-specific earmarks appear to be included. The bill itself includes $200,000 for Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition. And an amendment to this bill that was adopted on the Senate floor provides $500,000 for the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

How refreshing it would be if the Appropriations Committee would demonstrate the same fiscal responsibility they showed in preparing this legislation in every one of the remaining appropriations bills. Unfortunately, this bill is the exception to the rule, because, as evidenced by the recently passed supplemental appropriations bill, the runaway pork-barrel gravy train shows no signs of slowing down on Capitol Hill.

We must remember that while the amounts associated with each individual earmark may not seem extravagant, taken together they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. During this time of mounting deficits, we must be more prudent about where we devote limited fiscal resources. I urge all my colleagues to curb the habit of directing hard-earned taxpayer dollars to locality-specific special interests.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 4320

Mr. DURBIN. Madam President, I send to the desk an amendment on behalf of myself and Senator BENNETT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN), for himself and Mr. BENNETT, proposes an amendment numbered 4320.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DURBIN. This amendment relates to the Capitol Police. It will enhance their ability to recruit and retain officers as they struggle to increase their strength while losing officers to other law enforcement agencies. All these changes in the amendment have been requested by the new Chief of Capitol Police, Terry Gainer, and the Capitol Police Board.

Let me say briefly how proud we are that Terry Gainer is the new Chief of Police. Those of us from Illinois and Chicago know Terry Gainer well. He is a former member of the Chicago Police, legal counsel for the Chicago Police Department, and superintendent of the Illinois State Police. He came to Washington, DC, was second in command in this the Capital City, and was then recruited to undertake this important responsibility. I am certain he is going to do an excellent, professional job considering the new challenges facing this department.

The new authorities in the amendment authorize them to hire new officers without regard to age. There are technical corrections to existing authorities regarding recruitment and relocation bonuses and premium pay for unscheduled overtime. It also includes technical corrections to the committee bill regarding the consolidated disbursing function for the Capitol Police, salaries, appropriations. All of those are technical in nature, and I urge the adoption of the amendment.

Mr. BENNETT. Madam President, as indicated by my cosponsorship of the amendment, I endorse what Chairman DURBIN has said and urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4320) was agreed to.

AMENDMENT NO. 4321

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Ms. LANDRIEU, proposes an amendment numbered 4321.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To set aside funds for activities relating to the Louisiana Purchase Bicentennial Celebration)

On page 44, line 24, before the period, insert the following: '': *Provided further*, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Arts and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration''.

Mr. DURBIN. Madam President, the amendment would provide $500,000 within the Library of Congress appropriations for activities related to the Louisiana Purchase Bicentennial Celebration. I urge its adoption.

Mr. BENNETT. Madam President, I have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 4321) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4322

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. COCHRAN, and Mr. BENNETT, proposes an amendment numbered 4322.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Provide funding for the Congressional Award Act)

On page 28, line 11, strike ''$108,743,000'' and insert ''$108,243,000''.

On page 63, insert between lines 10 and 11 the following:

SEC. 312. TITLE II OF THE CONGRESSIONAL AWARD ACT.

There are appropriated, out of any funds in the Treasury not otherwise appropriated, $500,000, to remain available until expended, to carry out title II of the Congressional Award Act 92 U.S.C. 811 et seq.).

Mr. DURBIN. Madam President, this amendment which we are currently considering provides $500,000 for the recently reauthorized Congressional Award Act offset by the reduction in the budget of the Architect of the Capitol. I urge its adoption.

Mr. BENNETT. Madam President, I have no objection to this amendment as illustrated by my cosponsorship.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 4322) was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4323

Mr. DURBIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. SPECTER, proposes an amendment numbered 4323.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a pilot program for mailings to town meetings)

On page 5, line 26, insert before the period '', of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: *Provided further*, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program''.

Mr. DURBIN. Madam President, this amendment, on behalf of Senator SPECTER, provides up to $500,000 in the miscellaneous items account of the Senate for a pilot program and additional funds for town meeting notices, an issue which Senator SPECTER has pursued for quite some time.

In the fiscal year 2002 appropriations, we provided separate funds for town meeting notices subject to a Rules Committee authorization, which has not yet occurred.

I would like to point out that Senators, on average, spend less than half the amount budgeted for franked mail—less than $3 million out of the $7.6 million budget. In addition, last year only a small number of Senators used town meeting notices. No Member, other than the Senator from Pennsylvania, has indicated the budget is inadequate. It doesn't appear that we have a significant problem, but in order to determine whether or not there is an interest in promoting town meetings with notices attendant thereto, and how widespread that problem might be, we have agreed to this pilot program for 1 year.

We have requested that by the end of the next fiscal year the Sergeant at Arms and the Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and the Committee on Appropriations.

Mr. REID. Madam President, if I may take a few minutes, I will be very brief.

I wish to say a few things while the two managers of this bill are here. I had the opportunity in several Congresses to chair the Appropriations Legislative Branch Subcommittee. I can truly say that it was one of the most rewarding experiences I have had as a Member of Congress.

I understand how important the Library of Congress is to our country. We have certainly learned that with this bill. We were going through the years and there were cuts. No one wants to cut the Library of Congress. It is so important to the people of our States and of our Nation. Of the 13 appropriations bills, this one gets a lot of attention. It is as important as any of the appropriations bills.

I want to take a brief period of time to tell the two managers of this bill how impressed I am and how grateful I am for their recognition of the Capitol Police. There has never been a time, in my opinion, where we have recognized the dedication of the Capitol Police as it is recognized in this bill.

We went through a ceremony yesterday where we placed roses on the table in front of the pictures of the two fallen police officers—Gibson and Chestnut. When we walk in this building every day, these dedicated men and women are standing there, a lot of times not doing a lot, but every day they are there waiting to take bullets for us or for anyone who comes into this building which they are protecting. They do such good work.

The Capitol Police Force is well trained. They are as well trained as any police force in the country. As a result of this legislation, they will be better trained, better paid, and better recognized for the work they do.

I want this RECORD spread with the appreciation of the Senate and the people of Nevada and every other State where people come here and feel so safe as a result of the Capitol Police. As I said, I want the RECORD spread with the appreciation of the American people for the work the Senator from Illinois and the Senator from Utah have done on this legislation. It is landmark. It is so appreciated by me and every Capitol policeman. And anyone who knows anything about this legislation—or could learn—would also feel the same as I do.

Mr. DURBIN. Madam President, I thank my colleague from the State of Nevada for those kind words on behalf of myself and Senator BENNETT. I am glad he made reference to the memorial service yesterday for Officers Gibson and Chestnut, because it is a sad reminder of the important responsibility that the Capitol Police have undertaken on behalf not only those of us who are privileged to work in this building but the thousands and thousands of visitors who come here for the thrill of a lifetime to see this seat of democracy. Those two men gave their lives in service to our country. We should be reminded at all times that all the members of the Capitol Police Force are prepared to do the same.

There is no stronger advocate for the Capitol Police than Senator HARRY REID of Nevada. He speaks to me annually when this issue comes up to make certain we have not overlooked any element in terms of modernizing and professionalizing the Capitol Police. He is simply their strongest voice on the Senate floor.

I might also add that a close second is Senator WELLSTONE of Minnesota, who has a close, personal friendship with so many of the members of the Capitol Police. He comes to me regularly with observations that really come from the heart. I thank him for his inspiration as well.

I think this bill meets the needs of the Capitol Police. And as long as I am in this position or in any capacity, I will continue to strive for that goal.

I believe pending before us now is the amendment relative to the account for mailing of town meeting notices, which Senator SPECTER of Pennsylvania has asked us to include.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, at the outset, I thank my distinguished colleagues, the Senators from Illinois and Utah, for holding this matter until my arrival. I came as soon as I finished my round of questioning of the Attorney General, who is currently before the Judiciary Committee.

This amendment provides for $500,000 to be made available for a pilot project for mailings of postal patron postcards by Senators for the purpose of providing notice of town meetings in counties with populations of less than 250,000.

The reason for this amendment is to stimulate town meetings by Senators and to make us more aware as a body, individually and collectively, of what our constituents are thinking.

Until fairly recently, there was no limitation on mail and notices could be sent out to the largest of counties at a very considerable expense as a matter of record, so that the public knew how much a Senator was spending. Those figures were published with some frequency as to the mail expense accounts.

My own thinking is that there is no better use of our expense accounts than to communicate with our citizens about where we go personally to hear what is on their minds. Within the beltway, we are very insulated. In fact, people beyond the beltway do not even know what the ''beltway'' expression means. However, when we talk to each other, and do not communicate with our constituents, we do not have a feel for what is going on. The basis of representative democracy is that we are reflecting the will of our constituents. In order to do that, we have to know what it is.

When I say reflecting the will of the constituents, I do not mean taking a public opinion poll, or even if there is an enormous preponderance of the constituents, to follow that without question. I think Edmond Burke, centuries ago, laid down the proper standard, that an elected official in a representative democracy owes to his constituents his independent judgment. One of the factors Edmond Burke enumerated was the concerns, sensibilities, and views of the constituent.

These town meetings are very difficult affairs, perhaps even categorized as rough affairs. I have done 19 of them during the month of July, mostly during the Fourth of July recess.

My practice, which I know is standard for many of my colleagues who undertake these meetings, is to make a very short introductory statement, limiting it to five, six, or seven minutes, and then to respond to questions.

The questioning segment is the hot spot. I know the Presiding Officer and the other Senators in the Chamber, and any who may be watching on C-SPAN, know that because we have all had the experience.

This is not puff mail which you send out, where the effort has been made to limit what a Senator can do, sending pieces extolling the virtues of the individual Senator. This is an occasion where you are really on the line and have to identify and justify your votes and your positions.

Beyond the votes and existing positions, the town meetings acquaint a Senator with many issues the Senator does not know about, and that is the educational process. So it is not only a matter of responding to constituents, rather it is learning from constituents what the new issues are.

Since I completed the town meetings in July, I can say to my colleagues that there is great interest out there in Pennsylvania—and I believe Pennsylvania is a very representative State with more than 12 million people—about the need for a prescription drug program. The seniors are really hurting. Many instances were called to my attention by individuals who have low income with very high pharmaceutical bills. This is something that is really at the very top of the agenda. Enron and corporate scandals, prescription drugs, and terrorism were the three major subjects I heard about in the town meetings.

I am hopeful—and I have talked to authors of the bills on both sides—we will come to an agreement here and we will legislate on this subject and let it go to conference with the House of Representatives. I believe our job is to reconcile the differences. While we are talking about substantial sums of money, in the overall picture, an accommodation is better than having Senators adhere strictly to some top-dollar figure and not go beyond that. I believe there is a majority in the Senate to reach an accommodation somewhere between what the proposed bills have specified. My soundings are that a prescription drug program is something the American people not only want, but really need.

Along the same line, I sense overwhelming anger about what is happening in corporate America and what is happening with Enron and WorldCom, which were the subjects during the Fourth of July recess. This is not some theoretical matter about fraud and criminal conduct that ought to be prosecuted, this is a matter which is reaching Mr. Average American, Mr. Lower Income American, regarding retirement funds, which have been fractionalized. I am glad to see the conferees agreed on a program yesterday, with the Senate bill taking dominance.

Even with the work I have had as a prosecutor on fraud cases and business fraud, I am surprised at what has happened here. Every day there is a new revelation. For the major banks to be complicit, at least according to public reports on Enron, is beyond shocking.

We really rely, in our society, on the accountants, the attorneys, and the bankers, who are really in a quasi-fiduciary, if not strictly fiduciary capacity, to catch these matters, and especially where it is so lucrative. For them to yield to the pressure to cut corners and to sanction fraud in order to keep a customer or to please a customer is just really beyond the pale.

We have had a lot of problems in the long history of this country, however, I think this is one of the most extraordinary. The day before yesterday, we found out about the bankers being complicit, or allegedly complicit, with Enron. We see the SEC investigation disclosed yesterday, as stated in this morning's press, about AOL having fraudulent transactions and boosting their profits fraudulently. It is a surprise to me that an entity as sophisticated as Time Warner would be taken in by corporate chicanery.

So these are matters which are very much on the minds of the American people. You have to go to a town meeting and take the temperature of the people to really see how very serious it is.

This amendment provides that $500,000 will be used to send out postal patron notices, providing that the Senator pays 50 percent. So we have a good co-pay provision here. Senators are not going to be inclined to send these postal patron notices out without having to pay for one-half of the cost themselves, with the critical requirement that the Senator has to appear. The limitation is put on counties with fewer than 250,000 people because if you send it to a county such as Allegheny County, which has Pittsburgh, or Philadelphia County, it is an enormous expense. We can communicate with our constituents in those major metropolitan areas in ways other than by coming to the county.

However, if you talk about Potter County, in north central Pennsylvania, on the northern tier abutting New York State, or you talk about Fulton County, on the Maryland border, those folks really like to see you. You send out a notice, and you get 35 people, and you sit and talk to them. I was in Forest County, and we did not get 35 people, however, I learned a lot from being in Forest County. I think the people in Forest County learned something, too.

So I thank my colleagues for accepting this amendment. We had it in last year at a higher figure, subject to authorization. We could not get the hearing worked out. However, I know that this is a test case. I am going to be encouraging my colleagues to do these town meetings, so when the audit comes up, my name is not the only name listed as a recipient. We will await the results of the audit on the pilot program to see just how effective and important this program is.

Again, I thank my colleagues and thank the Chair, and I yield the floor.

Mr. DURBIN. Madam President, I thank the Senator from Pennsylvania.

If there is no further debate on this amendment, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 4323) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4324

Mr. DURBIN. Madam President, I send an amendment to the desk on behalf of Senator DODD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. DODD, proposes an amendment numbered 4324.

Mr. DURBIN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Providing public safety, exception to inscriptions requirement on mobile offices)

On page 9, between lines 17 and 18, insert:

SEC. . PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES.

(a) IN GENERAL.—Section 3(f)(3) under the heading ''ADMINISTRATIVE PROVISIONS'' in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

''The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to the fiscal year that includes such date and each fiscal year thereafter.

Mr. DURBIN. Madam President, this amendment amends title II of the U.S. Code to authorize the Rules Committee to establish regulations to waive or modify requirements on mobile offices for public safety reasons.

Mr. BENNETT. Madam President, I am in favor of this amendment.

Mr. DURBIN. Madam President, if there is no further debate on the amendment, I urge adoption of the amendment.

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

Without objection, the amendment is agreed to.

The amendment (No. 4324) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DURBIN. Madam President, unless the Senator from Utah has any further amendments or modifications, I do not believe there are any additional actions on the bill.

Mr. BENNETT. Madam President, one of the pleasures of handling this bill is that there are almost always no additional amendments or complications.

Mr. DURBIN. I thank the Senator from Utah and yield back all my time.

The PRESIDING OFFICER. Does the Senator from Utah yield back his time as well?

Mr. BENNETT. The Senator from Utah yields back all his time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the vote on passage of H.R. 5121, the legislative branch appropriations bill, occur at 1:50 p.m. today, with rule XII, paragraph 4 being waived.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes each up until 1:50 today, the time set for the vote, and the time to be equally divided and controlled in the usual form between the two leaders or their designees.

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

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

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

GREATER ACCESS TO PHARMACEUTICALS ACT

Mr. HATCH. Mr. President, I rise to speak on the pending legislation, S. 812, the Greater Access to Pharmaceuticals Act. Even if I had major differences of opinion on the substance of this legislation, I commend Senators MCCAIN and SCHUMER, KENNEDY and EDWARDS for their efforts in this area.

I especially wish to recognize the efforts of Senators KENNEDY, EDWARDS, and COLLINS for their work, which was almost a complete rewriting of the McCain-Schumer bill. Let me also hasten to commend Senators GREGG and FRIST for working to improve the bill that emerged from the HELP Committee and for their leadership during the debate.

Mr. President, last week, I provided a brief summary of the existing statute that S. 812 seeks to amend, the Drug Competition and Patent Term Restoration Act of 1984. I happen to know something about this law, which is commonly referred to as the Waxman-Hatch Act, or alternatively, the Hatch-Waxman Act.

Last week, I gave an overview of my concerns with the HELP Committee legislation. With those comments in mind, today, I want to delve further into the details of the HELP Committee re-write of S. 812 the bill originally introduced by Senators MCCAIN and SCHUMER.

The central components of S.812 are aimed at rectifying concerns raised in recent years over two features of the 1984 law: first, the statutory 30-month stay granted to a pioneer firm's facing legal challenges to its patents by generic competitors; and, second the 180-day period of marketing exclusivity awarded to generic drug firms that successfully challenge a pioneer firm's patents.

During debate on S. 812, there have been a number of comments indicating that there is a substantial problem with these two provisions. That may or may not be the case. One great disadvantage of holding the floor debate at this time is that we do not have the benefit of an extensive Federal Trade Commission survey of the pharmaceutical industry that focuses on precisely these two issues that go to the heart of S. 812 and the substitute adopted by the HELP Committee. The results of this long-awaited, extensive, industry-wide FTC survey are expected in a few weeks.

I have stated on numerous occasions that before this body undertakes a substantial rewrite of provisions central to the Hatch-Waxman Act, we should have the benefit of the FTC study and its implications.

The Senate could have taken a more prudent course. The Senate could have waited for the FTC report. We—and by we I specifically include the Senate Judiciary Committee—could have held hearings on the FTC study, evaluated the data, and then discussed, debated, and refined the actual, now barely two-week old, legislative language that is pending on the floor today.

But this was not possible due to the tactical decision of the Majority to dispense with the regular order so as to minimize the politically-inconvenient fact that the Senate Finance Committee would have most likely have rejected any Democratic Medicare drug proposal in favor of the Tripartisan approach.

To my great disappointment, although not anyone's great surprise, we failed to arrive at the 60-vote consensus required to enact a Medicare drug bill in the Senate. Make no mistake about it. This is a great failure for the American people because for two years now we have set aside $300 billion in the federal budget to be spent over 10 years to provide prescription drug coverage for Medicare beneficiaries.

We have all heard from elderly constituents many of whom live on limited, fixed-incomes—who have had substantial difficulties in paying for prescription drugs. Rather than rise to the occasion and make good on our promise to rectify that situation, and we are letting this abundant opportunity slip between our fingers.

I am very disappointed with the outcome of the votes Tuesday. It is my hope that we can find a way to come together on the important issue of a Medicare drug benefit for our seniors.

At a minimum, we should use the $300 billion already in the budget to expand drug coverage for those seniors who need the most help. What we should not do is enact an expensive, government-run scheme that could bankrupt our country and plunge our economy further into the abyss when the government usurps what should legitimately be a private-sector-run benefit.

The collapse of any 60-vote consensus on the Medicare drug benefit does not show the public the type of bipartisan spirit that voters across the country say they prefer, in poll after poll after poll.

And so, we move back to the important, if more mundane, matters in S. 812.

One of the real marvels of this debate is that we have finally found out who the bad guys are in this debate.

It is not the government that has failed to make good on the promise to provide needy seniors with pharmaceutical coverage.

No, it's the pharmaceutical industry, an industry that is working day and night to bring us the medicines, the miracle cures that seniors seek.

I just had no idea that is who was going to be blamed.

This game plan comes right out of the Clintoncare play-book. As you hear attack after attack on the drug companies, I just want all of you listening to this debate to know that a similar tactic was employed by the Democrats when they tried to foist Clintoncare on a very unreceptive public back in 1993 and 1994.

Here is how David Broder and Haynes Johnson, two highly respected journalists, described the tactics of the Clinton White House in trying to pass its too grand health care reform plan:

This quote is from ''The System,'' a book by Haynes Johnson and David