

the House and in the Senate who do that because they want to be involved in public service and are proud of it. We say to them, don't be unnerved by this; we are proud you are here and that you have stayed through this period. We thank you for your public service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I rise, too, to applaud the leadership given to us in the last several days by Senator DASCHLE and Senator LOTT.

Thirty years ago, I did not serve in this body; I served as a naval flight officer on the other side of the world, in a war that was not popular in this country. Those of us who served took our cues from those who served in this body with respect to the strength and support for our efforts from the American people and from our elected officials. The signals we received were not always encouraging ones.

It is important today that those who are serving our country on the other side of the world in this war, flying in F-14s, helicopters, dropping food from C-17s, dropping munitions from B-52s and B-1s, special forces at work, the sailors and airmen and soldiers—it is important that we send to them, not just by our words but by our deeds today, a very clear message: There is a time for fear and there is a time for resolve. This is a time for resolve. Our resolve is being tested, and it is critically important that we meet that test. And we will.

We are endeavoring to strike a balance, whether it is in Senator DASCHLE's office, Senate office buildings, the Capitol, or the House office buildings, to make sure we are being vigilant and careful and that we are mindful of their health and welfare. And we are. At the same time, let's remember we have a lot of work to do—not next year or the year after that; we have a lot of work to do this year. We have appropriations bills to pass to meet the needs of our Nation. We have compromises to hammer out on terrorism legislation, airport security, and rail security. We have legislation that is in conference on education, raising the achievement level of our students, and making sure there is a Patients' Bill of Rights that is fair to everybody in this country. We need to hammer out those compromises.

We need an energy policy. We haven't had one in my adult life and, frankly, we need one now more than ever. We have plenty to do. The idea that some might suggest it is time for us to take leave from this place and go back to our States for a while is just absolutely the wrong approach to take. We need to stay here and stay on the job.

There are some differences between the facts and the fiction being spread about what is happening on Capitol

Hill. Others have spoken to it, and I want to mention it as well. Secretary Thompson told me this morning that we received lab test results of the substance opened up in the mail in Senator DASCHLE's office, and we got those results about 3 o'clock this morning. The bad news is that it is anthrax.

The idea that somehow this is weapons grade is not correct. That is just not true. This is a substance that is susceptible to penicillin. This is a substance that is susceptible to Ciprofloxacin, just as other anthrax materials are susceptible. It can be treated.

Let's take a worst case scenario. There have been reports that the ventilation system of the Hart Building is somehow contaminated with anthrax. That is just not so. Let's assume for a moment it is. Let's assume for a moment that everyone who works there, including Senators, has been exposed to anthrax, which is not true either. As it turns out, maybe 20 or 30 people have been exposed—not infected but exposed.

If we had all been exposed and if, indeed, the ventilation system was chock full of anthrax—and it is not—what do we do about it? We simply take the antibiotics that kill the bacteria. That is what we do.

Keep in mind, anthrax is something for which we can be vaccinated. If we come down with an illness, we can take antibiotics that will cure it. If I contract an illness related to anthrax, it does not mean to suggest Senator DORGAN or anybody else is going to become sick. It is not communicable. We not only need to keep this in mind in the Senate and on Capitol Hill, but the American people need to know. This is something we can contain, and this is something we can control. We have to stay calm, we have to stay cool, we have to be collected, and we are going to do that.

The rest of the country is watching us to see how we respond in this time of duress. Certainly our military men and women around the world are watching us to see how we respond in this time of duress, during this threat to our Nation's Capitol. I presume whoever is sending these materials our way is watching us as well. They must be amused by the response they see from some.

The response we need to send to the terrorists, those who would do us harm, as well as to our troops, soldiers, sailors, and airmen around the world, and the rest of the American people is that we will make sure that the people who work here are protected and are safe, but at the same time we are committed to doing and completing our Nation's business.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

Mr. BYRD. Madam President, it is a pleasure to join my colleague from Montana, the distinguished Ranking Member of our Interior appropriations subcommittee, in bringing before the Senate the conference report on H.R. 2217, the Fiscal Year 2002 Interior and Related Agencies Appropriations Act.

This is the first of the thirteen annual appropriations bills to have reached this stage of the process. Let me say parenthetically, however, that the Committee on Appropriations reported the bill on July 12—3 months and 5 days ago. So it has been a long time in ripening to this point. This conference report is, in my opinion, a well-crafted bill. It is never an easy task to work out the many disagreements between House and Senate versions of an appropriations bill, and this year was no exception. But each and every one of the 1,330 items before the conferees was worked out in a way that balanced the views of each chamber and the resources available to the conferees.

I will not go into great detail with respect to all the particulars of the conference agreement, but shall point out a few highlights. First, to those who have a special interest in natural resource conservation, this conference report lives up to our previous commitment by fully funding the conservation spending category established in Title VIII of last year's Interior Appropriations bill. Through this spending category, the managers were able to fund key conservation activities including \$428 million for Federal land acquisition; \$229 million for State programs such as wildlife and wetland conservation programs; and \$184 million for Federal infrastructure improvements in our national parks, forests, refuges, and on other public lands. In addition, the conference report devotes \$11 million to Civil War battlefields preservation, an important commitment to honoring our national heritage and understanding the history of this great country.

The conference report also restores the \$36 million in environmental cleanup work conducted through the Abandoned Mine Reclamation Fund which the administration had unwisely proposed to cut. These funds will be used

for high priority abandoned mine clean-up projects which address serious health and safety concerns.

For our colleagues from the West, I am pleased to report that the conference agreement continues the Congressional commitment to protect the public and our natural resources from fire danger by providing \$2.2 billion to the Forest Service and the Department of the Interior for wildland firefighting. This is an increase of \$300 million above the President's request.

The bill also includes \$2.8 billion for critically needed Indian health care and \$2.2 billion for Indian education and economic development. Within these amounts, \$86 million is targeted specifically for the construction of new hospitals and health clinics, while more than \$290 million is to be used for school construction and repair.

The conference report includes over \$930 million for cultural institutions and programs funded through the Interior subcommittee, including the Smithsonian Institution, the National Gallery of Art, the Kennedy Center, and the National Endowment for the Arts and Humanities.

The conference committee paid special attention to the needs of the National Park Service, providing an increase of \$85 million over the fiscal year 2001 appropriation for basic operations of the national park system. In addition, the conference report contains \$366 million for Park Service construction, with the vast majority of these projects representing backlogged maintenance and infrastructure improvements in the National Parks.

Finally, I would like to point out that this conference report contains much needed funding for the important energy research programs overseen by the Department of Energy, specifically in the area of fossil energy research and development. I am very proud of the fact that the conferees provided \$150 million for continuation of the Clean Coal Technology program, which I first started in 1985 and which has proven to be one of the most successful public/private partnerships ever undertaken by the Federal Government. I am pleased we were able to restore the nearly \$100 million in basic energy research funding that the administration had proposed to cut. I told the Secretary of Energy that I believed those cuts to be unwise—and I earlier urged the President not to make those cuts—and that if I had anything to do with it—and I did, of course—they would not stand. For the good of the Nation and our energy security, I am glad that I was able to keep my word.

Before yielding the floor to my distinguished colleague from Montana for any comments he may wish to make, let me say again publicly what a pleasure it was to have CONRAD BURNS as the Ranking member of the Interior subcommittee and to work with him

and his able staff throughout this year. This has been a journey of hope and pleasure for me as we have developed this bill during the several months of working with Senator BURNS. The dedication to duty displayed by Senator BURNS, the willingness to cooperate in a bipartisan fashion, and his always gracious manner have made my work infinitely easier, and I thank him for his support in crafting this bill.

I thank his staff and I thank my own staff, along with Peter Kiefhafer, for their excellent work.

I urge my colleagues to support this conference report.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I join my friend from West Virginia in asking the Senate to support the Interior and related agencies conference report. This has been sort of a labor of love. It has been 3 months of putting this piece of legislation together and many hours of off-the-floor negotiations not only between my chairman and everybody who serves on this subcommittee but also in the conference with the House.

This conference agreement fits within the broader fiscal limitations with which the Congress and the President have agreed. To remain within these limits, we had to reduce many projects and programs below levels provided by the Senate bill. Likewise, many priorities established in the House were reduced so the conference agreement would conform to the subcommittee's conference allocation.

The final product does not contain 100 percent of what everybody wanted; nor does it have 100 percent for one individual. I assure my colleagues Senator BYRD has included me and my staff in all negotiations and that the Senate's interests have been treated fairly.

There are two specific items I will address before proceeding. I am pleased that the conference report provided a \$10 million increase in payments in lieu of taxes, PILT. These funds are a vital source of funding for schools and other basic Government services in rural communities that have large public land acreage. While I hoped we would preserve the entire increase provided in the Senate bill, the amount provided in the conference agreement is a significant step forward and moves us closer reaching the authorizing funding level of the PILT program.

With regard to the funds for the wildland firefighting and related programs, the conference agreement contains just over \$2.23 billion. The year before last and last year were terrible years for fires, as was this past summer, although it was not as devastating as the year before. Congress has still made a commitment to the national fire plan. We were unable to fully fund all the needs of the national fire plan, but nonetheless the commit-

ment is there. We had to make extremely tough choices, balancing the need for rehabilitation and restoration of lands already burned and the need to prevent and suppress future fires.

We have also taken the opportunity to direct the Department of Agriculture and the Interior to work more closely together in implementing the national fire plan, while giving us a better understanding of the land's long-term funding and what it needs. I believe this will move us much closer toward having a fire plan that can be fully implemented.

Finally, I thank Senator BYRD for his courtesy shown throughout the process. There are 3 C's in committee work: cooperation, courtesy, and consideration. Usually we get our work done pretty expeditiously. It has been a difficult year on many fronts, but from the Senate transition to the events of last month, Senator BYRD and I have worked well together to produce a final bill that deserves the Senate support.

I thank his staff and my own. Ryan Thomas and Bruce Evans have done yeoman's work on this bill as it has moved its way not only through the Senate but also through the conference.

It is strange indeed to have an Interior and related agencies bill to be the first appropriations bill to be sent to the President. I can remember when this bill was unbelievably contentious. It is the off-the-floor agreements and negotiations made that help bring a product to the floor. It just about has the approval of the total Senate. That is a testament to Senator BYRD's leadership as chairman of this subcommittee. Again, I urge my colleagues to support this conference agreement.

Mr. BYRD. We are told in the Scripture: A word fitly spoken is like apples of gold in pictures of silver.

The words by CONRAD BURNS, my distinguished colleague, have been fitly spoken. Again, I thank him.

Mr. REID. Madam President, on behalf of Senator DASCHLE and this Senator from Nevada, I express our appreciation to the chairman of the Appropriations Committee not only for bringing the bill to the floor today but for your persistence, your wisdom, and your legislative abilities. You have worked very hard on all appropriations bills, this one in particular. We extend our appreciation to you for that.

More generally, this is the first appropriations bill. There couldn't be one more timely and one that should be recognized than the one these two Senators put together. Senator BURNS said he can remember when the bill was contentious. It is still contentious. But this is what legislation is all about. I was so happy to go to that conference committee. We spent just a little bit of time there. It was resolved quickly. That is what good legislation is all about.

The example that was set I hope I can follow. Senator DOMENICI and I are working on energy and water and hope to have a conference that is even shorter than the one on the Interior bill. We hope to be able to do that. We were going to do it tomorrow but the House is going out today and we will not be able to do that. Hopefully, it will be Monday or Tuesday.

I have a great feeling for this bill. The Senator from West Virginia will remember when I first came here I had the honor, when you were so heavily involved in your duties being the Democratic leader, of conducting the subcommittee hearings on this bill. I learned a lot about this subcommittee as a result of sitting there for those hours of hearings to arrive at a point where we had a bill that could be brought to the Senate floor. Conducting those hearing was one of the biggest learning processes I ever went through. It was a great honor.

I will not belabor the point other than to say if someone picked up a dictionary and looked at the word "wisdom," Senator BYRD's name would be right there. And of course it would be there with "legislator." But in capital letters, if you flipped open the dictionary and came to the word "Senator," ROBERT BYRD of West Virginia would be right there.

So it is appropriate that the first bill that we have worked so hard to get out of the appropriations process is one that has been engineered by the Senator from West Virginia.

I also extend my appreciation to the Senator from Montana, with whom it has been easy to work. He understands the legislative process and has really been a pleasure to work with.

I ask unanimous consent the Senate now proceed to the conference report accompanying H.R. 2217, the Department of the Interior appropriations bill; that the Senate vote immediately on adoption of the conference report with no intervening action; and that upon adoption of the conference report, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I reserve the right to object just for the purpose of responding to the distinguished majority whip and his glowing references to my work.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say this. Darius the Great was once having lunch. Someone presented Darius the Great with a huge pomegranate at this luncheon. And it was opened. There were quite a number of seeds in it. Darius said, "Had I as many men like Megabazus as there are seeds in this pomegranate, it would please me better than to be lord of Greece."

So let me just say, using those words by Darius, I have been around the Senate here quite a while and I have seen several whips. I have had the pleasure—or perhaps the misfortune, I should say—of being whip myself here for several years beginning in 1971. But I was not as good a whip as Senator REID. I won't say anything about the other whips, but I will just use myself. Senator REID is an excellent assistant majority leader. He is always on the floor. That is how I gained my fame as whip—I stayed on the floor, watched the floor. There is where I learned the rules, where I learned the precedents.

This man is a man who, if I may do a little bragging, was cut in my own image in that he stays on the floor. He works this floor. He is always to be counted upon. He is here to help every Senator. Many are the time agreements that are made possible by his assiduous attention to his duties on the floor.

Majority Leader DASCHLE can be very grateful for the fact that he has been given this very excellent man, HARRY REID of Nevada, to work and to assist him, Mr. DASCHLE, as the whip.

I pay my compliments to Mr. REID. I thank him for his great work.

Let me just now end my remarks by saying we hope that next week we can complete the work on this floor on the energy and water appropriation bill, the legislative branch appropriation bill, the VA-HUD appropriation bill, and the Treasury appropriations bill. We are finally making some headway.

I thank my colleagues, and of course the good Lord most of all, and our staff for the fact that we have been able to begin making some progress on the action and passage of the Appropriations conference reports.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217), "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

(The report is printed in the House proceedings of the RECORD of October 11, 2001.)

LYTTON RANCHERIA

Mr. BURNS. Mr. President, would the Chairman agree that the conference sought to address an issue dealing with the exceptional and unique circumstances which led to the enactment of Sec. 819 of P.L. 106-568 with regard to

land taken into Federal trust status prior to 1988 for the Lytton Rancheria of California?

Mr. BYRD. Mr. President, the ranking member is correct. In Sec. 128, the Committee recognizes the exceptional and unique circumstances surrounding the enactment of Sec. 819 of P.L. 106-568. The circumstances do not, however, diminish the requirement that the tribe fully comply with the provisions of the Indian Gaming Regulatory Act and in particular, with respect to class III gaming, the compact provisions of Sec. 2710(d) or any relevant Class III gaming procedures. The Committee further recognized that nothing in Sec. 819 of P.L. 106-568 be construed as permitting off-reservation gaming except in strict compliance with the Indian Gaming Regulatory Act.

CLEAN COAL POWER INITIATIVE

Mr. SANTORUM. Mr. President, in the Statement of the Managers accompanying the Interior and Related Agencies Conference Report, there is language on page 117 that sets certain limitations on the types of projects eligible to compete for Clean Coal Power Initiative funds. Specifically, the language states; "Further, all co-production projects must provide at least half of their output in the form of electricity." This language could have the effect of precluding certain innovative co-production projects from competing for the funds appropriated. Can the Chairman explain the intent of this language?

Mr. BYRD. This language was included based on information provided to the Committees that these limitations were consistent with the fiscal year 2001 solicitation. We have since learned that this is not the case. While the draft solicitation contained a minimum threshold for power production, the final solicitation contained no such threshold. We have since consulted with the Department of Energy, and the Department agrees that there should be no minimum threshold for power production in the next solicitation. Because the language in the Statement of Managers was based on inaccurate information, it is my view that this particular language should not apply. Program applicants should keep in mind, however, that improved electric reliability is the focus of the program. Would my colleague, Senator BURNS, concur?

Mr. BURNS. I concur with the statement of Senator BYRD.

Mr. CONRAD. Madam President, I rise to offer the Budget Committee's official scoring for the conference report for H.R. 2217, the Interior and Related Agencies Appropriations Act for Fiscal year 2002.

The conference bill provides \$19.12 billion in nonemergency discretionary budget authority, which will result in

new outlays in 2002 of \$11.908 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$18.017 billion in 2002. Of that total, \$1.32 billion in budget authority and \$1.029 billion in outlays falls under the new cap for conservation spending. The remaining amount counts against the general purpose cap for discretionary spending. The conference report is within the Appropriations Committee's 302(b) allocations for budget authority and outlays for both general purpose and conservation spending.

In addition, the Senate bill provides new emergency spending authority of \$400 million in 2002 for federal firefighting activities, which will result in new outlays of \$289 million. Per section 314 of the Congressional Budget Act, as amended, I have adjusted the committee's 302(a) allocation by the amount of this designated emergency funding. The amount of emergency funding included in the report is consistent with the bipartisan agreement reached earlier this month between the President and congressional appropriators.

H.R. 2217 is the first conference report to reach the Senate floor. Twelve more remain after its adoption. It is important that the Senate act quickly and pass this important legislation that will provide vital funding for managing our nation's natural resources, supporting better and more efficient use of our energy supplies, and meeting our commitments to Native American tribes.

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

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

H.R. 2217, INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

(Spending comparisons—Conference Report (in millions of dollars))

	General purpose	Conservation	Mandatory	Total
Conference report:				
Budget Authority	17,800	1,320	59	19,179
Outlays	16,988	1,029	77	18,094
Senate 302(b) allocation:¹				
Budget Authority	17,800	1,376	59	19,235
Outlays	16,988	1,030	77	18,095
President's request:				
Budget Authority	16,827	1,256	59	18,142
Outlays	16,425	832	77	17,334
House-passed:				
Budget Authority	17,621	1,320	59	19,000
Outlays	16,789	1,031	77	17,897
Senate-passed:				
Budget Authority	17,386	1,320	59	18,765
Outlays	16,736	1,029	77	17,842
SENATE-REPORTED BILL COMPARED TO—				
Senate 302(b) allocation:¹				
Budget Authority		-56		-56
Outlays		-1		-1
President's request:				
Budget Authority	973	64		1,037
Outlays	563	197		760
House-passed:				
Budget Authority	179			179
Outlays	199	-2		197
Senate-passed:				
Budget Authority	414			414
Outlays	252			252

¹ 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. The conference report includes \$400 million in general purpose emergency funding for federal firefighting activities. Prepared by SBC Majority Staff, 10-17-01.

Mr. MCCAIN. Mr. President, I thank the managers for their work in completing this important appropriations bill which funds the Federal agencies governing land management, energy, forestry and Native American programs. In this time of extraordinary national, and fiscal, urgency to respond to domestic threats, I appreciate that their jobs have not been easy and I am thankful for their work.

This Interior appropriations bill funds many important programs that help to protect the nation's natural resources, national parks, endangered animals and forest lands, as well as health and education programs for Native Americans. A portion of energy conservation funding for the Department of Energy is also included in this bill. I am supportive of these programs and their important part to preserve the character and quality of America's most special places.

What I find disturbing is that many of these programs, such as the National Park Service and the Fish and Wildlife Service, still experience enormous backlogs of maintenance and repair work because these agencies are not able to spend important Federal funding on the Nation's highest priorities. Instead, the appropriators have earmarked this funding for their own priorities, without a fair and merit-based review.

This year's final Interior appropriations bill includes \$343 million in earmarks, much of which is either unrequested or unauthorized spending. While this amount is less than the bill passed earlier this year in the Senate, it is still an extraordinarily high amount of Federal spending that should be directed toward the most urgent priorities for the agencies included in this bill. It is a critical time for our nation, and we should expend Federal dollars prudently to allow Federal agencies to carry out their management responsibilities.

I will support the passage of this year's Interior bill, despite my objections to the extraneous porkbarrel spending that is included. I believe, especially in this heightened time of American resolve to protect our homelands, that it is our highest obligation to ensure that we spend taxpayer dollars wisely. Unfortunately, as evidenced by the \$343 million in porkbarrel spending in this bill, we are clearly failing in fully upholding our obligations to protect natural resources and meet trust obligations to Native Americans. As we consider the remaining appropriations bills for this fiscal year, I hope that my colleagues will exercise fiscal constraint in porkbarrel spending.

The list of objectionable provisions I identified in H.R. 2217 is available on my Senate web site.

Mrs. FEINSTEIN. Madam President, I would like to speak for a moment about Section 128 of the Interior Appropriations conference report.

In its original form, Section 128 repealed language from last year's Omnibus Indian Advancement Act, language that circumvented the Indian Gaming Regulatory Act's commonsense protections and regulatory safeguards against the inappropriate siting of Class III, Nevada-style casinos.

Late last year, a one-paragraph provision was attached to the Omnibus Indian Advancement Act granting land in trust to a single Indian tribe, the Lytton band, and permitting them to move forward on plans to establish a Nevada-style gaming establishment in San Pablo, CA, on a site that is not part of and is not adjacent to land traditionally held by the Lytton band of Indians. In fact, this site is in a major urban area just outside of San Francisco, neither in nor near the Lytton band's reservation. This was done without regard to Federal laws currently in place to regulate the siting of such a casino. Now, language that would have originally repealed that granting of land in trust merely states that the Lytton band must follow the Code of Federal Regulations for Class III gaming, which they would have had to follow anyway.

I have serious reservations about the expansion of Class III gaming in urban areas, and I am particularly against off-reservation gambling. These off-reservation casinos cause counties additional costs in public and local services, often intrude in residential areas, and are increasingly causing local concerns ranging from traffic congestion to additional crime.

Currently, California has 109 separate and independent tribal governments, of which 46 have operational casinos. Three more casinos are currently under construction. Additionally, 20 tribes have compacts with the state and are proposing casinos, and 10 more are in negotiations with the Governor for a tribal state compact for Class III gaming. Finally, 54 more tribes are petitioning or involved in congressional acts to be federally recognized to promote a casino.

Circumventing the processes for Federal recognition of tribal governments and for granting land into trust presents a variety of serious and critical multi-jurisdictional issues—issues which can negatively affect the lives of ordinary citizens and deprive local government of their political power to protect those whom they govern. The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian casinos by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the

siting of such a large, Nevada-style casino. IGRA works. It is a fair process that should be followed.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

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

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—95

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Bunning	Grassley	Reid
Burns	Gregg	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NAYS—3

Bayh Brownback Roberts

NOT VOTING—2

Hagel Lieberman

The conference report was agreed to.

VOTE EXPLANATION

• Mr. LIEBERMAN. Mr. President, at the time of the vote on the Interior appropriations conference report on October 17, 2001, I was unable to vote because I was attending the funeral of Mrs. Margaret Ann Aitcheson, mother of Mrs. Tipper Gore. If I was present, I would have voted in favor of the conference report. I note that because that report passed by a vote of 95-3, my absence had no effect on the outcome of the vote. •

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER (Mr. JOHNSON). Pursuant to the order of October 2, 2001, the Senate, having received a message from the House on S. 1438, disagrees to the House amendment, agrees to a request for a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LEAHY. Mr. President, will the Senator from Nevada yield?

Mr. REID. I am happy to yield to my friend, the chairman of the Judiciary Committee.

JUDICIARY COMMITTEE MEETING NOTICE

Mr. LEAHY. Mr. President, for the notice of Members, the Senate Judiciary Committee had originally been scheduled to meet tomorrow for a markup. We have about 14 or 15 nominations on the list, ranging from U.S. attorneys to Federal judges—actually more than that. I forget the exact number. The Dirksen Building in which we were scheduled to meet is going to be closed, as will the Russell and Hart Buildings.

For those Senators who may have an interest, I am arranging for a meeting room off the Senate Chamber, probably in the President's room. We will start the meeting about halfway through the vote, whenever we have the vote, which I understand now is sometime between 12 and 12:30. I have talked to a number of Senators. This seems to be the most convenient way because we don't know where else we will get a meeting room.

Senators on the Judiciary Committee should plan, if they possibly can, to vote here relatively early, when the rollcall starts. Come to the room. We will make sure somebody is here to tell them where it is going to be. Obviously, if somebody wants to debate something, they can. We will try to move those nominations out as quickly as possible.

Having heard the travel plans of some Senators, we may try to get them moved out prior to or within the same amount of time as the rollcall vote. I urge Senators to get over there and

make a quorum. As soon as we have a quorum, we will start moving.

For several Senators who have inquired, mostly from the other side of the aisle, who have judges up for nomination hearings tomorrow—I know the Senators from Alabama and Oklahoma and others do—we are going forward with those hearings. Senator SCHUMER, the distinguished senior Senator from New York, will be chairing. Again, I think we may have arranged a room right back here.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Even though all the office buildings where hearings are normally held will be closed tomorrow, the committee is going to go ahead and find someplace to hold the hearing anyway; is that what the Senator from Vermont is saying?

Mr. LEAHY. Mr. President, I am going to do that. I am trying to do it in a relatively compressed amount of time, while some Senators are still around. There are a lot of judges on that list. Two Senators from each State will want to introduce them, plus those that are on the agenda.

The distinguished majority leader has helped us in finding space in the Capitol to do it. We are also going to try to finish the terrorism bill, if we can. We are trying to juggle all that. I ask Senators to please show up on time when we start because there is going to be only so much of a window. If people don't show up, if we can't get a quorum, we can't go forward. I picked this time when everybody has to show up for a vote anyway, the best time to get a quorum, and we will go on with the others so that my staff and I can get back to finishing up the work of the terrorism bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, for the information of all colleagues, I know there has been some question about when we ought to have the vote tomorrow. To accommodate the most number of Senators, we are going to set the vote for 11 o'clock. That will be the only vote for the day, and it will be on the military construction appropriations conference report. We will accommodate Senators who wish to speak about other matters in morning business both before and after that vote.

The Senate will come in around 10 o'clock, and we will spend at least an hour in discussion on the conference report, or in morning business, and then we will set the vote for 11 o'clock.

The next vote will occur at approximately 10 o'clock on Tuesday. We will not be in session on Friday or Monday. I thank my colleagues.

Mr. REID. Will the leader yield?