SENATE—*Tuesday, November 6, 2001*

The Senate met at 2:16 p.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

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

Gracious God, who knows what is going on in our minds, we thank You that more than providing our surface needs, You meet our deepest needs. Help us to put and keep things in perspective. Thousands of men and women of our armed services are in harm's way in a just battle against terrorism and despotism, and hundreds of thousands are on alert. Meanwhile, so much has changed for our life here in the Senate. An anthrax scare has gripped us, our routines have been disrupted, temporary offices cause frustration, and the instability of everyday conveniences unsettle us. In a time like this, we learn that faith and flexibility are inseparable. Our trust is in You and not in having everything in our control. While we pray for those who are making a much greater sacrifice than we, we also ask for the qualities of greatness rooted in Your goodness and grace. Thank You for this new day in which to find our security in You, our serenity in Your peace, and our strength in Your power. You have taught us to seek first Your Kingdom with the assurance that all things necessary for our joy would be added to us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DASCHLE. Madam President, the Senate will resume consideration of the Labor-HHS Appropriations Act with 15 minutes of debate in relation to the firefighters amendment. The Senate will vote on cloture on the amendment at approximately 2:30 this afternoon. We hope to complete action on the Labor-HHS appropriations bill today. Then it would be my intention of moving to the D.C. appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivision.

Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers, and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 15 minutes for debate to be equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3½ minutes.

Madam President, I urge my colleagues to vote no on the Daschle-Kennedy amendment. This is an amendment which, for the first time in over 200-some-odd years in our Nation's history, we have the Federal Government trying to pass a law dealing with collective bargaining for cities, counties, and States for fire, police, sheriffs, and emergency personnel.

We have never done it before. We shouldn't do it now. That is and should be the prerogative of the States. The 10th amendment to the Constitution says all of the rights and powers are reserved to the States and to the people. It doesn't say: States, you have been doing this for all these years, but now we will have the Federal Government pass a collective bargaining law that also says you should have remedies, arbitration, and so on.

Why is the Federal Government doing that when States should be doing it? The States are doing it. Why should we tell the States they are not doing it well enough? We will have a bureaucrat go in and review the State's laws and say, maybe your State doesn't comply. Some people have estimated 26 to 30 States don't comply. Maybe the State of Missouri will have to rewrite its collective bargaining law or the State of Oklahoma. Frankly, over half of the States have local options where the State legislatures have said: We will leave that up to the cities. And now the Federal Government will say: No, that is not good enough; we will have the Federal Government come in and make that decision.

This bill says we will exempt small communities. Communities that have less than 5,000 will not be covered by this law. If we don't get cloture, we will have an amendment because I will raise that number. I think 5,000 is way too small. We will exempt cities with fewer than 5,000 employees. I think that is too small. We will have to have a bigger exemption. The legislation forgot to exempt volunteers. Why should we cover volunteers? So we will have to have an amendment dealing with volunteers. There are over 800,000 volunteer firefighters and police officers in the country.

Why should we mandate that people contribute to an organization against their will? We need voluntary contributions.

This bill is legislation on an appropriations bill. It should be dealt with separately. It doesn't belong on this appropriations bill. Let me read comments from a couple of organizations.

The U.S. Conference of Mayors:

However, the federal government should not impose collective bargaining procedures

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

and practices on these local governments that have chosen over time to develop alternative methods for the management of human resource and personnel needs.

The National Volunteer Fire Council:

. . . representing over 800,000 Members of America's volunteer fire, EMS, and rescue services. . . . On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

The National League of Cities:

. . . the Federal Government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions.

From the Vermont League of Cities and Towns, written to Senator JEFFORDS:

The Vermont League of Cities and Towns strongly urges you to oppose the amendment. The amendment would create a Federal collective bargaining law that applies to State and local government employees. We believe strongly this is an issue better dealt with in the Statehouse in Montpelier than in Washington. This amendment is not only intrusive but has the potential of causing confusion with conflicting and overlapping statutes.

They said it well. The League of Cities said it well. The Conference of Mayors said it well. The National Conference of State Legislatures said it well. Leave this area of jurisdiction to the States, where it has always been, not trying to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. DASCHLE. I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Madam President, on September 11, Americans were riveted not only by the extraordinary act of terrorism that struck this country and the extraordinary loss of life, but also they were struck by the extraordinary heroism and bravery of firefighters, police officers, and rescue workers, but particularly the firefighters.

There may be those who want to suggest reasons we shouldn't permit firefighters to be able to bargain collectively in the public interest. What is the record when these firefighters have been able to bargain collectively? First of all, there is greater safety for not only the public but for the firefighters. Second, the number of deaths per firefight has gone down. The numbers clearly reflect that. Third, where this has been permitted in States, we have seen the costs for fire protection have actually gone down.

Madam President, this is most of all about fairness and decency. This is about respect for workers in our country who have demonstrated day in and day out that they are prepared to lay down their lives in order to save other lives. We don't need any lectures about that in the Senate.

The real question now is whether the Senate will permit these extraordinarily brave and courageous individuals to get together in order to have an adequate and decent living. They are not asking for the Moon. If there is going to be an impasse, there are procedures to work out that impasse. We do think they are entitled to the kind of coming together and speaking to the interests and the safety of firefighters which they deserve.

I cannot think of a place in our society that has demonstrated a stronger commitment to the public good. They are not asking for very much. All they are asking for is to be treated decently and fairly in the workplace. That is what this is about. Are we going to permit firefighters in our country to be treated decently and fairly in the workplace?

If Members believe in that, support the Daschle amendment. That is what this amendment does.

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader's amendment to the Labor-HHS appropriations bill. I have listened to a great deal of debate about how this amendment would affect State and local police, fire, and emergency services officers. After the devastating attacks of September 11, we know that these men and women are the true heroes of America.

The issue before the Senate, mandating that State and local governments allow public safety officers to unionize and collectively bargain, raises many passions on both sides of the aisle. In Alaska, this issue has been resolved. Our State and local employees are allowed to unionize and engage in collective bargaining and I very much support the right of Alaska police, fire and emergency service personnel to unionize.

So as far as this Senator is concerned, the issue raised by Senator DASCHLE is one of principle, not labor/management principles but principles of constitutional proportions.

Senator DASCHLE's amendment preempts the laws of 27 States. These States have decided that they do not believe their police, fire, or emergency service workers, employees of State and local governments, should be allowed to engage in union activities. By what constitutional right does the Federal Government have the authority to tell State and local governments what the terms of employment should be for State and local workers?

Here is how the amendment attempts to address the Constitution: ''The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce.''

This amendment does not pass the laugh test when it comes to constitutionality. If the standard of the Commerce clause can be satisfied with the previously quoted finding, then there is absolutely no area where the Federal Government can preempt States.

I think it is clear from the recent decisions of the Supreme Court that the Commerce clause is alive and well and that Congress should be legislating in areas that have real impacts on interstate Commerce, not phony made-up attempts to preempt all State decisions.

Because this amendment clearly contravenes the Constitution, I have decided that I will not vote to invoke cloture.

Mr. WARNER. Madam President, I rise to offer a few comments before we vote on cloture on the Daschle amendment. I have and always will be strongly committed to our Nation's fire, police and emergency rescue personnel. Career emergency workers and the individuals who are members of our Nation's over 22,000 all volunteer fire stations are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

Virginia is a Right to Work State and has passed laws explicitly prohibiting public safety unions. Passage of the Daschle amendment would impose an unfunded Federal mandate on States and preempt the existing guidelines and laws in the 27 States which do not have comprehensive collective bargaining rights for public safety employees.

States and localities must retain the flexibility to operate effectively and manage their public safety workforce as it is most appropriate for their particular needs.

It is not the right time for the Federal Government to intervene with the rights of State and local governments, burdening them with additional requirements which may strain the limited financial resources of our local governments.

In particular, many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which are fire rescue personnel deal with on a daily basis.

Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two-thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

In Virginia, many professional fire and rescue workers also volunteer at their local volunteer station. Their presence is invaluable to these communities.

If Senator DASCHLE's amendment passes, however, these paid firefighters would be prohibited from serving as volunteers elsewhere.

Over the past month, I have heard from a great number of professional firefighters present at the Pentagon that day and the days following. Volunteers and paid professionals worked side-by-side in the wake of the tragedies which occurred on September 11, 2001, in New York, Pennsylvania, and at the Pentagon in Virginia. Volunteer stations from throughout Virginia also helped to serve communities when the fire and rescue personnel from that area were on duty at the Pentagon.

I am pleased to be actively involved in several legislative initiatives to support our Federal, State and local fire and rescue services.

We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protected.

I am pleased to be an original cosponsor of legislation, S. 1617, introduced by Senator DODD on November 1, 2001, that will provide States and localities with the necessary funding to hire additional firefighters. The Staffing for Adequate Fire and Emergency Response Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

In addition, our fire and rescue services have a critical role in our homeland defense initiatives. I am pleased to have cosponsored an amendment offered to the fiscal year 2002 Defense Authorization legislation to increase funding for the fire program from $300 million to $600 million in 2002. Funds from the fire program are granted to local fire departments from the Federal Emergency Management Agency for, among other things, training of firefighters and emergency response personnel, toward the purchase of new equipment, and upgrading fire stations and fire training facilities. With the existing and emerging threats our Nation is facing, it is now more important than ever that our firefighters receive the necessary training and resources.

Please know that I recognize the sacrifice firefighters, police, and all emergency personnel make in Virginia and across the Nation. I will continue to support initiatives that will help our Nation's firefighters and emergency workers.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Madam President, I am opposed to the Daschle amendment on both substantive and procedural grounds.

First of all, in terms of substance, the Daschle amendment actually empowers a Government agency, the Federal Labor Relations Authority, to override State law. It allows this Authority in some 25 States in the Union to make a determination that would override established State law and State constitutions and impose a unionization process which the States have rejected.

In my State, we have a local option, so the question of collective bargaining and unionization of the local fire department and sheriff's department is a matter for local voters. They have a referendum. That is our procedure. That is the way we do it in Texas. It has served us well.

The Daschle amendment would override State law, override county ordinances, and empower a government regulatory body, the Federal Labor Relations Authority, to override State law.

I think this violates everything we claim to believe about federalism. It is very bad policy. It violates the spirit of the tenth amendment of the Constitution, and I think it is profoundly wrong.

Second, let me say on procedural grounds, we are in the process of trying to finish appropriations. We were encouraging our Members to put aside controversial and extraneous matters until we had an opportunity to complete the appropriations process. This bill could be brought up freestanding. The majority leader has the unilateral power to do that. But to put it on an appropriations bill, it seems to me, disrupts what we are trying to achieve and encourages others to follow suit. If this amendment is clotured, there will be a dozen amendments offered to it that have to do with labor law in America.

This is another debate for another day. We will end up having to cloture this bill. There will be a lengthy process that will use up our time and energy that would better be spent on something else.

I understand this is a time when we appreciate our firemen and we appreciate our policemen, but forcing people to pay union dues is not a way I show appreciation to people.

We have the right in Texas and every State in the Union has the right to write its State constitution and to write its laws. Laws related to local labor relations and the relationship of the city, the county, and the State with their employees is something that should be set by the cities, counties, and States, not by the Federal Government.

I urge my colleagues, on substance this amendment is profoundly wrong and wrongheaded. And on procedure, it puts us into a collision course.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I thank our leader once again for coming forward with a very timely amendment. I would like to add my support.

I know people from all over the country were riveted on the great work of our firefighters as well as our police and rescue workers in New York. They did a wonderful job.

I can tell you—and I have talked to hundreds of them—the words are very inspiring. But they also need help. They are trying to feed families. They are trying to get the kind of benefits that so many others have. In place after place after place in America, they don't get them.

If we want to show our real feelings, if we want to put our money where our mouth is, if we really want to help the firefighters—go ask them. Don't rely on some kind of broad ideological mantra. If we want to help the firefighters, we should not tell them how we are going to help them. Let them tell us how we are going to help them. They want this proposal. They are right. I am for it.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from North Carolina.

Mr. EDWARDS. Madam President, this is not a complicated question. The American people have watched as these firefighters have put their lives on the line for us. They have provided all of us, all of our families, and families all over this country, with the security we need and expect.

Now these firefighters have come to us, the Senate, and asked that we provide them and their families with the same kind of security American workers have all over this country.

This is not a complicated question. It is a simple question. The American people have watched the heroism of these firefighters. It is time for our Senate to provide them with the same kind of security they have been providing to American families forever.

I yield the floor.

Mr. DASCHLE. Madam President, I will use whatever leader time I may require to close out the debate on this amendment.

As my colleagues have noted, every day firefighters, police officers, and emergency workers literally risk their lives to protect our safety. In 18 States, public safety workers do not currently have the legal right—the legal right—to sit down with their employers and talk about their own health and about their own safety. That is why we offer this amendment this afternoon, the Public Safety Employee-Employer Cooperation amendment. It is identical to

the bipartisan bill offered by Senators GREGG and KENNEDY, who both spoke in favor of this amendment last week.

The amendment is very simple. It guarantees that public safety officers have the right to form and join a union; have the right to bargain collectively over hours, wages, and conditions of employment—period.

Studies have shown, as Senator KENNEDY and others have noted, that fewer firefighters are killed in the line of duty in States where collective bargaining exists, States where public safety officers have a say in their working conditions. Our proposal expressly forbids strikes or lockouts by public safety workers.

Contrary to assertions by some of the opponents of this amendment, our proposal does not override State right-to-work laws. The opponents of this amendment say that allowing public safety workers to join a union will somehow jeopardize public safety. Tell that to the 344 unionized firefighters and paramedics who died trying to save the lives of people at the World Trade Center. Tell the unionized Capitol police who guard this building and protect our lives every day of the week.

These men and women deserve our thanks. They deserve a vote on this important issue. Instead, when we offered this amendment, we were informed opponents would not give us a vote. So let there be no mistake. This cloture vote is the vote on the merits. It is a vote on whether or not we stand with firefighters, the police, and those who protect us day in and day out. This gives all firefighters, regardless of where they live, the opportunity to do what they ought to be able to do in this country—to bargain collectively for their rights, for their safety, for their lives in some cases.

Madam President, I urge a ''yes'' vote. I hope our colleagues will support this cloture vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3 minutes under the Republican leader's time.

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

Mr. NICKLES. Some people have equated this with a patriotic vote because we appreciate the firefighters in New York and Virginia. Certainly we do. The firefighters in Virginia were nonunion. The firefighters in New York were union. That is not the issue. The issue is whether or not the Federal Government is going to go in and preempt States or dictate to the States collective bargaining laws for public employees.

We have never passed a law that says we are going to have collective bargaining dictated by the Federal Government for State employees or for city employees. We have never done it in 225 years. We never passed such a law.

We have never passed a law that says: Sheriffs, officers, you can have collective bargaining.

We have never done that, but we are getting ready to do it. We have never done it to all cities. Right now, this legislation goes to cities with populations of greater than 5,000. Other States have different laws.

Every State has a law dealing with collective bargaining, but now we are saying we are going to tell the States what to do, and the States have to pass laws that are basically, substantially equivalent with this law or else it doesn't apply. A Federal bureaucrat is going to decide whether the existing State laws are in compliance.

Some States have a local option. The majority of States have a local option. They let cities make that decision. We are trying to say: Cities, you can't make it. Small towns in North Dakota, South Dakota, Oklahoma, you can't make that decision. We are going to make it for you.

I think that is a serious mistake. I applaud the bravery of firefighters, police officers, people who work in the ambulance system, the sheriffs, officers, but I don't think we, on the Federal level, should dictate their collective bargaining arrangements. That has been done by the States, done by the cities, done by the counties. They have done a good job. We should not tell them how to do it.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Preserving the prerogative of the majority, I want to close out this debate. Let me respond in a couple of ways.

First of all, this amendment does not federalize state labor laws. This amendment says if a state has a right-to-work law, we will respect it.

What this amendment also says to every firefighter in the country: If you want to negotiate in a collective bargaining arrangement with your employer, you have the right to do so.

The process is not dictated. There is no requirement that employers agree with those firefighters who want to enter into a collective bargaining arrangement.

Who would deny the right to a firefighter today to enter into a collective bargaining arrangement if he or she chooses to do so? That is all we are suggesting. We protect right-to-work laws. We protect rights of the State. I think we ought to protect the rights of all firefighters too.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor, HHS appropriations bill:

Maria Cantwell, Joe Biden, Barbara A. Mikulski, Patrick J. Leahy, Patty Murray, Paul Sarbanes, Debbie Stabenow, Max Cleland, Joe Lieberman, Bill Nelson, Harry Reid, Paul Wellstone, Barbara Boxer, Jack Reed, Daniel K. Akaka, Kent Conrad, and Tom Daschle.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor-HHS appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—56

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Graham	Reed
Cantwell	Gregg	Reid
Carnahan	Harkin	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Jeffords	Schumer
Clinton	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden
Dodd	Lieberman	

NAYS—44

Allard	Enzi	McConnell
Allen	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Stevens
Chafee	Hutchison	Thomas
Cochran	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	

The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Mr. President, I have long been a supporter of collective bargaining rights.

Although worthwhile, I oppose cloture on the Daschle amendment (SA 2044) because it would have further delayed the already backlogged fiscal year 2002 appropriations process. More

than one month into the fiscal year 2002, we have sent only 5 of the 13 annual appropriations conference reports to the President. We must finish our work and pass these appropriations bills.

While I support the Daschle amendment, the Labor-HHS appropriations bill was not the proper vehicle to address this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the matter now before the Senate is the Labor-HHS Appropriations Act; is that true?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2044, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent to withdraw the Daschle amendment.

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

Mr. REID. Mr. President, I ask unanimous consent that there be no further amendments in order to H.R. 3061, the Labor-HHS appropriations bill, the bill be read a third time, and the vote on final passage occur immediately, notwithstanding rule XII, paragraph 4.

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

Mr. REID. I ask for the yeas and nays on H.R. 3061.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

FARMWORKER HOUSING PROGRAM

Mr. COCHRAN. Mr. President, I have a question about the migrant and seasonal Farmworker Housing Program. I have worked for a number of years to ensure that the Labor Department provide funding for housing assistance for eligible farmworkers. There is a well-established network of local housing organizations that receive these funds. I am particularly impressed by the work of the organization in my State, the Delta Housing Project. The Senate Report accompanying this bill recommends $5,000,000 for farmworker housing. This amount represents an increase of $1,000,000 over the fiscal year 2001 level. In fiscal 2001 the committee increased the fund from $3,000,000 to $4,000,000 representing the first increasee since 1982. I am pleased that the committee has recently increased the funding to this worthwhile program so that grant recipients can use these funds for important housing projects. However, despite the fact that in fiscal year 2001 the program was increased by 20 percent, most all grant recipients received less money than they have consistently relied upon for the past 17 years. This does not seem fair.

Mr. HARKIN. I agree. We need to continue this program so that the well-established network of local housing organizations can continue to provide these needed services. That is why our subcommittee provided an additional $1,000,000 specifically for housing priorities.

Mr. COCHRAN. It is my intent that these funds be used by the Department of Labor for the expansion of funding among the network of farmworker housing grantees. It is my understanding that it is the intent of this committee that these funds be used for those grantees and that any funds for migrant rest center activities would come from other discretionary sources. Would the chairman clarify this understanding?

Mr. HARKIN. Yes. The legislation is intended to provide funds to the network of housing providers in the migrant community and not to be used for discretionary purposes.

COMPASSION CAPITAL FUND

Mr. REED. Madam President, I rise to inquire about the Compassion Capital Fund, which is funded in this bill at $89 million. As my colleagues know, this fund was requested by the President as part of his Faith-Based Initiative. This is a significant amount of money and I want to note that the Senate has not yet considered legislation authorizing various aspects of the President's Faith-Based Initiative, including provisions which might alter longstanding rules on government funding of religious organizations.

Therefore, I would like to clarify several points with the chairman and ranking member of the subcommittee about the uses of these funds. It is my understanding that this fund is supposed to provide grants to organizations for the purpose of advising charitable organizations on expanding their operations effectively and providing guidance on how to emulate model social service practices. Am I correct on that point?

Mr. HARKIN. The Senator is correct. The Compassion Capital Fund will provide grants to public/private partnerships to help charitable organizations develop ''best practices'' as a social service agency. The goal of grantees of the Compassion Capital Fund will be to improve the effectiveness of social programs and community initiatives around the Nation. The Senate has not yet debated the President's Faith Based Initiative, and the Senator is correct that this fund is only for the development of model best practices.

Mr. SPECTER. I appreciate the chairman and Senator from Rhode Island for clarifying these points. It is important to note that this appropriations bill is not changing any of the rules or standards for government funding of religious organizations and we have funded the two programs in the President's Faith-Based Initiative that we believe are authorized.

Mr. REED. I thank the chairman and the ranking member of the subcommittee for clarifying these points, and I look forward to working to further clarify this matter during the conference committee process.

Mrs. MURRAY. Mr. President, I rise today to express my overall support for the Labor-HHS bill currently before us. I thank the chairman and ranking member for their continued efforts to meet our county's needs. I recognize the financial limitations we faced in the subcommittee in trying to address our many concerns in labor, health and education. This appropriations bill, more than any other bill, impacts every family and every community. The programs in this bill from education and health services to workplace safety are priorities for Washington families. While I am disappointed by some areas of the bill, overall it makes critical investments in our health, safety and welfare. I would like to highlight some of my priorities in this critical legislation, starting with education.

Although I appreciate the significant increase in education we provide in this bill, I hope that we will be able to put more money into education programs this year. The education reform bill now in conference would impose significant new requirements on our schools, and if we are going to ensure no child is left behind, we need to provide the money to back up that bill. I look forward to working with Senator HARKIN and my other colleagues on the ESEA conference committee to fully-fund IDEA.

I especially thank the Chair for working with me to ensure sufficient funding to keep our commitment of smaller classes for our young students. This investment of more than $3 billion in teacher quality and smaller classes represents the fourth year that I have successfully fought for funds to help districts continue on the path to hiring 100,000 new teachers to reduce class sizes in the early grades nationwide.

By including the class size reduction program in the appropriations bills over the last 3 years, Congress has taken an important, bipartisan step to ensure our students are learning in less crowded classrooms. The first year of Federal class size reduction funds enabled schools to hire 29,000 teachers, and last year's funding added another 8,000 to that number. As a result, about 2 million students are learning in classrooms that are no longer overcrowded. On a related note, I am pleased that this bill includes funding to continue the school renovation investments we started this year. These funds are critical to ensuring students learn in safe, modern and uncrowded classrooms.

I am also pleased to note that this bill includes funding for the Teacher Training in Technology Program. Helping our teachers learn to use technology is essential if we are going to use technology to improve education for all students. I will continue to work to secure this program in ESEA reauthorization, and appreciate the committee's support in that endeavor.

I am disappointed that this bill does not provide more funding to support some of our most vulnerable students our homeless children. I hoped we would follow the lead of the education authorizers who accepted my amendment to double the authorization for homeless education. At the current level this program is only able to serve one-third of eligible children, and less than 4 percent of districts receive direct funding. The House mark includes $50 million for this program, and I hope that the final agreement will include a significant increase over current funding. Family homelessness is increasing. The U.S. Conference of Mayors found that demand for emergency shelter increased by 17 percent among homeless families last year. Schools are having a hard time keeping up with the increasing demand for services, and I fear that the changes in our economy will only make the situation worse.

Local homeless education programs use these funds to help homeless children enroll, attend, and succeed in school in by: establishing liaisons to the homeless community to identify homeless children and connect them to school; providing school supplies and emergency needs—everything from backpacks, paper, pencils, gym clothes, math/science equipment, to eyeglasses, shoes, clothing, and hygiene supplies; offering tutorial services for homeless children at shelters and other locations; and much more.

I thank the managers for adding funding for GEAR UP in this final bill, and I hope we can include additional funds in conference to avoid a cut from the fiscal year 2001 appropriated level. I have seen firsthand the great work this program is facilitating. Research has shown that reaching out to disadvantaged middle school students to let them know that the dream of college is within their grasp and supporting them in attaining that dream is the most effective way to ensure more disadvantaged students get a college degree. In the information economy of the 21st century we cannot leave children behind by denying them access to higher education. I believe we can and must do better for these children by providing an increase in funding for the GEAR UP Program.

Finally, I look forward to working with Chairman HARKIN and the Ranking Member, Senator SPECTER, to secure the funds necessary to operate Child Care Aware. Millions of children are in care outside of their home while their parents work. Yet child care is often more costly than college tuition, and quality care can be hard to find. Child Care Aware is a nonprofit initiative, operated by the National Association of Child Care Resource and Referral Agencies, that is committed to helping parents find the best information on locating quality child care and child care resources in their community.

Next, I would like to turn to the labor provisions of this bill. I am pleased that the bill includes $1.549 billion for the Dislocated Worker Employment and Training Activities. This is an increase of nearly $140 million from fiscal year 2001.

Unfortunately, our economy is continuing to slump. Recent indicators suggest unemployment could reach as high as 6.9 percent by the end of next year. Many of these people need help in their search for new skills and new jobs. The Boeing company has announced it will lay off more than 30,000 workers from its commercial airline business, which is headquartered in Washington. That is 30 percent of their workforce. Many other industries have announced massive layoffs. Those workers will be seeking access to the dislocated workers' program. The money in this bill is a good first step. However, we must also expand unemployment insurance, health care and job training programs to assist these newly-unemployed workers. I hope my colleagues will support such a measure as we debate an economic stimulus package.

Finally, I would like to turn to some of the progress this bill makes in the area of healthcare. For years, we have known about the important role played by the Centers for Disease Control and Prevention. During the recent anthrax incidents, many Americans have learned about some of the CDC's responsibilities. This bill boosts our investment in the CDC by providing $4.4 billion for Disease Control programs—an increase of $372 million over last year. This funding will support cancer screening and education programs, including breast and cervical cancer screening; injury control and reduction, including rape prevention and education, bioterrorism, and improving our local public health infrastructure to respond to public health threats.

This bill makes progress for local communities that are working to provide care to the uninsured and underinsured. The bill provides $1.3 billion for Health Centers, which is $175 million more than in fiscal year 2001.

While this bill makes a lot of progress on health care issues, I am deeply disappointed that this bill falls short of our commitment to the Community Access Program, CAP, which helps communities research and coordinate care to underserved populations. I can tell you that throughout Washington state, the CAP program is allowing local officials, doctors and advocates to meet the needs of underserved patients. In fact, this program is critical in meeting the needs of the growing population of uninsured. During these difficult economic times, we should be strengthening our safety net programs. That is why, earlier this year, the HELP Committee adopted the amendment I offered with Senator CLINTON, which assumes an authorization of $125 for the CAP program. Clearly, the $15 million in this bill falls short of our commitment. I am hopeful that we can work with the House in conference to meet our original commitment.

Throughout Washington State, small and rural communities are seeing hospitals close. It is becoming more difficult for people in rural areas to get the care they need. This bill invests in rural health care. It provides more than $1.6 billion to help increase and improve access to rural health care services, providers and facilities.

I am also pleased that the bill supports pediatric medical training. It provides $243 million for GME for children's hospitals. This increase of $8.45 million is important for hospitals like Children's Hospital in Seattle. In the area of AIDS, this bill provides $1.8 billion for the Ryan White AIDS programs, $75 million more than last year. This bill funds our family planning efforts at $266 million for title X, an increase of $12 million over fiscal year 2001.

When it comes to supporting cutting-edge medical research, this bill keeps us on track for doubling NIH funding by fiscal year 2003. It provides a total of $23.7 billion, an increase of $3.4 billion over last year. I am proud of the research being done in Washington state including at the University of Washington, the Hutch and many biotech and biomedical research facilities throughout the state. In fact, Washington state is one of the top five recipients of NIH funding.

In the area of poison control, I am pleased that this legislation provides a total of $24 million for fiscal year 2002, that's a $4 million increase over fiscal year and $7.5 million more than the administration requested. As one of the original authors of the Poison Control Prevention and Enhancement Act, I believe this additional funding will prevent unintentional poisonings from everyday products. This bill supports trauma care planning and development by providing $4 million, an increase of $1 million over fiscal year 01 and $1.5 million more than the administration's request. Finally, as any advocate can tell you, our country doesn't have enough shelter space to offer protection for abused women and children. This bill provides $122 million for battered women's shelters. That is an increase of $5 million over fiscal year 01 and the Administration's request.

As many of my colleagues are aware, states are struggling to fund critical health care services with rapidly declining revenues. The economic downturn has created a budget crisis for many states including my own state of Washington. We should recognize the struggle facing many of our states and act to incorporate language into this appropriations bill to prohibit or delay any effort by CMS to reduce overall Medicaid payments. I know that many of us are concerned about efforts by CMS to further restrict the Upper Payment Limit within Medicaid. I worked with the previous Administration in 2000 to resolve this matter and phase out any potential loophole. To go back on this agreement now would mean significant Medicaid cuts for several States. This is the wrong time to cut the Federal share of Medicaid. I am hopeful that we can incorporate language in this appropriations bill to prohibit any action by CMS to reduce Medicaid funding.

I believe we should be working to enhance the Federal match under Medicaid to prevent drastic reductions in health care for low income families. At a time when more families will lose health insurance, we should be acting to increase the Federal commitment to Medicaid. I realize that increasing the Federal Medicaid match is a matter which must be addressed in a stimulus package not this appropriations bill. However, we should use this appropriations bill to send a clear message to the administration that this is the wrong time to attempt to reduce Medicaid reimbursement to the States.

I am pleased that this bill continues our investment in the programs that many senior citizens and their families rely on. It boosts funding for OAA nutrition programs. Specifically, it provides an increase of $30 million over fiscal year 01 for home delivered meals (to $177 million) and congregate meals (to $384 million). It also provides a 10 percent increase for aging programs under the Administration on Aging and supports other investments that assist the elderly.

When we reauthorized the Older Americans Act last year, we created the Family Caregiver Support Program, which assists families caring for an aging relative. This bill provides a $20 million increase in the Family Caregiver Support Program to $140 million.

This bill funds efforts to use technology to expand health care access. It provides $1 million for telehealth efforts at Children's Hospital in Seattle. And in other areas important to Washington State, this bill supports the Franciscan Health System's Program Improving Care through the End of Life demonstration program. It funds the national Asian pacific center on aging continuation of funding. And it funds a health profession and nurse retention study in Washington state.

Overall, this bill makes progress for our people and our country.

Mr. LEAHY. Mr. President, today the Senate will pass the fiscal year 2002 appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies—the largest of the 13 appropriations bills before Congress this year. This measure contains support for some of the most important aspects of our Nation's work such as medical research that leads to advancements in health, the education of our youth from preschool through college, assistance to the elderly and those with disabilities, and the training of workers seeking employment. While there are many noteworthy initiatives in this bill, I would like to highlight just a few that are particularly important to Vermont.

Hope for a cure for many diseases and illnesses must come through research and I am pleased that the Senate continues to work toward our goal of doubling the Federal Government's investment in the groundbreaking biomedical research conducted by the 25 Institutes and Centers that make up the National Institutes of Health. With this strong support, NIH funding for next year will increase to $23.7 billion, an increase of $3.4 billion over last year. Millions of Americans suffering from conditions ranging from Parkinson's and Alzheimer's diseases, to cancer, diabetes and heart disease, will benefit from the research undertaken by the thousands of NIH scientists, including many in Vermont, supported by this funding.

This bill establishes an Aging Initiative that takes important steps toward assisting senior citizens in Vermont and throughout America. The Initiative is designed to increase the capacity of home- and community-based services to support a high quality life for older Americans. An Interagency Task Force on Aging Programs will coordinate and provide additional support to programs that serve older Americans. Increased funding has been provided for supportive services and senior centers, long-term care ombudsmen to prevent and address the problem of elder abuse and neglect, the National Family Caregiver Support Program, elderly nutrition programs to expand home delivered meal distribution, and Alzheimer's disease research. I am confident that this effort will result in an improved quality of life for our nation's seniors, especially for those living in rural parts of our nation.

This legislation includes important funding for education that will support learning opportunities for Vermont schoolchildren of all ages. Funding for the Head Start Program, which provides comprehensive developmental education services for pre-kindergarten, low-income children, has been increased by $400 million. We have increased funding to assist low-income students who want to receive a college education. This bill will raise the maximum Pell Grant available to American college students from $3,750 to $4,000. This is the highest Pell Grant maximum in the history of the program.

We have also increased funding for our students with special education needs by $1 billion. Although this increase brings us a step closer toward meeting our responsibilities under the Individuals with Disabilities Act, we still must do more. House and Senate Conferees on the bill to reauthorize the Elementary and Secondary Education Act currently have before them the opportunity to mandate that the federal government increase its share of special education funding to 40 percent of IDEA spending from its current level of 15 percent. I strongly urge my colleagues to support this provision. It will provide significant relief to state and local governments as they strive to pay for the quality educational services that our nation's disabled students need and deserve.

I am very pleased that the Senate has provided increased funding for the Office of Civil Rights, OCR, at the Department of Health and Human Services. OCR is responsible for the enforcement of civil rights-related provisions in health and human services programs. Earlier this year, OCR's responsibilities were vastly expanded with the release of the final medical privacy regulation by HHS. Quality enforcement of this new regulation is essential to the protection of Americans' medical privacy. This increased funding will ensure that OCR can fulfill its new medical privacy enforcement obligations without dereliction from its many other civil rights enforcement responsibilities.

Finally, I am pleased that this bill includes $1.7 billion in funds for the Low-Income Home Energy Assistance Program and an additional $300 million in emergency funds. LIHEAP is a critical program for citizens of states like Vermont, who endure long, cold winters. Last year LIHEAP helped nearly 18,000 Vermont families stay warm. I am concerned that demand for this program will rise dramatically this winter as the economy slows and incomes decline. I want to thank the Committee for including a significant increase in LIHEAP funding in anticipation of this great need.

This spending bill is not perfect. There are areas where increased funding is still needed. However, we have taken the right steps in many important health, education, and human service programs, and I am pleased to support a measure that provides such great benefit to Vermonters.

Mr. HATCH. Mr. President, as the Senate is about to adopt H.R. 3061, the Labor-Health and Human Services Appropriations legislation for fiscal year

2002, I would like to express my strong support and gratitude to Senator HARKIN and Senator SPECTER for their willingness to include an amendment to H.R. 3061 on a matter that is very important to my home State of Utah.

The Radiation Exposure Compensation Act, RECA, was signed into law in 1990 and has provided compensation to thousands of individuals, both workers and civilians, who were exposed to harmful radiation as a result of the government's nuclear testing decades ago. Some of these individuals worked in uranium mines; many drove the trucks which transported uranium ore; and many more happened to live downwind from a nuclear test site.

The RECA law was amended last year by S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. The legislation, which was signed into law last July, expanded the list of illnesses and classes of individuals who may be compensated under the RECA program. Recognizing that it is more effective, cost-beneficial, and indeed compassionate, to identify and treat at the earliest stages individuals who may have been exposed to harmful radiation, RECA 2000 also authorized a grant program for education, prevention, and early detection of radiogenic cancers and diseases. These grants would be provided through the Administrator of the Health Resources and Services Administration and would be used to screen individuals for cancer, provide education programs for detection, prevention and treatment of radiogenic cancers. The grants could also be used to give medical treatment to those individuals who have been diagnosed with radiogenic cancers and illnesses.

My amendment appropriates $5 million to HRSA for programs associated with RECA. Of that amount, $4 million will be used for the screening and prevention program I have just mentioned, which is codified under section 417C of the Public Health Service Act. In addition, my amendment provides $1 million so the Department of Health and Human Services may contract with the National Research Council in order to review the most recent scientific information related to radiation exposure and associated cancers and illnesses. The study would also make recommendations as to whether there are additional cancers or illnesses associated with radiation exposure that should be compensated under the RECA program. Finally, the study would review whether other classes of individuals or additional geographic areas should be included under the RECA program. These recommendations by the National Research Council must be completed by June 30, 2003 and will be submitted to the Senate Committees on Appropriations; Health, Education, Labor and Pensions; and Judiciary for review. The report also will be submitted to the House Committees on Appropriations; Energy and Commerce; and Judiciary.

I am pleased that this amendment has been cosponsored by both Senators REID and DOMENICI. I have also worked closely with Senate Majority Leader DASCHLE, Senator BINGAMAN, Senator CAMPBELL, and Senator JOHNSON on the RECA program. All of us have constituents who have been impacted by radiation exposure and all of us want to do everything we possibly can to be helpful to them.

I have met with many RECA claimants in my State. It does not take long to see the pain and suffering they have endured over the years. This is pain and suffering, I might add, that have taken a toll on their lives and the lives of their families as well. Most of these individuals are now retired; they live on modest incomes and fear their declining health will only exacerbate their limited family finances. Many have lost fathers, mothers, sisters, and brothers due to radiation exposure. We cannot forget these brave Americans.

It is for these reasons that this amendment is so important—it will not only provide valuable assistance to those who have been exposed to radiation exposure, it will also review current data to ensure that all of those who have been impacted will be adequately compensated. I cannot tell you how many times I have talked to constituents who don't understand why their cancer is not currently covered under the RECA law. They don't understand why living in one county allows RECA compensation but living in another county, sometimes as close as three miles away, prohibits them from being compensated as a RECA victim. I want to make sure we are using the best science possible to provide answers to these important questions. The National Research Council recommendations will help answer these questions to the best of our ability based on all current scientific data.

Again, I wish to express my gratitude to my colleagues who serve on the Appropriations Committee, especially Senator HARKIN and Senator SPECTER, for recognizing the importance of this issue. Through this amendment, we are acknowledging the plight of these Americans and letting them know that we in the Congress truly care about their welfare.

Mr. DEWINE. Mr. President, I thank Senators LANDRIEU and ROCKEFELLER for cosponsoring my amendment, which has been incorporated into the managers' amendment.

Earlier this month, my colleague from West Virginia, Senator ROCKEFELLER, and I introduced a bill to reauthorize the Promoting Safe and Stable Families Act. This is a vital program that provides grants to children services agencies to help place foster children in permanent homes, provide post-adoption services, and reunify families when appropriate.

I thank Senators SPECTER and HARKIN for working with me to increase the appropriations level for this important program. As reported out of committee, the Senate bill only provided $305 million for the program, while the House bill included $375 million. I worked with the managers to increase the Senate level to $375 million.

I am very pleased that we have increased this funding level because the Safe and Stable Families program provides critical services to at-risk children.

The reality is that many thousands of children in our country are at risk because they are neglected or abused by parents or because they are trapped in the legal limbo that denies them their chance to be adopted. Over a half-million children go to bed each night in homes that are not their own.

We have an obligation to these children. We have an obligation to protect these innocent lives.

The Safe and Stable Families program is there for these children. The funding provided to the States through this legislation is used for four categories of services: family preservation, community-based family support, time-limited family reunification, and adoption promotion and support.

These services are designed to prevent child abuse and neglect in communities at risk, avoid the removal of children from their homes, and support timely reunification or adoption. And, quite candidly, Promoting Safe and Stable Families is a very important source of funding for post-adoption services.

With a nearly 40 percent increase in the number of adoptions since the implementation of the Adoption and Safe Families Act, funding for adoption promotion and support services is especially vital. In Baltimore, MD, for example, 5 years ago, there were only 160 adoptions. So far this year, 514 adoptions have been finalized. Such increases demonstrate the need for these services and the necessity for these services to ensure that the adoptions are not disrupted, which risks further traumatizing a child.

Again, I thank my colleagues for increasing the current Senate funding level. Protecting this vital program is simply the right thing to do.

Mr. ROCKEFELLER. Mr. President, for many years, Senator MIKE DEWINE and I have worked with a bipartisan coalition to promote adoptions and to strengthen Federal funding to help abused and neglected children, especially through the Safe and Stable Families program. Senator DEWINE has been a real leader especially in the key area of defining reasonable effort to protect children. We are joined in our effort by Senators LANDRIEU and CRAIG,

both well-known advocates for adoption and leaders of the Adoption Caucus.

President Bush called for an increase of $200 million for this program in his State of the Union address and his budget. In OMB's mid-session review, the administration changed its request from $200 million in mandatory money to discretionary funding. Since then, the House of Representatives added $70 million in new funding in their Labor-HHS-appropriations bill.

Children suffering from abuse and neglect are among our most vulnerable children. In 1997, Congress enacted new legislation to make the health and safety of a child paramount, and to stress the importance of providing every child a permanent home. The act imposed new time frames for States to consider adoption. Since then, adoptions from foster care have almost doubled. But these families need support to address the special needs of these children. Currently, there are over 800,000 children in foster care. About 1 million cases of abuse and neglect are substantiated each year.

In my State of West Virginia, the number of adoptions are increasing, but the statistics on abuse and neglect of children remain stubbornly high. New funding will enable my State and every State to expand their programs for adoption, family support, family preservation, and help to families in foster care.

Our goal is to secure new investments in the Safe and Stable Families Program to help these vulnerable children. I truly appreciate the cooperation and support of Senators HARKIN and SPECTER in accepting our amendment to provide new funding for this worthy cause. Chairman HARKIN and Ranking Member SPECTER have a very hard task in overseeing the Labor-HHS-Education appropriations bill. Balancing all the needs within their jurisdiction, including health care, education, worker safety, and other issues is a very difficult task, but a task they manage each year with skill and fairness. Their deep concern and compassion for children is well-known, and their willingness to work with Senator DEWINE and me further highlights their commitment to some of the most vulnerable children, those suffering from abuse and neglect. I am truly grateful for their leadership and support.

Things have changed dramatically in our country and in the Congress. We need to respond to the new challenges and the new fiscal issues. But the needs of abused and neglected children remain, and we also need to be sensitive to their problems and their needs. I appreciate the support from my colleagues.

Mr. MCCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides federal funding for the Departments of Labor, DOL, and Health and Human Services, HHS, and related agencies. Many of these programs are even more important as our war on terrorism is placing this Nation at great risk, particularly on the homefront. To protect our survival, we must also ensure that adequate support and resources are provided to protect our citizens at home as well as adequately funding our defense programs necessary for engaging in this war.

I am pleased to see increased funding for many programs, many that are of an increased importance in light of our Nation's war on terrorism. This includes an increase in funding for bioterrorism activities and ensuring that our nation's public health infrastructure is given the highest priority and strengthened considerably. This funding is critical for our States, localities and our nation as a whole, to ensure that substantial investments and improvements are made in our public health infrastructure so we can readily respond to our current situation and potentially future threats as well.

There is funding to ensure our Nation's food supply remains safe and resources for helping meet the health care needs of the uninsured—many who may now be unemployed due to the horrific events of September 11th. In this time of war, we must ensure that adequate resources are available for treating and preventing potential health threats. In addition to funding key public health programs, this bill provides funds for helping States and local communities educate our children. Furthermore, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many illnesses, including Parkinson's, Alzheimer's and ALS. This bill even provides funds for ensuring our nation's most vulnerable—children, senior citizens and the disabled—have access to quality health care. Funds are also provided for important programs that assist working families needing child care, adult daycare for elderly seniors, and Meals on Wheels.

I applaud the appropriators for including very few specific funding earmarks, but I am distressed about the extensive list of directives that have been included. It is apparent that the many directives and recommendation language camouflages the number of specific projects that are given special consideration and bypassing the appropriate competitive funding process. Examples of this language include:

Language supporting the Wheeling Jesuit University NASA Center for Educational Technologies to provide technology training to all elementary and secondary West Virginia mathematics and science teachers;

Language supporting the Missoula Family YMCA in Missoula, MT, to develop the ''Give Me Five'' after school program;

Language supporting the Ellijay Wildlife Rehabilitation Sanctuary to expand its ecological science education programs to make them available to more students in Georgia;

Language supporting Fresno At-Risk Youth Services in California to attack the problem of at-risk youths by coordinating the city's efforts through an education program coordinator;

Language supporting the Northeast and Islands Regional Educational Laboratory at Brown University to run a Website called Knowledge Loom; and

Language supporting the Flint Area Chamber of Commerce in Michigan to establish an ''e-mentoring'' program designed to create a partnership between employers and students.

The bill also includes recommendation language that encourages the Department of Labor to consider supporting certain projects or institutions. Examples include:

Good Faith Fund of the Arkansas Enterprise Group in Arkadelphia, AR;

Las Vegas Culinary Training Center;

Western Alaska workforce training initiative;

Oregon Institute of Technology; and

UNLV Center for Workforce Development and Occupational Research.

While each of these programs may deserve funding, it is disturbing that these funds are specifically earmarked and not subject to the competitive grant process. But there are other job training facilities, health organizations, and educational sites in America that need financial aid for their particular programs and are not fortunate enough to have an advocate in the appropriations process to ensure that their funding is earmarked in this bill.

There are many important programs impacting the labor force, health and education of our nation that depend on the support in this bill. However, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities that have ardent advocates in members on the appropriations committee.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests which thwarts the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Mr. President, thank you and I yield the floor.

Mrs. CLINTON. Mr. President, I rise to express my dismay that a very important program to address the health care needs of the uninsured was not included in the Labor-HHS appropriations bill which we passed today. Now, when our public health infrastructure must be stronger than ever before, it is

crucial that we find ways to provide care for Americans who lack health insurance.

The Health Community Access Program, or H–CAP, would build on the successful Community Access Program, CAP, demonstration program that congress funded last year. CAP has successfully provided grants to communities to encourage integration among safety net providers of care to the uninsured. More then 135 communities have taken advantage of CAP to improve health care for Americans who lack health insurance.

H–CAP allows communities themselves to design solutions for their unique safety-net needs, thus ensuring that the billions of dollars that Congress has already invested in different safety net providers, community health centers, family planning clinics, Ryan White AIDS providers, are spent as effectively as possible. By promoting the integration of health care services, H–CAP allow for more preventive care, and good disease management practices that improve overall health in the long-run and may reduce the incidence of serious and expensive health problems among H–CAP recipients later. And because grant recipients must demonstrate that their project will be sustainable without Federal funding, many communities have successfully found support through public and private matching donations, in-kind contributions, thus ensuring a relatively small Federal investment.

I have worked hard this year with several of my colleagues to permanently authorize CAP so that it will receive regular funding and support from the Federal Government. I also offered an amendment during committee markup to ensure that this program would be authorized at an adequate level.

Unfortunately, funding for H–CAP was left out of this bill. I am pleased that the House did include H–CAP in their bill, which they funded at $105 million, with an additional $15 million for State planning grants. It is my hope that the Senate will include H–CAP in the managers' package, or that this will be resolved during conference in the House's favor. I strongly urge my colleagues to make this program a priority this year.

Mr. SPECTER. Mr. President, before we go to the vote, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the subcommittee, for his extraordinary vote on this bill. I note for the record the speed with which we passed this bill and the concessions which were made by quite a few Senators to take complicated matters off this bill. We put aside the stem cell issue which I very much wanted to have resolved. We did so in the interest of concluding this bill. We have already started the conferencing issues with both staffs meeting early tomorrow afternoon and Members meeting a little later tomorrow afternoon.

From our experience in the past, we have seen how difficult it is to conference this bill, so we are moving right ahead, and it would be my hope, with the example we have set with this complicated appropriations bill—on time, with people withdrawing matters to try to expedite the process—that we would move ahead and complete our work by November 16, which is when we should finish, and we can go home and take care of business in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to respond in kind to my good friend and ranking member, Senator SPECTER, and thank him and thank all of his staff for a very great working relationship that we have had over many years, especially this year.

We have completed our bill in pretty good time. Now we have to go to conference. I am convinced we can have a decent conference and get this bill back, as Senator SPECTER said, so we will have it done before we go home for Thanksgiving. So I again thank Senator SPECTER and his staff for a great working relationship. I especially thank all of the staff: Bettilou Taylor, Mary Dietrich, Sudip Parick, and Emma Ashburn. I also thank Ellen Murray, Jim Sourwine, Erik Fatemi, Mark Laisch, Adam Gluck, Adrienne Hallett, Lisa Bernhardt, and Carol Geagley. A lot of them put in a lot of hours early this year putting this bill together.

We have a great bill. It meets the needs of Americans and labor, health and human services, education, and biomedical research. We have met our obligations. This is the bill that helps lift up all Americans, helps address the needs of our human infrastructure in this country, and I believe we have met that obligation to the people of this country in this bill.

I thank the Senator for yielding me this time.

ORDER OF PROCEDURE

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Labor-HHS bill, the Senate proceed to executive session to consider Executive Calendar No. 512, that we vote immediately, and that upon disposition of the nomination, the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that following the second vote in this series; that is, the judicial nomination, the Senate Appropriations Committee be discharged from consideration of H.R. 2944, the D.C. appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager or her designee be recognized to offer the Senate committee-reported bill as a substitute amendment; that the amendment be considered agreed to and the motion to reconsider be laid upon the table; and that the bill as amended be considered as original text for the purpose of further amendment, with no points of order being waived by this agreement.

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

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

Mr. REID. Mr. President, for Members, we are going to have two rollcall votes now, followed by taking up the next to the last appropriations bill of this year, the D.C. appropriations bill. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. 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 bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—89

Akaka	Bond	Cantwell
Allen	Boxer	Carnahan
Baucus	Breaux	Carper
Bayh	Brownback	Chafee
Bennett	Burns	Cleland
Biden	Byrd	Clinton
Bingaman	Campbell	Cochran