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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 19, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Campbell Gillon, Georgetown Presbyterian Church, Washington, D.C., offered the following prayer:

Almighty God, before Whom civilizations rise and pass away, we bow before Thee. We are creatures of a day, our lives divinely touched into being; endowed with insight as well as sight, conscience as well as cleverness, spiritual responsiveness as well as physical reflexes. In Thee we exist. Forgive us if in the past, we have denied the ''better angels'' of our nature, thus denying divine guidance and help.

In the light of the recent act of aggression against this Nation, horror, shock, grief, fear, revenge, and anger struggle within people's hearts. We sorrow at the loss of life, the families shattered, the injuries sustained, and the horrendous images that rescuers and rescued will forever retain. We commend all such to the care of the One who alone is the help of the helpless, the healer of the heartbroken, the strengthener of those bowed down.

Wherever the way forward lies, lead the Representatives of this great Nation by eternal beacons of justice, truth, understanding, and righteousness, to deal firmly with evil and fairly for a conclusion with honor. For such a task, bless the President, his Cabinet, this House, its leaders, Representatives, staffers, advisors, and all who act for the Nation here. As their days, so may their strength be.

Bless them with vision informed by wisdom; wisdom instructed by truth; truth revealed in integrity, and integrity touched by love; all learned in humility before thee, O God, whose children we are called to be.

This we ask in Thy spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

Mr. ISSA 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2500) ''An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN, to be the conferees on the part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARMEY) at 7 o'clock and 1 minute p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of

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Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

After general debate the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except those that I have placed at the desk and amendments en bloc described in this request.

Except as specified in this request, each such amendment shall be considered only in the order that I have placed at the desk and may be offered only by a Member designated on the amendment or a designee. Each such amendment shall be considered as read, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

All points of order against such amendments are waived.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this request shall be considered as read (except that modifications shall be reported). Debate on each en bloc amendment shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order that I have placed at the desk, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of such amendments, the Committee of the Whole shall rise without motion; and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

And further, that the amendments that I have placed at the desk be considered as read for purposes of this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the order of amendments.

The Clerk read as follows:

Mr. HALL of Ohio, page 43, after line 9.

The text of the amendment is as follows:

At the end of title II (page 43, after line 9), insert the following new subtitle:

Subtitle E—Air Force Science and Technology for the 21st Century

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''Air Force Science and Technology for the 21st Century Act''.

SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future nonspace warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a ''system-of-systems'' approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.

(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) MATTERS STUDIED.—(1) The study shall independently review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by the Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of

all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to assure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–46) is effective to identify the basis for the appropriate science and technology program top line and investment portfolio.

(c) REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(d) FUNDING.—Of the amount made available pursuant to section 201(3) for research, development, test, and evaluation for the Air Force, $950,000 shall be available only to carry out this section.

Mr. OSE, page 64, beginning line 20.

The text of the amendment is as follows:

In section 341, relating to assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (page 64, beginning line 20), strike subsections (a) and (b) and insert the following new subsections:

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) $1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

Mr. BEREUTER, page 115, after line 18.

The text of the amendment is as follows:

At the end of subtitle B of title V (page 115, after line 18), insert the following new section:

SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

''(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

''(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

''(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).''.

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

''(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

''(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

''(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

''(2) Not more than $2,500,000 may be obligated or expended in any fiscal year under subsection (c).

''(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORIZED ACTIVITIES.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''AUTHORIZED LOCATIONS.—'' after ''(b)''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; or'' and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

''504. National Guard schools; small arms competitions; athletic competitions.''.

Mr. UNDERWOOD, page 166, after line 5.

The text of the amendment is as follows:

At the end of section 552 (page 166, after line 5), insert the following new subsection:

(f) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Mr. GILCHREST, page 187, after line 12.

The text of the amendment is as follows:

At the end of title V (page 187, after line 12), insert the following new section:

SEC. ___. REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

Mr. STRICKLAND, page 187, after line 12.

The text of the amendment is as follows:

At the end of title V (page 187, after line 12), insert the following new section:

SEC. ___. REQUIREMENT TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS FOR VETERANS UPON SHOWING OF FINANCIAL NEED.

Section 1491(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''To provide'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2)(A) Upon a showing of financial need and subject to subparagraph (B), the Secretary of a military department shall provide articles of clothing described in subparagraph (C) to an organization referred to in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

''(B) The Secretary concerned may provide articles of clothing to an organization (or members of an organization) under this paragraph only if the Secretary determines that participation of that organization or its

members in the funeral honors mission is advantageous to the performance of that mission and meets the performance standards set by the Secretary for that mission.

''(C) Articles of clothing covered by subparagraph (A) are articles of clothing determined by the Secretary concerned to be appropriate as a civilian uniform for persons participating in a funeral honors detail who are not authorized to wear the uniform of any of the armed forces.''.

Mr. MANZULLO, page 248, after line 9.

The text of the amendment is as follows:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

SEC. 8___. INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(1) of title 10, United States Code, is amended by striking ''$300,000'' and inserting ''$600,000''.

Ms. VELÁZQUEZ, page 248, after line 9.

The text of the amendment is as follows:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

SEC. 8___. STUDY OF CONTRACT CONSOLIDATIONS.

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than December 1st of each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Mr. LANTOS, page 281, beginning line 6.

The text of the amendment is as follows:

Strike section 1044 (page 281 beginning line 6), relating to a sense of the Congress regarding Kwajalein Atoll.

Mr. SPRATT, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 10___. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

''(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

''(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

''(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.''.

Mr. STEARNS, No. 46, page 307, after line 20.

The text of the amendment is as follows:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to $3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

Mr. STEARNS, No. 50, page 307, after line 20.

The text of the amendment is as follows:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

Mrs. TAUSCHER, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 10___. PLAN FOR SECURING RUSSIA'S NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE.

(a) PLAN FOR NONPROLIFERATION PROGRAMS WITH RUSSIA.—Not later than June 15, 2002, the President shall submit to Congress a plan—

(1) for cooperation with Russia on disposition as soon as practicable of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenal; and

(2) to prevent the outflow from Russia of scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) CONSULTATION WITH RUSSIA.—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) CONSULTATION WITH CONGRESS.—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

Mr. WELDON of Pennsylvania, No. 70, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 1048. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking ''2001'' and inserting ''2003''; and

(2) in subsection (l), by striking ''three years'' and inserting ''five years''.

Mr. WELDON of Pennsylvania, No. 78, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. 1048. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Sealift Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national shipbuilding base, and maintain a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) For the United States and nations allied with the United States to realize these benefits, it is essential that vessels built under that program enjoy commercial opportunities in peacetime on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) ACTION TO PROMOTE PROGRAM.—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify the csae to the Federal Maritime Commission, which thereupon, in consultation with the Secretary, shall take action to counteract such practices, utilizing all remedies available under section 10002(e)(1) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

Mr. WELDON of Pennsylvania, No. 81, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

SEC. ____. DESIGNATION OF FIREFIGHTER ASSISTANCE PROGRAM IN HONOR OF FLOYD D. SPENCE, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND SENSE OF CONGRESS ON NEED TO CONTINUE THE PROGRAM.

(a) DESIGNATION.—Section 33(b)(2)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(2)(A)) is amended—

(1) by inserting ''AND DESIGNATION'' after ''ESTABLISHMENT''; and

(2) by adding at the end the following new sentence: ''The program of firefighter assistance administered by the Office shall be known as the 'Floyd D. Spence Memorial Domestic Defenders Initiative'.''.

(b) SENSE OF CONGRESS.—The firefighters assistance grant program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is recognized as having served as an effective device in Congress' ongoing effort to address the needs of America's fire service, and it is the sense of Congress that the program should be reauthorized for fiscal year 2003 and subsequent fiscal years at a higher level of funding.

Mr. EHRLICH, page 133, after line 15.

The text of the amendment is as follows:

At the end of title XII (page 331, after line 15), insert the following new section:

SEC. 12____. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) AUTHORITY TO CONDUCT INSPECTIONS.—Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in Public Law 105–277; 112 Stat. 2681–873; 22 U.S.C. 6723) is amended in subsection (b)(2) by inserting ''(and in the case of inspection of Federal Government-owned facilities, such designation may include employees of a contractor with the Federal Government)'' after ''Federal Government''.

(b) PROCEDURES FOR INSPECTIONS.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting ''or contractor with the Federal Government'' after ''Federal Government''.

Mr. KIRK, page 394, after line 20.

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 394, after line 20), insert the following new section:

SEC. ____. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this subsection, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of such title is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) section 2670 of such title is further amended—

(A) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under''; and

(B) by striking ''this section'' and inserting ''this subsection''.

(2) The heading of such section is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places''.

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places.''.

Mr. BOYD, page 414, after line 7.

The text of the amendment is as follows:

At the end of part III of subtitle D of title XXVIII (page 414, after line 7), insert the following new section:

SEC. 285____. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Florida State University, all right, title and interest of the United States in and to a parcel of real property known as ''Defense Fuel Support Point'', including any improvements thereon, located in Lynn Haven, Florida, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. FARR of California, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by inserting before the period at

the end the following: '', with regard to firefighting and police services, and September 30, 2003, with regard to other services described in under subsection (a)''.

Mrs. KELLY, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. REPORT ON OPTIONS TO PROMOTE ECONOMIC DEVELOPMENT IN COMMUNITY ADJACENT TO UNITED STATES MILITARY ACADEMY, NEW YORK.

(a) REPORT REQUIRED.—Not later than February 1, 2002, the Secretary of the Army shall submit to Congress a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York, which is located adjacent to the United States Military Academy.

(b) SPECIFIC CONSIDERATION OF CERTAIN OPTIONS.—Among the options evaluated under subsection (a), the Secretary shall specifically address the following:

(1) The fee simple conveyance of real property under the jurisdiction of the Secretary in the Town of Highlands, New York, to the Village, without consideration, for the purpose of permitting the Village to use the property to promote economic development.

(2) Use by the Secretary of the authority under section 2667 of title 10, United States Code, to make non-excess real property under the jurisdiction of the Secretary available to the Village for such purpose.

Mr. LEWIS of California, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

SEC. 2866. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.

The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two avigation easements (identified as APN 289–231–08 and APN 289–232–08) held by the United States.

LEGISLATIVE PROGRAM

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, tomorrow it is our intent to proceed with consideration of the defense authorization bill. During that time we will be considering 21 amendments. It is our hope that we will be completed at around 5:30 because, as you know, the Speaker of the House and the Senate majority leader extended an invitation to the President of the United States and he will be addressing us here at 9 o'clock tomorrow evening. I just wanted to take this time to explain exactly what it is we are doing.

PERMISSION TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON THURSDAY, SEPTEMBER 20, 2001

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain a motion to suspend the rules relating to the following measures on the legislative day of Thursday, September 20, 2001: H.R. 1900, H.R. 2657, and H.R. 2061.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOINT SESSION OF CONGRESS—ADDRESS TO THE NATION BY THE PRESIDENT OF THE UNITED STATES

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 231) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 231

Resoved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 20, 2001, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 19, 2001 at 4:00 p.m. and said to contain a message from the President whereby he submits a semi-annual report concerning telecommunications services to Cuba under the LIBERTAD Act P.L. 104–114.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT CONCERNING TELECOMMUNICATIONS SERVICES TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2001.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 19, 2001 at 3:59 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2001.*

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1424. An act to amend the Immigration and National Act to provide permanent authority for the admission of ''S'' visa nonimmigrants.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, September 20, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3678. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations (RIN: 3038–AB63) received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3679. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance of Notice Registration Processing Functions by National Futures Association With Respect to Certain Securities Brokers and Dealers—received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3680. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Exemption for Certain Brokers or Dealers From Provisions of the Commodity Exchange Act and CFTC Regulations (RIN: 3038–AB81) received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3681. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers—received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3682. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, OR; Decreased Assessment Rate [Docket No. FV01–924–1 IFR] received August 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3683. A communication from the President of the United States, transmitting His bugdet request to designate the entire amount provided in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States as an emergency requirement, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 107—120); to the Committee on Appropriations and ordered to be printed.

3684. A letter from the Alternate OSD, Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits Under the TRICARE Retiree Dental Program—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3685. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System: Financial Subsidiaries [Regulation H; Docket No. R–1064] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3686. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of National Securities Exchanges Pursuant to Section 6(g) of the Securities Exchange Act of 1934 and Proposed Rule Changes of Certain National Securities Exchanges and Limited Purpose National Securities Associations [Release No. 34–44692; File No. S7–10–01] (RIN: 3235–AI20) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Commonwealth of Kentucky: Approval of Revisions to the 1–Hour Ozone Maintenance State Implementation Plan for Marshall and a Portion of Livingston Counties [KY130–200117(a); FRL–7036–8] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3688. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans for Designated Facilities and Pollutants; Pennsylvania; Conversion of the Conditional Approval of the Pennsylvania Large Municipal Waste Combustor (MWC) Plan to Full Approval [PA118–4120a; FRL–7038–6] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3689. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Hurley, Rosendale and Rhinebeck, New York and North Canaan and Sharon, Connecticut) [MM Docket No. 97–178, RM–8329, RM–8739, RM–10099] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3690. A letter from the Senior Counsel, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98–147] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3691. A letter from the Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules; Adoption of a Mandatory FCC Registration Number [MD Docket No. 00–205] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3692. A letter from the Chief Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sturgeon Bay, Canal, Sturgeon Bay, Wisconsin [CGD 09–01–076] (RIN: 2115–AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Inner Harbor, Patapsco River, Baltimore, Maryland [CGD05–01–040] (RIN: 2115–AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3694. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD 05–01–041] (RIN: 2115–AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Prospect Bay, Kent Island Narrows, Maryland [CGD05–01–038] (RIN: 2115–AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3696. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Huntington Cleveland Harborfest: Regulated Navigation Area and Moving Safety Zones, Cuyahoga River and Cleveland Harbor, Cleveland, OH [CGD09–01–005] (RIN: 2115–AE84) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30262; Amdt. No. 2063] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –30F (KC–10A Military), and -40 Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes [Docket No. 2000–NM–396–AD; Amendment 39–12304; AD 2001–13–22] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. AT–400, AT–500, and AT–800 Series Airplanes [Docket No. 2000–CE–72–AD; Amendment 39–12247; AD 2001–10–04 R1] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2000–NM–366–AD; Amendment 39–12338; AD 2001–15–04] (RIN: 2120–AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: San Juan Harbor, Puerto Rico [CGD07–01–049] (RIN: 2115–AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Niagara River, Tonawanda, NY [CGD09–01–010] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Manitowoc 4th of July 2001, Manitowoc, Wisconsin [CGD09–01–046] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; South Shore Frolics Fireworks Display, Milwaukee Harbor [CGD09–01–072] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Cleveland Harbor, Cleveland, OH [CGD09–01–035] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; McArdle Bridge Dredge Operations—Boston, Massachusetts [CGD01–01–107] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fort Lauderdale, Florida [COTP Miami 01–074] (RIN: 2115–AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability— received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3709. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001–52] received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3710. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—The Internal Revenue Service Will Permit Electronic Submission of Forms W–9 by Certain Intermediaries [Announcement 2001–91] received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3711. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sample Plan Amendments for the Economic Growth and Tax Relief Reconciliation Act of 2001 [Notice 2001–57] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. H.R. 2541. A bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; referred to the Committee on the Judiciary for a period ending not later than October 12, 2001, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 107–206, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BENTSEN, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. MOORE, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. HINOJOSA, Mr. SHOWS, and Mr. CROWLEY):

H.R. 2900. A bill to authorize the issuance of Victory Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Mr. GILCHREST):

H.R. 2901. A bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ (for herself, Mr. SERRANO, Mr. CROWLEY, Mr. ACKERMAN, Mr. OWENS, Mrs. MALONEY of New York, Mr. WYNN, Mrs. CAPPS, Mr. TIERNEY, Mr. ENGEL, Mr. SWEENEY, Mr. KENNEDY of Rhode Island, Ms. KAPTUR, Mr. MEEKS of New York, and Ms. MCKINNEY):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over to a Phoenix Fund for Victim Assistance; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H. Con. Res. 231. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. PAYNE.

H.R. 80: Mr. SMITH of New Jersey.

H.R. 82: Mr. SMITH of New Jersey.

H.R. 525: Ms. CARSON of Indiana, Mr. ENGLISH, Mr. ROSS, Ms. NORTON, Mr. UDALL of New Mexico, Mr. CROWLEY, Mr. PICKERING, Mr. UNDERWOOD, Mr. SAM JOHNSON of Texas, and Mr. MCNUTLY.

H.R. 534: Mr. PETERSON of Minnesota, Mr. PETRI, Mr. GRAVES, Mr. KENNEDY of Minnesota, Mr. ROSS, Mr. HASTINGS of Washington, and Mr. HOEKSTRA.

H.R. 609: Mr. BALDACCI.

H.R. 638: Mr. MORAN of Virginia.

H.R. 779: Mr. VITTER.

H.R. 868: Mr. DAVIS of Florida, Ms. BROWN of Florida, and Mr. GALLEGLY.

H.R. 1111: Mr. UDALL of Colorado, Ms. PRYCE of Ohio, Mr. DAVIS of Florida, Mr. GUTIERREZ, Mr. GREEN of Texas, Mr. MATSUI, Mr. PLATTS, Mr. TURNER, Mr. KENNEDY of Rhode Island, Mr. HASTINGS of Florida, Mr. MENENDEZ, Mr. ISRAEL, Mr. DICKS, Ms. LEE, Mr. BROWN of Ohio, and Ms. KILPATRICK.

H.R. 1152: Mr. BLUMENAUER and Mrs. CAPPS.

H.R. 1360: Mr. UDALL of Colorado.

H.R. 1541: Ms. NORTON.

H.R. 1629: Mr. TIERNEY and Mr. SANDLIN.

H.R. 1703: Mr. LAMPSON.

H.R. 1770: Mr. BALDACCI.

H.R. 1975: Mr. MATSUI, Mr. BRADY of Texas, Mr. DOOLEY of California, and Mr. ALLEN.

H.R. 2095: Ms. NORTON.

H.R. 2211: Mr. SHERMAN, Mr. PRICE of North Carolina, and Mr. GEORGE MILLER of California.

H.R. 2235: Mr. WALSH and Ms. SANCHEZ.

H.R. 2561: Mr. VITTER and Mr. BALDACCI.

H.R. 2614: Ms. SANCHEZ.

H.R. 2623: Mr. WATTS of Oklahoma.

H.R. 2690: Mrs. MINK of Hawaii and Mr. LEVIN.

H.R. 2899: Mr. CRAMER, Ms. KAPTUR, and Mr. REHBERG.

H. Con. Res. 188: Mr. MARKEY.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.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:

Almighty God, Creator, Ruler, our Adonai, sovereign Lord of all life, we pray in the spirit of Rosh Hashana, the days of awe and repentance and the time for reconciliation with You and with one another. Our raw nerves and agitated hearts need this sacred time to repent and return to You with humble and contrite hearts. Jews, Christians, Muslims, and all religions that honor You as God, together seek Your forgiveness for the prejudice, hatred, and toleration of injustice in our world. You have taught us that there is nothing more abhorrent than religious fanaticism that calls evil good or good evil. Sound the shofar in our souls, blow the trumpets, arouse us and call us to spiritual regeneration. Continue to heal our land and strengthen the spiritual awakening which is spreading throughout the Senate family and across the Nation. We celebrate our unity under Your sovereignty and the oneness of our shared commitment to You. 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, September 19, 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 ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader.

Mr. REID. I thank the Chair.

SCHEDULE

Mr. REID. Today the Senate is going to begin consideration of the Treasury-Postal Appropriations Act. That bill is going to be managed by Senators DORGAN and CAMPBELL. They have every belief it can be finished today. There are some very important measures in the bill.

There will be no rollcall votes today or tomorrow. Any rollcall votes, the majority leader has indicated, will be held on Friday. So any votes that develop today as a result of the legislation on the floor will deal with Treasury-Postal or perhaps the Defense authorization bill. Those votes will be ordered to occur on Friday because of various things that are happening in the Senate.

IMPACT OF TERRORIST ATTACK ON LAS VEGAS AREA ECONOMY

Mr. REID. Madam President, I ask unanimous consent that a memo from John Haycock of Haycock Petroleum, Las Vegas, be printed in the RECORD. This is a memo to his employees. It is one of the best dissertations on our free market system I have seen, and it was done as a result of the events of September 11.

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

Date: September 17, 2001.
To: Managers.
From: John Haycock.

The events of Tuesday, September 11th will have an effect on every business in this Country. I believe it is the responsibility of senior management to assess our specific situation and develop plans to mitigate and minimize any negative impact to Haycock Petroleum Company.

The following is a brief summary of what I believe to be the areas of impact to our Company and our business routine.

NATIONAL ECONOMY

As I write this memo, the market is down 509 points. While that is a significant loss, it is less than 5%, and certainly not unexpected. If the market closes at around that mark, I believe it will be a positive sign. If the market drops 10%, trading will be stopped.

The Fed dropped interest rates ½% this morning in a logical and responsible move which seemed to put a stop to the market drop.

I am a strong believer in the resiliency of a free market.

The National economy is headed for a tough time. There was talk of a recession before the attacks on Tuesday, and those events would seem to make a recessionary period more likely.

LOCAL ECONOMY

There is an immediate hesitancy to travel—especially by air. A significant drop in air travel will hurt our 2 major markets. Las Vegas depends on tourism, and the majority of our visitors arrive by air. Salt Lake depends on air traffic, especially going into the winter months, to feed the skiing industry, which is a huge part of that economy.

My opinion about the down-turn in air travel is that it will be somewhat short lived, assuming there are no more airline tragedies. Time normally heals, and 120 days from now, travel will be somewhat normal.

The Olympics in SLC is a variable. Depending on what happens between now and then, attendance could be significantly affected both by the fear of air travel, and the potential of Olympic venues as high profile targets for terrorism.

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

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Meanwhile, it is likely that there could be an increase in local unemployment as affected industries adjust to any drop in business.

I don't believe that a short term drop in travel will have a long term effect on sustained growth in Utah and Nevada.

SUPPLY

Currently, supply does not seem to be an issue. There is a downward trend in the price of distillates, likely due to the glut of jet fuel. Gasoline is moving upward but certainly not abnormally. If there is a move from air travel to travel by car, that would seem to encourage an increase in gasoline.

If however, there is bombing in the Middle East, pricing and supply will be immediately affected. We've been there before.

WHAT ABOUT US?

This will undoubtedly have an impact on our business.

Supply volatility is something we know how to deal with if necessary.

A downturn in the general economy will have effects on the demand for the products that we sell, and if necessary we will adjust our infrastructure accordingly.

Credit administration, which is a very big part of our business, should be approached very conservatively even in view of any decrease in demand.

The interest rate cut will help.

Economic conditions are cyclical, and do not last forever.

We can help our own cause within our Company and our communities if we maintain a cautious optimism and do our jobs well.

Again, I believe in the resiliency of a free economy and I have a lot of faith in this Country.

This too shall pass.

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

Mr. GREGG. Madam President, I understand it is the purpose of the leader to go to the Treasury-Postal bill, but I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

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

HOW TO ADDRESS THE THREAT THAT CONFRONTS US TODAY

Mr. GREGG. Madam President, I want to talk a little bit about the issue of how we as a government and how we as a people are going to address what is clearly a threat that confronts us today in the area of terrorism.

Last week, the Commerce-State-Justice bill was on the floor, and a number of initiatives in the area of terrorism were included in that bill. I certainly thank the assistant leader for his strong support for that bill, for the elements which were in that bill, and his speaking on behalf of it at that time.

Let me review, so we can put in perspective where we stand as a government, what we have been doing and what we need to do in a number of areas, certainly not a comprehensive review but at least a preliminary review of what has to be done.

The Subcommittee on Commerce, Justice, State, and the Judiciary, on which I am the ranking member and Senator HOLLINGS is chairman, has held innumerable hearings on this issue over the last 5 years in an effort to try to get our arms around what is obviously an issue that is extremely difficult to get our arms around. It seems a bit hollow now in light of what happened on September 11, but there was an attempt at least to try to put some order into our effort at the Federal level.

Clearly, a dramatic amount still needs to be done, and the American people need to understand this is not going to be a simple exercise, an overnight exercise, or an exercise that can be completed in a week or a month or a year. Potentially it may take years before we as a nation are able to bring to the threat of terrorism some resolution which makes us more comfortable with our ability to manage it and deal with it, especially when there are individuals willing to kill themselves and take innocent lives in order to accomplish their goals.

Let us begin with the basic threat and how we should address it. The issue of terrorism needs to be addressed on three basic levels. First is the intelligence level, both domestic and international. Second is the apprehension, the catching, of people before they commit the crime, before they undertake the act. People need to understand this is different from what is the traditional law enforcement exercise.

In most law enforcement undertakings, we wait until the event occurs, until someone has committed an act which violates our laws, before we undertake to capture them or attempt to bring them to justice. In this instance, under the terrorism instance, the whole mindset must shift in the area of apprehension to one of taking action before the event occurs because, as we have seen, when the event occurs it is so horrific or can be so horrific that it simply cannot be accepted as a consequence of not having taken action.

The third element is managing the crisis, managing the event. So it is intelligence, domestic/international; apprehension; and then, should an event occur, the managing of the event, both the immediate crisis and the aftermath, the consequences.

In the area of intelligence, it is very clear we have some significant needs. We can divide these needs fairly easily into the needs that involve using people in the gathering of intelligence and the needs that involve technology.

In the use-of-people area, we as a government in the 1990s, for a variety of reasons, basically decided we would no longer hire unsavory characters in order to get information. That was a mistake. It was known by a lot of people who were in the intelligence-gathering community to be a mistake when it was done. The decision to rely primarily on electronic surveillance and our capacity to use electronic surveillance as the main way of gathering information was a belief in a system that simply did not work, as has been proven to us. The penetration of small cells, which are for the most part clannish-oriented, usually family groups, is extremely difficult. It is extremely difficult under any scenario, but it is virtually impossible if we do not use people who are not necessarily persons of high character by our definition.

Therefore, we as a government made a decision, which was wrong, and we are trying to reverse it today. This Senate has actually spoken on this point in the bill and said the policy of the Government, which up until Tuesday, September 11, was not to hire such individuals for the purposes of on-the-ground intelligence, should no longer be pursued. The CIA and other agencies which have intelligence needs have the authority to proceed with using human intelligence and people they need to hire to accomplish that. That is exactly what we should be doing today.

Unfortunately, and I think we have to understand this, it takes months, years, an inordinate amount of time to put these people in place. These individuals with whom we are working in order to gather the human intelligence have to gather their credibility within the organizations they are trying to penetrate, and it literally can take years before those people will become effective. We can not suddenly turn a switch and say we have switched directions and we will be successful in this area. We need to at least begin by turning the switch and saying we are going to switch directions and start using human intelligence-gathering activities again, as we did through most of the cold war.

Second, in the electronics area it is very obvious that our intelligence-gathering communities, both domestic and foreign-oriented, whether they are CIA or FBI, have severe problems because of the limitations of law that have been placed on them in the area of intelligence-gathering capability and because of the way the commercial community works today. The bill that passed as a result of the amendment offered by Senator HATCH, Senator KYL, and Senator FEINSTEIN made some progress in this area in the area of wiretaps and the ability to, rather than focusing on the piece of equipment, focus on getting a court order that allows monitoring of the individual.

But there is a great deal more that needs to be done, and I expect within the next day or so we will see a package of proposals sent up here by the Attorney General. I hope we will act quickly. That package has been represented to me to be a package which has what is needed and what can be done without undermining our constitutional protections of search and seizure and other rights we have. The simple fact is, we do need to act in this area.

In addition, the area of encryption, time after time, for 4 years, we heard

in our committee was the single biggest concern the FBI had in its capacity to adequately monitor what was going on among the terrorist community, those people who wish to promote terrorism. In the area of encryption we need to have a new regime. We need to have the cooperation of the community that is building the software, producing the software, and building the equipment that creates the encryption technology.

I have ideas how to do this so we do not undermine their activity to sell their product, and ideas that will allow us as a nation that wants to protect the civil rights of individuals and constitutional rights of individuals to do that, yet still allow our law enforcement community, when it sees a need, to be able to break a code. It allows the community to have the access to the keys to accomplish that under a strict structure which is legal and judicially controlled and therefore does not undermine the rights of the individuals who are producing this product or using the product but simply gets at the bad guys. I have a proposal to do that.

More important, we have to recognize this is not a domestic problem. These products are made internationally. I believe we have the right to use the market of the United States as leverage for the purposes of accomplishing the protection of America. We have a huge economic market in the United States. The people making these products want to sell their products in the United States, whether it is this product or something else they make. I believe we should use the leverage of the American market as a way to say, if you are going to sell this type of equipment anywhere in the world, and you want to sell something in the United States also, you have an obligation to comply with our needs for our national security under a strict legal judicial structure.

I am hopeful we can set up a regime that will be fair, that will be subject to the judicial controls necessary to protect the constitutional rights of people who are law-abiding but will also give our intelligence community the access to the information they need when they know there is somebody out there using encryption technology for the purposes of pursuing a terrorist act in the United States. There is no excuse for anybody to be underwriting that type of activity in our country. That is the intelligence level.

The second level, as I mentioned, was the apprehension level. Apprehension is extremely difficult when you are dealing with the terrorist community. There is an entire law enforcement concept in this Nation that says we apprehend after the act occurs. Yet if we wait until after the act occurs in the area of terrorism, the harm is so extreme, as we saw in New York and in Washington, that it becomes very hard to justify allowing the event to occur before we have declared that the individual needs to be apprehended. We have to change our mindset and our approach, and in doing so we have to address our constitutional protections so you do not end up undermining that because it will make the terrorist successful.

The simple fact is we are going to have to adjust our approach in the area of law enforcement to one of apprehending before the event approaches rather than after the event.

Second, we are going to have to face the fact that our borders are incredibly porous and we have to set up a new regime for managing our borders which allows the proper flow of individuals back and forth so we can have the access that people, for example, from Mexico wish to have to work in the United States. But we also have to have controls so we know who is coming into our country.

Again, I think the Guest Worker Program discussed and in the works is a way to address that. I have some thoughts in that area. This will be a key element of the United States of how we apprehend individuals who are bent on committing acts of terror in our Nation, getting control over our borders.

The third element involved is crisis management and consequence management. Here the Federal Government needs to get its act under control. We have 46 agencies responsible for some element of terrorism or counterterrorism. There is tremendous overlap; that is, regrettably, turf issues. There is often indecision and lack of communication of information. In fact, in the instance we had in New York, there may have been a specific lack of communication of information. We need a centralized management structure within our Federal Government.

We have proposed in the Commerce-State-Justice bill it be divided for the purposes of domestic terrorist acts—no military but domestic terrorist acts—into two areas. In the Justice Department, appointment of a Deputy Attorney General of Terrorism, with a cross-jurisdiction responsibility. Unless you have budget authority for this individual, there is no point in having such an individual.

The Justice Department for crisis management, the Federal Emergency Management Administration for consequence administration, they would essentially be coordinators of the issue of how we handle domestic terrorist events here in the United States. They would function as coequals, and would be sequential, however, in their response to an event.

This is just one proposal for how to do it. It is one that passed this Senate and has been strongly supported, for example, by the assistant leader, Senator REID. I thank Senator HOLLINGS for his support and Senator WARNER and Senator SHELBY, who participated in the hearings.

As I mentioned, this is just one approach to accomplishing this goal, but we need to accomplish this goal, and we need to accomplish it quickly. The key to accomplishing it, as I mentioned, is whoever is given the responsibility for managing the terrorist portfolio, that individual also has to have budgetary responsibility across departmental lines because the only way you control things in this Government is if you control the dollars. If you do not control the dollars, you are not going to be able to control the activity. With the drug czar, we saw a complete failure of just naming someone to a position and claiming he has responsibility when he never got the authority to do the job. We cannot afford that on the issue of terrorism.

This cannot be a public relations event. This must be an individual who has significant power and the responsibility and the capacity to carry out that responsibility because he has the power to do it.

My time has run out. I know there are other people who want to speak so I will yield the floor, but I do intend to speak further on this issue of how we manage our house on the issue of terrorism. There is a lot we need to do and a great deal that needs to be thought about in this area.

I especially thank the Senator from North Dakota for his courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. (The remarks of Mr. SPECTER pertaining to the introduction of S. 1434 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I request 10 minutes in morning business.

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

COLORADO FEDERAL JUDICIAL NOMINEES

Mr. ALLARD. Madam President, I come to the floor today to speak about an issue of great importance to the State of Colorado. This is the nomination and confirmation of Federal judges.

I am pleased to announce that recently the President nominated two outstanding individuals to fill vacancies on the Colorado Federal District Court.

The first is U.S. Chief Bankruptcy Judge Marcia Krieger of Denver, the other is Colorado District Court Judge Robert Blackburn of Las Animas. Both are extremely well qualified. Both are sitting judges with extensive experience managing a case load. Both have had distinguished legal careers and are widely respected in our State. Both will make Colorado and the Nation proud as Federal judges.

Judge Krieger has been a Federal bankruptcy judge for the District of Colorado since 1994, and she was appointed Chief Judge for the Bankruptcy Court for Colorado last year.

Judge Krieger is a graduate of the University of Colorado School of Law and she currently serves as an adjunct law professor at her alma mater.

Judge Krieger has extensive private practice and litigation experience.

Judge Blackburn has been a Colorado State District Court Judge since 1988. He is a judge in the 16th Judicial District, in the southeast part of Colorado, a largely rural and agricultural area of the State.

He is graduate of the University of Colorado School of Law, and he has extensive experience in private practice and as a deputy district attorney. He has also been a cattle rancher in our State.

Earlier this year the President also nominated Mr. Tim Tymokovich of Broomfield to the 10th Circuit Court of Appeals. This appointment is important not only to Colorado, but also to the other five States in the 10th Circuit—Wyoming, Utah, Kansas, Oklahoma, and New Mexico.

Mr. Tymkovich is the former solicitor general for the State of Colorado, he has extensive litigation experience in both Federal and State court, and he is currently a distinguished attorney in private practice in our State.

Mr. Tymkovich is a graduate of the University of Colorado School of law, he was a law clerk for the Chief Justice of the Colorado Supreme Court, and he recently served as cochair of the Colorado Governor's Task Force on Civil Justice Reform.

Today I rise to speak not only of the tremendous qualifications of these three individuals, but to also urge that the Senate move expeditiously to confirm them as Federal judges.

The 10th circuit seat became vacant in October of 1999—nearly 2 years ago. One of the district court seats became vacant in April of 1998—over 3 years ago. The other seat became vacant in May of this year.

Recently, I researched some of the history of appointments to the 10th circuit and one of the things that really jumps out is how quickly Federal judicial vacancies were filled in the past in Colorado.

It was unusual for a seat to remain vacant for a long period of time. I hope we can get back to this tradition.

The Senate should carefully review all nominees, I have taken this responsibility very seriously as a Senator. But when we get qualified candidates that are not controversial, we should confirm them in a timely manner.

That is why I am today asking that the Judiciary Committee begin the process of reviewing these three individuals. I look forward to hearings and confirmation this fall.

Colorado needs to have a full compliment of Federal judges. We are a fast growing State. We have a heavy case load in our Federal courts, and these vacancies need to be filled.

I have worked hard to support the selection of Federal judges of the highest qualification.

That is why Senator CAMPBELL and I have formed a Judicial Vacancy Advisory Committee to screen candidates for district court vacancies in Colorado. this is a non-partisan process.

This past spring, once we learned the process that would be followed by the President in selecting Federal judges, we appointed a six-member advisory committee. This committee was made up of distinguished lawyers in our State. They reviewed dozens of candidates for the two district court vacancies in Colorado. They narrowed the list down to nine qualified individuals. I personally interviewed all nine, and I was very confident that all nine would make fine Federal judges.

Senator CAMPBELL and I then forwarded these nine names to the President and his legal counsel. The President announced his selection of Judges Krieger and Blackburn from this list. I am proud of these choices, and I am proud of the prior choice of Mr. Tymkovich for the 10th circuit.

I intend to work very hard to see that they are confirmed by the Senate in a timely manner.

In fact, I encourage the leadership in the Senate to move forward with a number of other nominations that relate to law enforcement—for example, U.S. marshals and the U.S. attorneys.

I hope that in a very expeditious and rapid manner we get these positions throughout the country filled and confirmed, particularly in light of the events of the last week and a half.

Madam President, I conclude by saying I think it is important that we move forward with all law enforcement nominations as quickly as possible and that we move forward with our judicial nominations as quickly as possible.

I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 2590, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I will be joined in the Chamber in a few minutes by my colleague, Senator CAMPBELL from Colorado, who is working on other parts of this legislation.

This legislation is the product of the work of the subcommittee on appropriations dealing with Treasury, Postal and general government accounts.

In the last 2 days, President Bush has indicated it is time for America to go back to work. And we must do that in the Senate.

This appropriations bill contains funding for counterterrorism, for activities to allow us to track down terrorist activity. For example, in the Office of Foreign Assets Control in the Treasury Department we have the financial crimes enforcement network. We have a counterterrorism fund in the Treasury Department. We fund the Secret Service. We fund the Customs Service. We have a substantial amount of resources in this piece of legislation to deal with the issue of counterterrorism in tracking down those who committed the heinous acts of terror against our country last week.

Although we go back to work in the Senate now, the shadow of the acts of terrorists committed against our country last week remains. We go to work now with a new purpose, a new resolve: to heal, to respond, and then to prevent these kinds of acts of mass murder committed by madmen, to prevent them from ever happening again in our country or in the world.

Madam President, before I talk about the specific bill, I wish to make some comments generally about these days. I made some comments last week, and I want to repeat some of them about where we are, what all of this means, and what we, as a country, must do.

There are unique moments in history, too often born of tragedy, when Americans stand together with a relentless and fierce determination to try to combat the forces of evil and to reaffirm that our freedom is secure. This is one of those moments in the life of America.

A week ago yesterday cowards struck innocent men, women, and children in New York City, in Washington, DC, on airplanes, including on one airplane that went down in Pennsylvania. Their target was not just those airplanes and those buildings. Their target was all of America. It was an act of war committed by madmen directed against our country. It deserves, and will get, a fierce, strong, and on-target response. We should have no illusions about that.

The campaign to rid the world of terrorism will be long and difficult; and our actions must be bold and strong, but not reckless. Now, even as we prepare to respond to terrorism, our country mourns the death of so many innocent Americans.

Shakespeare once wrote: ''Grief hath changed me since you saw me last.'' The terrorist attacks last week in our country have changed all of us. We now carry a heavy burden of grief. We also carry the responsibility to ensure that our response is swift, severe, and just.

But we also have an opportunity today to hold high the torch of freedom, and to say to the world: We are heartbroken about our loss, but America's spirit will not bend.

When I left the Capitol Building late in the evening of September 11, and drove past the Pentagon, there were

clouds of black and gray smoke billowing from the fire caused by the terrorists. And even today, over a week later, F–16 and F–15 Air Force fighter planes fly routine patrols over the skies of our country's Capital.

When I arrived home from the Capitol the night of the terrorist attacks, as I walked in the front door, my 14-year-old son, at about 11 o'clock in the evening, heard the door close, got out of bed, and came to me, and said: Dad what happened? And who did this? I told my son: This was an act of evil by deranged madmen. The President and Congress will tell America that we will search for, find, and punish those responsible for these acts of terrorism.

That is our pledge to us, to our children, and to the world: We will not give in to terrorism. We are all Americans; and we will respond with an iron resolve, anchored now by a new unity.

That unity, and the basic goodness of the American people, became apparent to all of us in the hours immediately following the attacks, when people were reported to have waited in lines for 4 and 5 hours to give blood.

So many heroes stepped forward and risked their lives to help others who were the victims of these terrorist attacks. And amidst the carnage and the destruction grew a stronger bond among the American people. It is an understanding that we live in America but, more importantly, America lives in us.

So now we begin to wage war on terrorism. And we ask all other countries in the world to join us. Those countries that believe in freedom must join us in our campaign to make the world safe from these acts of mass murder.

Terrorist training camps in foreign lands cannot be allowed to exist. Countries that harbor terrorists must, as the President said, pay a price for harboring those terrorists. We must dedicate ourselves, as a nation, to those tasks.

Last week it was commercial airliners, full of passengers and jet fuel, used as a bomb. In the future it could be a small vial of deadly biological agents or chemical agents that could kill a million people, or it could be a suitcase-sized nuclear bomb placed in the trunk of a rusty car parked at a dock in a major city. If ever we must understand our responsibility for world leadership to try to stop the spread of nuclear weapons, to reduce the threat of the spread of weapons of mass destruction, and to combat terrorism, it must be now. That leadership is our responsibility. That mantle is on our shoulders.

Over a century ago, on the bloodstained ground of Gettysburg, Abraham Lincoln said: "* * * we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom. * * *"

Today, in this time, and in this place, we should consecrate those words from nearly 140 years ago and let them again inspire our Nation's resolve that those who died did not die in vain.

Our response to the deadly crimes that took them from us will be dedicated to destroying the ability of terrorists to wage this kind of war, and giving those who live a new birth of freedom from the fear and the impact of terrorist acts.

To those who lost their lives, those who loved them—their relatives and friends—we say: Our country grieves with you. Our country reaches out to you. And you are not alone.

Last week, a couple days following the attack on the Pentagon, I joined some colleagues to go to the Pentagon. When I came back from the Pentagon, I mentioned in this Senate Chamber an act by a young Marine that was so inspiring.

A young Marine, as we were looking at the damage to the Pentagon, was hanging by a crane, in a bucket with a steel cable; and I was wondering what he was doing because they had hoisted this young Marine up to this open gash in the Pentagon where the airplane had exploded. The fire had consumed the building; and the building had collapsed.

The cable and the metal basket, and a young man standing in the basket, was dangling from the crane up by the 4th floor. He was trying to get in a position to reach in. He reached in this cavernous hole that had been caused in the Pentagon, and he pulled out a flag—a brilliant red and gold U.S. Marine flag.

The crane then lowered the basket to the ground, and this young Marine got out and proudly carried that flag and walked to where we were standing. As he walked past us, he stopped and said: I am going to give this flag to the Marine Corps Commandant. I saw it in an office.

It was untouched, unburned. It was not something I could understand, that a flag such as this could have survived that fire. But he said to us, as he held this flag: I am going to give this to the Marine Corps Commandant. He said: They couldn't destroy this flag; and they can't destroy our country.

And I thought, in many ways he says it for all of us. I have no idea how that flag survived. But that flag, and that young Marine, I think, said it for all of us: our determination, our resolve, and our endurance.

The road ahead is going to be difficult. The road ahead requires us to do a couple of things. And those items are going to be contained, in some measure, in this legislation. The road ahead requires us to deal with this issue of terrorism in a new way, a new aggressive way. It requires us also now to turn to deal with the economy because the economy was weak going into these terrorist attacks; and there is great fear in this country that the economy could grow much, much weaker. We need to take effective action to give this country a chance to restore its economy and economic opportunity. Those are the two challenges we have, and both are significant challenges.

This morning I met with the President of one of the major airlines. He told me something most Americans and I have known from reading the newspapers in the last day or so. The airlines are flying a schedule that is much less than the one they had been flying before the acts of terrorism. It is also the case that many passengers are canceling reservations and deciding not to take trips they were previously going to take. The result is a dramatic drop off in the number of people who are flying on commercial airplanes.

This country and its economy cannot survive and grow without a commercial air service network. We must take steps to make certain that we rehabilitate the commercial air service network, the major airlines, and all airlines, the smaller regional carriers and the independent airlines as well, that serve our country. You cannot have a great economy and an economy that grows unless you have commercial aviation, commercial aviation that works and that connects all parts of this country.

It connects to everything. Last week, we saw the airplanes grounded. We saw auto workers laid off in Michigan. Why? Because the new way to manufacture is just-in-time inventory. If you are doing just-in-time inventory, you rely on the parts arriving just in time. If you shut down transportation systems, and the parts don't come, those who were relying on those parts for their jobs are laid off. It is all interconnected. The system we have in this country to transport people and freight by air is a critically important element of our economy. We must deal with that.

How does that connect to terrorism? The American people in many circumstances are very leery about getting back into an airplane unless they feel they are safe. We must move quickly to assure the safety of the American people while they are flying. How do we do that?

No. 1, we will move very quickly to include the use of sky marshals in commercial airplanes. Those sky marshals are already being employed. I expect that will dramatically increase.

No. 2, security at American airports must increase in a very substantial way. We will have a discussion about having the Federal Government take responsibility for the airport security apparatus. We must close those gaps that have existed, that we have known for a long while have existed in airport security.

There are a series of other recommendations as well. The Senate Commerce Committee will be holding hearings tomorrow on a range of these issues. Dealing with the security of American airports and the security of commercial aviation is critically important, as well as dealing with the economy generally. They are very much related.

The economy was soft prior to the acts of terrorism last week, and all indications, from the newspapers this morning and all of this week, are there will be more and more layoffs. We must act decisively and we must act quickly to forestall the further softening of the economy and give people confidence that the economy can be restored and can be vibrant and can grow once again. There isn't anything much more important than the Congress and the President joining together to do that, to give the American people the confidence this economy can have a strong and vibrant future.

I studied and taught economics in college. One of the things most people forget about economics is, No. 1, there is naturally a business cycle. It has a contraction and expansion side. No one has been able to repeal the business cycle, nor will they. No. 2, even though we were going through a contraction side of the business cycle, there is some belief among people in Washington and elsewhere—in some cases a belief among economists—that the economy is made up of an engine room of the ship of state in which there are massive amounts of dials and gauges and levers. If you can just turn them all right and adjust them all right—the quantity of money, tax cuts, spending, all of these things, interest rates, adjust them just right—the ship of state will move forward.

It is not that at all. It just is not that at all. This economy moves forward when people are confident about the future. When people are confident about the future, they make decisions that express that confidence. They will buy a home. They will buy a car. They will take a trip. They will do a whole series of things that express confidence that have in their impact the opportunity to create an expanded economy.

Exactly the opposite happens when people are not confident. If people are not confident about the future, the economy tends to contract because they defer decisions. They don't take the trip. They decide not to buy the home. They don't buy the car. They don't make the decisions as consumers that they might otherwise make because they are not confident about the future.

This economy has always and will always rest on a mattress of confidence. Do the American people have confidence about the future or don't they? If they do, this economy will grow and expand. If they don't, it will contract. It is that simple.

This is not like making some sort of economic stew where we have a recipe and we put in certain doses of this, that, or the other thing. It is about instilling confidence in the American people that this economy can and will grow and expand.

There are a series of things we can do to offer that confidence. The President and the Congress can work together on a series of public policies that can employ that confidence building in a way that is very constructive. It is critical that we begin that immediately.

Let me turn briefly to this appropriations bill which has elements that deal with both the counter terrorism issue and also the issue of how to instill confidence with respect to the economy. This is an appropriations bill dealing with the Treasury Department. But it is much more than that. About one-half of all Federal law enforcement is in this bill. It deals with the Office of Management and Budget, the White House, the Secret Service, U.S. Customs, GSA, and a whole range of Federal agencies.

I will talk a bit about what this bill does and why it is brought to the floor in the manner we have brought it to the floor.

First, let me again say that central to this bill is the funding of a range of issues that are important to the current discussion we are having about counter terrorism. The counter terrorism fund within the Treasury Department is critical. We have increased that fund in this appropriations bill, as well as the funding for the Office of Foreign Assets Control, which has the capability and the expertise to track terrorists. The Financial Crimes Enforcement Center is the same. It has the important capability of tracking the finances and the banking transactions these terrorists use.

The U.S. Customs Service is a very large agency that has the responsibility of protecting our borders. That is obviously critical to the counter terrorism efforts. If we are not able to have some basic control over our borders, we don't have the capability of keeping terrorists out.

We all understand the role of the Secret Service in protecting the President and vital public officials in our country, the many other duties they perform. So this legislation is important legislation. It is timely. We have brought it to the Senate today hoping we could, in this new spirit of unity, move this legislation as quickly as possible.

The subcommittee has worked on this bill. We brought it to the full Appropriations Committee. That committee has marked this bill up, and this bill now is a recommendation of the full Appropriations Committee of the Senate. I am pleased to offer it today.

This bill contains a total of $32.3 billion in new budget authority. Of that amount, $15.6 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations which come from the budget we passed. It strikes a balance between our priorities, the administration's initiatives, and the agencies requirements.

My colleague, Senator CAMPBELL, who will be in the Chamber in a bit, is now working on a range of these things to try to get them cleared; assisted by his staff, Pat Raymond and Lula Edwards, in putting this bill in the condition we now have it, as well as my staff, Chip Walgren, Nicole Rutberg, and Matthew King, who is detailed to us from U.S. Customs. It is a collaborative bipartisan piece of legislation which reflects both congressional and administration priorities.

The bill consists primarily of salaries and expense accounts for a good many agencies. The majority of the increases in this legislation are for agencies to allow them to maintain current levels. The initiatives I will highlight are just a few initiatives that are very important.

(Mr. BAYH assumed the chair.)

Mr. DORGAN. Mr. President, in this legislation we have doubled the amount of funding to $10 million that the Customs Service would have to combat the issue of forced child labor practices.

All of us understand what is happening with respect to child labor around the world. It is not fair competition. It is not fair for people to use child labor and ship their products to our marketplace in the United States and call it fair trade. We have had testimony at hearings in the Senate in years past of young children, 8, 10, 12 years old, working in carpet factories in some parts of the world, in which those who run the carpet factories have actually taken gunpowder and burned the fingers of these young children. They burn the fingertips of the children in order to create burn scars so that the children who use needles to work on these carpets and rugs will not injure themselves. It won't hurt because now they are scarred and burned from these deliberate burns caused by their employers.

Is that something we want to allow to happen in this world? I don't think so. Do we want to buy from people making products by employing 10- and 12-year-old kids whose fingers they have burned so they can sew rugs and ship them to America to be bought in Pittsburgh, Fargo, Minneapolis, and other cities? No. It is not the right thing.

So we double the amount of money to deal with child labor. We need to investigate child labor and prohibit the import of goods from other countries into this country when those goods are made by forced child labor.

We add $25 million in this piece of legislation for a new northern border initiative to hire additional Customs Special Agents, inspectors, and canine enforcement teams to enforce our trade laws and to protect our borders. In light of the tragic events a week ago yesterday, this is merely a down payment, I am sure, on a much larger requirement for the Customs Service with respect to security on all of our borders. But I fully expect many of these needs will be addressed by the emergency appropriation we enacted last week.

We are very concerned about the security of America's borders. We know there are known terrorists around the world who try to move through our

borders and become part of terrorist cells in our country. We also know that, for example, on New Year's Eve in the year 1999, as we entered the new millennium, at one of our border points on the northern border in the State of Washington a terrorist was apprehended who apparently was intending to hijack planes in Los Angeles. Part of the plot was, as I understand it, to take down significant structures on the west coast. That was foiled by Customs who apprehended this terrorist. That terrorist picked the wrong border to come across, or at least the wrong border point.

All terrorists and others who want to bring contraband across our border know that in many locations in this country across the northern border, the only thing that precludes them from moving across the border after 10 o'clock at night, when the border station closes, is an orange rubber cone sitting in the middle of the road. At 10 o'clock they put out the cone, and the next morning they take it in, and they are open for business. The way you get in when there is an orange cone is to simply move the cone. That is the problem at many northern border ports. The ports of entry don't have adequate security, and we must have a northern border initiative to make sure we do something about that.

This bill also funds the Internal Revenue Service. We had a rather disturbing report a while ago by the Inspector General for Tax Administration at the Internal Revenue Service. What it said was this: The Inspector General put together four tax questions and sent people out across the country to ask those questions in taxpayer assistance areas of the IRS. Here is what they found. These are not massively difficult tax questions. The Inspector General sent Federal employees out posing as regular folks to ask questions of the IRS. They found that 73 percent of the time they either got the wrong answer, an incomplete answer, or no answer. In a number of cases, they were treated very rudely. In other cases, they were left to wait and were not waited on.

I read that Inspector General report. It was done last spring. I was so furious. I read it at night at home. I was furious when I finished. If you can't have an agency that gives taxpayer assistance to taxpayers asking for help and get the right answer from the agency that is administering the program, how can you expect American taxpayers to comply? It is wrong. So I put a million dollars in this appropriations bill and I called the IRS Commissioner, someone for whom I have great respect. I think he has the capability to turn this agency around. He has been there now for a bit. He has plans that I think can make a big difference in this agency.

I said I am going to have the Inspector General do this 12 times beginning in January next year and issue 12 reports. If they are embarrassing—and they are to me, and I hope to you—I want to see an improvement. If we have 12 reports of people going to the IRS offices asking for help and we don't see improvement over the year, then there is something fundamentally wrong with the folks who are running this agency and trying to make this happen.

Again, I have great respect for Commissioner Rossotti. He comes from a business background, and I know he will do a good job. He made the point to me of why this happened and he has taken action to change this. He asked that I defer this monthly investigation to January rather than start it in October. I said that is fine. But we are going to have 12 reports to the Congress, and I am going to read every one of them. If I see reports that say 73 percent of the time people ask for help from the Internal Revenue Service they get wrong answers, there is going to be hell to pay because we are spending a lot of money to make sure the American people get the service they deserve.

The name of this agency has three words: Internal Revenue Service. If we don't put ''service'' back in the Internal Revenue Service, how long will we expect the American people to voluntarily comply with this tax system? It is a tiny issue, but it is one about which I feel very strongly. We need to make this work for people. When each of these reports is issued, I will come to the floor and share them with my colleagues. I hope they share—as I am sure they do—my concern about an agency that gets it wrong 73 percent of the time when they are being asked for taxpayer assistance.

We add $5 million for a new program for grants for drug testing and treatment and intervention to State and local authorities and Indian tribes for criminal justice populations. One of the things we know about these issues of incarceration and recidivism, and so on, is that people who go into our prisons and jails with a drug problem and who don't get treatment are going to come out with a drug problem, and they are likely to commit crimes to buy the drugs to continue taking these drugs. The fact is, we have to be smart about this and start making sure that people who are drug addicted as they go into jails and prisons are required to get drug treatment. It doesn't make any sense to throw them in jail and put them back on the street with a drug addiction. You are just begging for more crime. And they will comply. That hurts this country, and we can do much better.

We add $100 million above the President's request of $130 million for the continued modernization of the Customs Service's new processing system called the Automated Commercial Environment. That is an important system. The current system is melting down on us. We have so much trade back and forth across our borders, the system simply can't handle it. We are trying to fund this system called ACE. We are doing it in a way that I believe will be very helpful to facilitating trade across our borders.

While I am talking about Customs, let me make another point about which I feel strongly. The Customs Service doesn't have a Customs Commissioner. Think of that. We have this heinous terrorist act committed against our country, mass murders, unspeakable horrors in our country. When we deal with these counter terrorism acts and put together a program of counter terrorism, one critical element is our U.S. Customs Service. They are on the border, and we have to secure our borders to try to prevent terrorists from coming into the country. We have to have a Customs Service working with all the law enforcement agencies to do this.

The Customs Service previously ran, and is now contributing to the Sky Marshal Program. That is up and operating in a skeleton way. The Customs Service is an integral part of counter terrorism. We do not have a Commissioner at the Customs Service. We have a nominee, but there are two holds on the nominee. One has been dropped. In the Senate, there is still, as I understand it, a hold on the nominee. We have a person whom I think is perfectly qualified to run the Customs Service. This is an agency without a head, and we have someone in the Senate who is holding the nomination and will not allow us to confirm him. The result is an agency without an agency head at a time when we clearly need the direction and leadership that agency head can give at this point.

As I understand it, the hold that exists—I will not use the name of my colleague, but it has been in the papers. One of our colleagues has put a hold on the President's nominee to head Customs because our colleague objects to his reluctance to commit to the use of a new security detection technology. There is a debate about technology. There was another hold that was released, I believe, last week over a textile issue.

Look, this is not the time to be holding up the President's nominees. It is not the time to hold up a nominee who is so critical as the head of the U.S. Customs Service. Let's get this nomination before the Senate and confirm this nominee so this person can be down at the White House and with the administration bringing the Customs Service fully into this circle of agencies that are going to be critical in combating terrorism. We ought to do that today.

In fact, I say to my colleagues, if those who have been involved—at least the one that has been concerned about this and has a hold—I wish that hold can be eliminated so that we can bring this nomination before the Senate. I want to confirm this person. I would like to do it today. It is not my decision to bring it before the Senate, but I hope the committee chair and ranking member will talk to the Senator

who is holding up the Customs Service nominee and let's get that done. The President has selected a good person. If we have some disagreements with him, go ahead and disagree with him down the road on some specific technology issues, but this agency needs a head right now. I hope we can do that, if not today perhaps tomorrow.

Let me mention a couple of other items we have included in this appropriations bill. We direct the General Services Administration to initiate a pilot project to place automated external defibrillators, devices called AEDs, in Federal buildings and provide training for their use to more effectively save lives.

Most of us know what the automated external defibrillators are now. They are now no bigger than the size of a laptop computer. They save many lives and can be operated by someone with almost no training. If we have these in public buildings, and if someone has a heart attack and their heart stops, we can save a large number of lives having these devices available. That has clearly been demonstrated. We are going to have a pilot project with the General Services Administration to do that.

We fully fund the request for the Office of National Drug Control Policy Youth Antidrug Media Campaign. We add $20 million to the High Intensity Drug Trafficking Area Program. That has a total of $226 million.

We add $10 million to the Drug-Free Communities Act, which is a total of $50.6 million.

We fund the courthouse projects that were requested by the President, and we provide funds for an additional six courthouses to continue addressing the significant backlog in courthouse funding in this country.

The projects we have funded fully adhere to the priority list that was developed by OMB, GSA, and the Administrative Offices of the Court. In other words, we have not pulled projects out because someone wanted them. We actually followed the priority list, which we should do.

We maintain current law requiring the provision of contraceptive coverage in the Federal Employees Health Benefits Plan. We make permanent the ongoing project allowing Federal agencies to provide child care services for its lower paid employees, and we provide a 4.6-percent pay raise for Federal civilian employees to maintain pay parity between Federal, civilian, and military employees.

Mr. President, I mentioned that in the Treasury Department bill we placed a priority on the Treasury Department's law enforcement needs, as well as support for State and local law enforcement needs. We provide $33 million for the third and final year of a Secret Service staff hiring plan to address the overtime and personnel retention problems. They were spending a massive amount of time in overtime compensation because they simply did not have the personnel they needed. We are in the third and final year of the money to restore that.

We increase the administration's request for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. There are no cuts or deviations in this area from the President's budget request. We simply have complied with the President's budget request.

We emphasize in the bill the need for the ATF's Gang Resistance Education and Training Program, called GREAT, by including $3 million in addition. The GREAT Program, is a wonderful program. I went to a school in Anacostia one day with some ATF folks. They showed me, at the end of the program, what the kids had been through. They had a graduation ceremony for these kids. It is a great program. We have to get to these kids with information, and we can make a big difference.

We increase by $5 million the integrated violence reduction strategy to allow ATF to investigate more comprehensively the National Instant Check System so we make sure felons do not purchase guns. There are a lot of gun debates in this country, but no one in this country wants a gun dealer to sell a gun to a convicted felon. So our effort is to keep guns out of the hands of people who should not have them.

Title II of this legislation is the Postal Service title. We provide $143.7 million for the U.S. Postal Service, as requested by the administration. We, once again, include language saying to them: Don't you dare talk about going to 5-day mail delivery service. Through rain, snow, sleet, and so on, we deliver the mail 6 days, including Saturday. Speaking as someone who comes from a rural State, I want that to continue, and we insist it continue. We told the Postal Service in this legislation that they must continue 6-day mail delivery.

The Executive Office of the President is in this legislation in an account called Funds Appropriated to the President. It funds, obviously, the operation of the White House, salaries, and so on. But it also funds the Office of the National Security Council, Office of Management and Budget, Office of National Drug Control Policy, as I mentioned earlier, and certain other programs. We have simply met the request of the President for funding these areas.

We have independent agencies, such as the Federal Election Commission, the General Services Administration, the National Archives, Federal Labor Relations Authority, the Merit Systems Protection Board, Office of Government Ethics, the Office of Special Counsel, Office of Personnel Management—all of these are in this legislation. This describes in broad terms what we are trying to do.

As I close—and my colleague from Colorado, Senator CAMPBELL, is here—let me say how much I have enjoyed working with him. I know people view Congress sometimes as an area where there is a great deal of debate, and that is certainly true. I do not think debate is bad for the country. I think it is good. When you get the best of what everyone has to offer, the American people are best served. There are more instances than not where we come together and work with somebody for whom we have great respect, and that is certainly the case with Senator CAMPBELL and myself.

He chaired this subcommittee, and I was happy to work with him and felt the experience was a great experience. I am now chairing the subcommittee and feel exactly the same way. It is a great experience to be working with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL.

I will make two final points. One, to go back to this issue of terrorism, this country predictably is very concerned at this moment about terrorism. We have been through a frightening ordeal, and we are not yet through it. We must, as the President has indicated, work together; we must achieve national unity. Part of that national unity is to resolve that we will track down and punish those who committed these acts of mass murder against so many American citizens.

We must do that thoughtfully, not recklessly. It is very important the way we go about this. Part of it is also to try to make certain we prevent future terrorist acts.

Yesterday, the Attorney General indicated there might be some evidence there were other airplanes that were targeted. He indicated there might be some terrorists who are still not apprehended, and they are searching for them. Even as we, in the middle of this nightmare we have gone through, try to make certain the American people understand everything humanly possible is being done to prevent another terrorist attack, even as we do that, as the President said, we must go back to work. So part of that work is to pass an appropriations bill today.

This bill is also central to the question of counter terrorism and combating terrorism because it includes the counter terrorism account in Treasury, U.S. Customs, the Secret Service, and the Financial Crimes Enforcement Network which is involved with the FBI in tracking all of the money back and forth. So we have so many things in this legislation that directly relate to this need we have as a nation to move aggressively.

For that reason, my fervent hope is we will not spend a great deal of time with a lot of amendments on this bill, and I ask my colleagues to join me in trying to reach an agreement to pass this legislation today.

Let me describe what I was hoping to do. I have great heartburn about what has been happening with respect to Cuba. The Treasury Department and the Office of Foreign Assets Control—OFAC—have been levying fines against people who travel to Cuba because it was against the law. I will give an example: A retired lady to whom I talked

by phone is a bicyclist, and she answered an ad in a cycling magazine with a Canadian company, a travel company, doing a cycling tour. So she joined something like 10 or 12 cyclists through this Canadian travel company, and they went to Cuba, and they bicycled. This is a retired American woman. They bicycled in Cuba. Then 18 months later she got a letter from OFAC and the Treasury Department levying a $7,650 fine against her for riding a bike with a Canadian travel group in Cuba.

Another fellow I talked to received a $19,020 fine for a weekend visit to Cuba. When he was in the Cayman Islands with some friends, the friends invited him to go to Cuba for the weekend, and he did.

OFAC has begun a new enforcement action against Americans who travel in Cuba. I fully intended to offer an amendment to this bill to stop that. OFAC ought to be about tracking terrorists, not tracking down retired ladies who ride bicycles in Cuba.

However, I am not going to offer that amendment because I do not want slow passage of this bill. And the fact is the House has already included an amendment on this issue in its version of the bill that we will consider in conference. I am going to try my darndest to make sure—and I hope my colleague from Colorado will join me—that we accept the House provision which would suspend the enforcement of the ban on travel to Cuba so that we do not have $7,000 to $19,000 fines being levied against American citizens who have traveled there, some of whom have told me personally that they had no idea this was against the law.

My point is this: I was fully intending to come to the floor to offer that amendment. I know it would be controversial. I know four or five of my colleagues who would want to stand up and oppose that amendment. I think it is not wise to hold this bill up and offer that amendment in the Senate. Therefore, I will not offer the amendment.

I have two other amendments that have similar circumstances that are controversial. I fully intended to offer them, and I have that right, obviously, as do all Senators. I have the right of recognition because I am managing this bill, but I am not going to offer those amendments because at this moment it is not productive for us to divert our attention and to wander off into other extraneous debates.

This bill contains much needed funds for our agencies to prosecute the aggressive search for terrorists, to protect the American people. It is very important we pass this legislation as quickly as we can do so.

I ask my colleagues if they would do as I have done. If they have an amendment to this bill, if they can, if they will, work with us and let us see if we can find a way to accept it if it is not too controversial. If it is a very controversial amendment, please hold it and let us pass this legislation and come back to their issue on another bill at some point. There will be other opportunities, but I think now is the wrong time for us to spend 3 or 4 or 5 days on legislation such as this where we have such critical resources in this bill that need to be devoted to the search for terrorists and to the aggressive campaign we must wage to combat terrorism.

I am going to visit with my colleague from Colorado following our statements and visit with the leaders and see if we can send a message to the country that the President says we should go back to work, all America should go back to work. The Senate is going back to work, and the best message we can send to the President and the country is to say we went back to work today on an appropriations bill and there was a new sense of unity, a new purpose, and a new understanding that the center of what this appropriations bill is about is investing in the ability to provide security for the American people.

If we can do that, what a wonderful message it will send to the American people and give them some confidence about what we are doing and what we can do, not just in this bill, but it will also portend good news for what we can do on the economy and a whole range of other issues.

The American people need some confidence. What better way to give them some confidence than to bring this bill to the floor and say it is a new time and we have a new attitude in the Senate? And I take the first step by saying the amendments I was going to offer, that are very important to me, I will not offer because I do not think we ought to do that at this point.

Let us pass this legislation, if we can, and work together to get this completed today.

As I indicated, my colleague from Colorado has been working on this legislation this morning and previously, and let me again say how much I appreciate working with him. Following his statement, I ask—actually, while he is speaking—that those who wish to offer amendments or work with us on amendments to which we could perhaps agree, if they would understand the urgency.

We have the Defense authorization bill that will probably come to the floor following this. It may even come late this afternoon. That is a pretty important bill. The Defense authorization bill is also critical to this Nation's security in this difficult time. If our colleagues will cooperate with us and allow us to get this bill through the Senate today, it will be a terrific signal to the American people that times have changed and things have changed in the Senate.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I join my colleague, Chairman DORGAN, in placing before the Senate our committee's recommendations for the fiscal year 2002 funding for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies.

I want to associate my comments with the chairman's comments as they deal with terrorism. Certainly we have had huge changes worldwide in the last week. We are going to be in for the long haul, a very difficult, expensive, and deadly kind of a war that we have never faced before. I know we all want to do our very best in Congress, but I remind my colleagues, as the chairman already has, of the focus of these appropriations bills. As the other Senators are in their offices contemplating amendments they might offer to this bill, I remind them there is an emergency supplemental moving through now and probably that is the better vehicle if they want to do some changes or some amendments.

There are probably better vehicles dealing specifically with the terrorist activities than the TPO bill. In our bill, these recommendations include funding for Federal agencies that are now working on the tactical and security needs of our Nation, and have been for years and years. It is clear those needs and others addressed by the funding legislation merit swift consideration.

This bill was crafted by the Subcommittee on Treasury and General Government. It contains a total of $32.4 billion of new budget authority. Of that, $15.7 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administration initiatives, and agency requirements. I congratulate Chairman DORGAN and his staff for the professional manner in which they prepared this bill in such a short period of time.

This bill allows these Federal agencies to simply maintain current levels. There are very few new initiatives in this bill. Title I provides a total of $14.9 billion for the Department of the Treasury. Of this, $277 million is more than the administration requested. The committee has again placed a priority on Treasury's law enforcement needs as well as support for efforts by State and local law enforcement agencies.

Let me repeat a couple of highlights the chairman mentioned. We have $230 million to the Customs Service for continued development of the badly needed Automated Commercial Environment computer system called ACE.

It has money to continue emphasis on the need for the Gang Resistance Education and Training program, called the GREAT Program, which has been very successful, by including $3 million more than the administration requested for grants to State and local law enforcement.

It has additional funding for the integrated violence reduction strategy to allow ATF to comprehensively investigate denials in order to make sure the felons do not possess guns.

It has $348 million to the IRS for continuing efforts to modernize their computer system.

Title II provides $76.6 million to the U.S. Postal Service and continues to require free mailing for oversees voters and the blind, as well as 6-day delivery, to which Chairman DORGAN has spoken, and prohibits the closing or consolidation of small and rural post offices.

Title III recommends a total of $755.5 million for the Executive Office of the President, which is $23.7 million more than the administration requested. This part of the bill includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and funding for the national antidrug media campaign.

A special note: The committee also provided $42 million to the Counterdrug Technology Assessment Center, a program that transfers technology to State and local law enforcement. I believe since we started the program—it is going into its fourth year—it has been hugely successful. Over 2,500 local police jurisdictions have received grants of equipment they could not afford and for which they do not have the money to do the research and development.

It increases funding to the High-Intensity Drug Trafficking Areas program, the HIDTA program, by $20 million, which supports programs at their current level. It coordinates Federal, State, and local efforts to combat drug use.

It recommends a total of $185 million to the national antidrug media campaign and requires $5 million be spent on the new drug of choice of too many young teenagers called Ecstasy.

Title IV provides funding for the independent agencies, such as the Federal Election Commission, the General Services Administration, and the National Archives, as well as agencies involved in the Federal employment arena, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management. Also included in the title are the mandatory accounts to provide for Federal annuities, retiree health benefits, and life insurance. The committee recommends a total of $16.6 billion for this title.

The administration requested funding for 12 courthouse construction projects. As Senator DORGAN mentioned, we have been able to increase that number of projects to 20. We have provided funding for 12 additional projects such as border stations.

In addition, we have continued an aggressive effort to make sure the Federal Government real estate is maintained properly, by providing $844.8 million for the GSA repairs and alterations account for Federal buildings that are in deterioration.

The funding contained in the bill allows agencies to continue their work. It will not be able to accommodate all Members' requests, and I remind my colleagues that any funding amendments must be offset. If we have those being contemplated that deal with terrorism, there might be a better vehicle through the supplemental.

I thank Chairman DORGAN and his staff, Chip Walgren, Nicole Rutberg, Matt King, and Nancy Olkewicz, for their courtesies during the preparation of this bill. They have been terrific to work with.

We are focused on these recent attacks, but clearly we have to move forward, as the chairman mentioned, with our work and our various budget proposals as we have prepared them. My support for this committee's recommendations comes with my understanding that funding needs for some agencies may demand an increase. I feel certain most of those can be handled through the supplemental appropriation and hope they will.

Additionally, I am particularly pleased that Chairman DORGAN agreed to my request to provide additional funding to the U.S. anti-doping initiative, called the USADA. This funding will be necessary to ensure that our Olympic athletes, our Pan American, and Paraolympic athletes are free from drugs and are taught about the ethics of fair competition. I thank the chairman for including additional help in the Ecstasy program, as I mentioned.

Speaking of the antidrug media campaign, we have provided over $748 million for that campaign since 1998. This year, we have $185 million for the fiscal year 2002. But preliminary findings released by the Office of National Drug Control Policy last year showed that the campaign is having a positive effect.

Unfortunately, more recent information seems to indicate that while this report card may be good, it may have been somewhat premature. While I agree we must take steps to protect youth from the lure of illegal drugs, we have to make sure that money is wisely spent in the media campaign and that it is reducing the use of drugs because our resources clearly will be strapped in this new war on terrorism.

I take this opportunity to highlight a new international crime initiative in southern Europe and how it relates to law enforcement agencies and funding by the pending Treasury appropriations bill. It comes as no surprise that international terrorism often relies on international crime, particularly through drugs, to finance its campaigns of terrorism. The Southern European Cooperative Initiative, called SECI, is based in Bucharest, Romania, and represents a consortium of 11 countries with a combined population of 135 million people. The members of SECI have pooled their expertise and limited resources in a collaborative effort to combat transnational crime in southeastern Europe. Members include Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, and Turkey. Most Senators have visited one or more of those places in the past.

Most in the Senate have two or more jobs. One of my jobs as the chairman of the Helsinki Commission is fighting crime and corruption. It has been a top priority of mine and the Commission in these member countries, as well as throughout all of Europe. As part of this effort, I was pleased when the Foreign Operations Subcommittee included language I requested in the fiscal year 2001 committee report urging the State Department to continue providing advice and support in cooperation with the FBI to SECI. That is in their bill in recognition of the direct and indirect impact of transnational crime on Americans and American businesses at home and abroad. The subcommittee is requesting in the fiscal year 2002 committee report that the State Department designate up to $1 million in technical assistance for SECI. This investment directly helps a number of U.S. law enforcement agencies in their fight against a wide range of transnational crimes.

At least three Justice Department agencies currently are working with SECI: The FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service. In addition, at least two Treasury Department law enforcement agencies, the U.S. Customs and the U.S. Secret Service, are utilizing resources of SECI to support their efforts.

For example, the Secret Service currently sponsors task forces throughout the United States and across the globe recognizing cooperation among countries, law enforcement agencies, academia, and the private sector, representing the best hope for defeating the cybercriminal and preventing counterfeiting, computer-based fraud, and other electronic crimes that resulted in hundreds of millions of dollars of losses to American consumers and industry.

Because of their expertise and experience with the task force approach, the Secret Service has been asked to be the architects and leaders of SECI's highly innovative financial crimes task force in southern Europe. This task force, the first of its kind in the region, will be based in Bucharest and will be operational by the end of the year. The Secret Service expects to open an office in Bucharest and have two special agents dedicated to this cooperative effort.

Tomorrow, on September 20, the General Accounting Office is expected to release a report on international crime which I requested last year. This report confirms that the threat from international crime is growing and more high-level cooperation among Federal enforcement agencies is necessary.

The good work of the Treasury law enforcement agencies in addressing new criminal threats from overseas is warranted and welcome. Passage of the Treasury appropriations bill will continue to provide essential support for

these agencies in their fight against criminal elements at home and abroad.

AMENDMENT NO. 1570

Mr. DORGAN. Mr. President, I send a substitute amendment to the desk on behalf of myself and Mr. CAMPBELL, which is the text of the Senate committee-reported bill. I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid upon the table, that the amendment be considered as original text for the purpose of further amendment, and that no points of order be considered waived by virtue of this agreement.

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

The amendment (No. 1570) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DORGAN. 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. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

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

AVIATION SECURITY

Mr. WYDEN. Mr. President, I come to the floor today to discuss the issue of aviation security. The Senate Commerce Committee, on which I serve, had hearings this week on this issue. I want to take a few minutes this morning to discuss the history of this issue, the history of the debate in Congress about aviation security. I do that with one overriding concern. I do not want to be back on the floor of the Senate in 6 months or a year taking my turn once again in the procession of somber floor speeches about how sorry and upset and how sad the Senate is that another air tragedy has occurred. I think it is important for the Senate to step back and take a look at this issue now so we are not dealing with it again in another 6 months or a year.

Beginning my discussion this morning, I want to talk about the pattern of the past with respect to aviation security. Let's make no mistake about it. There is a very clear pattern. Again and again, there has been an air tragedy. Again and again, there is outrage in the Congress and in the country. Again and again, task forces are established and commissions are assigned to make reports and recommendations. Again and again, there has been incremental and ultimately ineffective implementation of changes that simply don't get the job done when it comes to aviation security.

It would be an enormous disservice to those lives that have been lost and to the many who love them if the only response of this Congress is again to issue more reports, let more commissions go forward, and once again fail to act with respect to putting in place the actual provisions that are going to protect our citizens with respect to terrorism.

The American people deserve quick, decisive, and sweeping aviation security reforms. It is time now to get the job done right.

For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crashed near Long Island in 1996, there was enormous support for tightening aviation security. In each case, the Presidential commission was established and reforms were initiated. In each case, studies by the GAO or the Department of Transportation inspector general made clear that there were vulnerabilities. And in each case, by the time the reports came out, the momentum was lost. Action was slow. It was incomplete and incremental at best.

I am not interested this morning in talking about whose fault that was. Clearly, part of the problem stems from what Presidential administrations of both political parties did in allowing the process to bog down in red-tape and regulations. Part of the responsibility lies with airlines that, indeed, did fight tougher security measures by claiming costs would cripple their operations. But we should be very clear. Part of the responsibility lies right in this Chamber, right where the Congress did not insist on action, and did not insist on safety for our constituents.

For example, in 1998, the GAO warned that vigilant congressional oversight was essential. They made clear that momentum for reform would stall otherwise. But while there were spasms of interest on Capitol Hill, Congress didn't do the job with respect to oversight.

I am going to make clear as a member of the Senate Subcommittee on Aviation that this time is going to be different. This time the argument between those in the various agencies and the airline executives over cost, inconvenience, and control of the system aren't going to be allowed to be used as an argument for delay. We are not going to sit by again and reap the grim harvest of congressional inaction.

This is just a bit of the history on this issue. In 1987, the GAO recommended that the FAA establish a certification program setting performance standards for screening companies that operate the airport security x rays. After the 1996 TWA Flight 800 crash, a White House commission said the same thing, and Congress passed legislation calling on the Federal Aviation Administration to get it done. But the Federal Aviation Administration's rulemaking process dragged on for years with multiple rounds of public comment. In June of 2000, the GAO reported that the Federal Aviation Administration was then 2 years behind schedule. As of this morning, the certification process for screening these companies still has not gone into effect.

In 1988, the GAO reviewed FAA's progress in implementing a variety of key improvements, including passenger profiling, bag-matching action, and a variety of other initiatives.

Their conclusion was:

> Based on FAA's current schedule and milestones, this whole process for enhancing the Nation's aviation security system will take years to fully implement.

To ensure followthrough on it, the same White House commission recommended an annual report from the Secretary of Transportation on the implementation of new security measures. That report happened exactly once: on the first anniversary of the TWA crash. Once again, the response was nothing.

Under legislation passed in 1990 and 1996, anyone with access to a secured area in an airport is subject to a background check. The White House commission established after the 1996 TWA crash went further, recommending a full criminal background check and the FBI fingerprint check. However, the inspector general of the Department of Transportation recorded in 2000 that existing background check procedures were, in his view, ineffective.

First, Federal Aviation Administration regulations required a criminal background check for some employees but not for others. Second, and more incredibly, some serious crimes, such as assault with a deadly weapon, were not on the list of offenses that would disqualify an employee.

Many airports were not complying with the FAA's rules anyway. For 35 percent of the employee files reviewed by the inspector general, there was no evidence that a complete background check was ever performed.

Let's reflect on that. In 35 percent of the instances, the inspector general found no evidence that a complete background check was ever performed.

Last year, one screening company pled guilty and paid a $1.2 million fine

for doing inadequate background checks and for hiring at least 14 airport workers who had criminal convictions.

Congress passed legislation in 2000 directing the FAA to implement criminal fingerprint checks and expanding the list of disqualifying offenses. New requirements, however, apply only to large airports. And there still is no requirement to repeat fingerprint checks periodically.

In 1993, the Department of Transportation inspector general reported weaknesses in airport measures to keep unauthorized persons out of restricted areas. A followup review in 1996 found no significant improvement.

In 1999, the inspector general reported that in a test of eight major airports, undercover agents were able to penetrate secure areas in 117 of 173 attempts—a 68-percent success rate. In many of those cases, the test intruder, an individual who was testing the system, was able to actually board an aircraft. Now, the list goes on.

I want to mention just several more in terms of laying out this chronology.

Following the 1988 Pan Am Flight 103 bombing, there was a major effort to develop baggage-screening equipment in order to detect explosives. Technology was developed, but it was still not widely deployed at the time of the 1996 TWA crash.

The White House commission created in response to that tragedy recommended the widespread deployment of such equipment. Congress provided funding, and machines were deployed in a variety of locations.

But last year—just last year—the Department of Transportation inspector general found that these machines were significantly underutilized. The inspector general found that more than 50 percent of the machines were being used to screen fewer than 225 bags per day, even though their capacity is 225 bags per hour.

According to a 1999 report by the National Research Council, at some locations ''the throughput rate has been so low that operators could even lose their skills for operating the equipment.''

The reason I am going through this 15-year chronology is that on September 11, 2001, known vulnerabilities in America's aviation system remained unaddressed.

Last week's hijackers knew there were holes. The General Accounting Office, that serves the U.S. Congress, had documented these significant gaps in our system. The terrorists took advantage of those gaps, and the price paid by our country has been far too great.

Now it is time to correct these vulnerabilities. The legislation should include action on at least four fronts:

First, swift implementation of the specific to-do list that I have outlined this morning should be a top priority. This is a to-do list not made up from some sort of cavalier review by an interest group. This is a to-do list taken from recommendations from the inspector general of the United States and from the General Accounting Office. These recommendations have accumulated for years. It is time to focus on getting those tasks done rather than just perpetually creating more reports and more lists.

Second, Tuesday's unprecedented attack points to the need for a number of additional safeguards. As we all know, a number of our colleagues have advocated armed sky marshals onboard many flights. Certainly this is a sensible recommendation, a credible deterrent; and I support that.

I also think there needs to be significantly improved intelligence sharing of information. Background checks for students applying for flight training obviously need to be more thorough and more meticulous. If a passenger is on a terrorist watch list, the country is saying: How in the world can aviation security officials not be aware of that?

The technology exists to coordinate efforts between law enforcement and the airline industry, so no more turf fights, no more lack of communication. Focusing on information sharing of the best and most current intelligence is absolutely key so that the names and faces of those who are apparently unknown to the airline industry but aware to some in the intelligence gathering can be out and available so as to serve as an important tier of protection for the public.

Third, and perhaps most important, Congress must fundamentally rethink who should be responsible for carrying out day-to-day functions, such as the screening of baggage and access to restricted areas. A number of forward-thinking Members of the Senate have been after this issue for years, particularly the chairman of the Senate Commerce Committee, Senator HOLLINGS. He has been suggesting this since 1996 and before.

Obviously, between airlines and airports there have been conflicts in the past, with some wanting security, some wanting to maximize the number of flights and passengers and convenience. Certainly, security and speed and convenience do not always fit perfectly together. But aviation security functions need to be placed in the hands of those without any conflict of law, those whose sole and paramount focus will be the security of the American people.

Finally, it is obvious there will be costs associated with this. If, in fact, the question of airline security becomes a function of the Government—which is something I support, and I believe has bipartisan support in this body—there are opportunities to use existing funds, such as the airport trust fund. I, for one, would be willing to look at additional ways to secure that revenue. And there has been a debate of an aviation security trust fund. We are all aware that our constituents are saying, in great numbers, that they would be willing to pay a bit more for aviation security.

Let's look at using existing funds more efficiently, but if that does not do the job, clearly, responding to our constituents, and getting the job done, even if it requires some additional charges, will be necessary.

Finally, I think we ought to be especially concerned about smaller, more rural airports. It is clear they are not going to be able to afford some security measures. Let's be clear to the public that we are not going to allow rural airports to be security-sacrifice zones, in effect, written off by the Congress.

In considering the cost of the massive airline security overhaul, we are all going to remember the numbers of last week. It is going to require additional funds to rebuild the Pentagon, to rebuild New York City. To me, to say the cost of improving airline security is too great is not an argument that is acceptable. The country expects us to do what it takes and to work together to get the job done.

Let me conclude this morning with one last point. I came to the Chamber this morning to go through the 15-year chronology of inaction with respect to aviation security so as to set out on the record how again and again the inspector general and the General Accounting Office have laid bare the vulnerabilities of our aviation system.

I want to make clear, again, I am not interested in assessing blame. When we look at the various executive branch leaders, when we look at the Congress, when we look at those in the various interest groups, including the airline industry, all of them would now say that if they could do it again, it would be very different. We would not have this pattern, from 1987 until September 11, at the very least, that constantly resulted in this cycle of tragedy, outrage, recommendations, and then essentially slow motion implementation.

I do not want to be back here in 6 months or a year. I don't want to be back in just a few months waiting with the distinguished Senator from North Dakota and the President of the Senate, waiting in a line to give speeches about yet another tragedy. The American people know their elected officials share their grief right now. What they want to see is that we can get the job done, that this time it is going to be different. This time the Congress is going to take the to-do list that has been spelled out by the General Accounting Office and the inspector general for years now and, without any more delay, that to-do list is going to be put in place and the American people will have every possible measure of security as they fly in our skies.

I yield the floor.

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

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. Madam President, I ask unanimous consent that I be permitted to speak for up to 5 minutes as in morning business.

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

(The remarks of Mr. DAYTON are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. DORGAN and Mr. ALLEN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1433 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. CARNAHAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mrs. CARNAHAN. Mr. President, last Tuesday's terrorist attack is having an immeasurable effect on our country. We are a nation of heavy and broken hearts devastated by the tremendous loss of life, property, and sense of security. My heart goes out to the victims and their families. We continue to take solace in the heroic deeds of the rescue workers and the patriotic response of Americans across the country.

September 11 was a dark day in our history. But we have had dark days before.

In the midst of World War II, Thornton Wilder wrote:

> Every good and worthwhile thing stands moment by moment on the razor edge of danger and must be fought for whether it is a home, or a field, or a country.

We will lead the fight for freedom today. And, as in times past, we will be victorious.

Last week Congress acted with unity and speed to respond to the attack on our people. We are authorized the use of force. We provided $40 billion for the relief effort.

We must deal promptly and decisively on another front. The ongoing stability of the aviation industry must be an immediate priority.

First of all, we need to act quickly to heighten security in our airports and on commercial aircraft. We must make Americans feel safe so that they will continue to fly.

Unfortunately, improving security will not be enough. Our Nation's airlines are clearly suffering as a result of the Federal Aviation Administration's decision to ground commercial aircraft last week. While most airlines began operating again last Thursday, it is unclear when carriers will be able to resume their full schedules. Moreover, it appears that ticket sales are declining, which will further weaken this already distressed industry.

We must respond to this crisis to ensure that last week's attackers do not succeed in bringing down our Nation's airlines. This Congress must provide a meaningful economic recovery package to help stabilize the airline industry.

A number of proposals are currently being considered. They include extending credit or guaranteed loans to the airlines and providing direct compensation for losses sustained as a result of last week's events. I am extremely supportive of these measures.

I also believe that any relief package for the airlines must include an additional component to provide assistance to displaced workers. This Congress must demonstrate that while we stand ready to bolster the airline industry, we are also committed to supporting the men and women who represent its heart and soul.

I fear that even if a stabilization package for the airlines is expeditiously approved, a certain number of layoffs are inevitable.

Midway Airlines has already been forced to suspend all of its flight operations and will lay off its remaining 1,700 employees. Continental Airlines announced that it was furloughing 12,000 of its employees. Airline executives estimate that as many as 100,000 workers could lose their jobs in the next few weeks.

The problems afflicting the airline industry will have a devastating impact on thousands of hard-working men and women. I believe we must enact a meaningful relief package designed to both reinforce the airline industry and provide support for displaced workers.

I am currently crafting a proposal to provide support for displaced workers. We do not know how long these employees will be out of work or indeed if they will ever be able to be employed by the airline industry again. They are going to need financial assistance. They are going to need retraining. And they are going to need health coverage. As with other aspects of the disaster relief effort, the Federal Government needs to take the lead.

Our airline industry needs help. So do its many employees. I am committed to ensuring that assistance for displaced workers is part of the larger airline relief package that we will take up in the days ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

ENERGY AND NATIONAL SECURITY

Mr. MURKOWSKI. Mr. President, let me take the floor to clarify a rumor that is circulating among some of the media that has been drawn to the attention of our office—that somehow the Senator from Alaska is in the process of offering an amendment to the Department of Defense authorization bill proposing the opening of ANWR. That is certainly not the case. It would be inappropriate and in poor taste.

I resent the fact that these rumors are being circulated by some groups that have not even taken the time to contact our office, let alone contact me personally. Our press department has had several inquiries from members of the media asking if that is our intent. Where these rumors are generated from I don't know. But if I get the opportunity to find out, it is my intention to enter them into the RECORD.

Obviously, the activities of the last several days and the tragedy in New York on the 11th of September brought about the reality that, indeed, as we look at terrorism, we have to look at the sources that fund terrorism in the Middle East. We need to make a determination, as we attempt to hold those responsible, to also address the funding mechanism. It is also appropriate that we address our increased dependence on imported sources of energy relative to the vulnerability of the national security of our Nation.

That somehow we would attempt to propose an ANWR amendment to the Department of Defense appropriations bill is something we have not even contemplated, and I resent certain implications of those who reported that it is the intention of the office of the junior Senator from Alaska.

I hope my statement clarifies the RECORD factually. If there are any inquiries, we will be happy to respond to them directly.

My own contention is that there is a place for the consideration of the matter of domestic energy development, including ANWR. That belongs in the energy bill where it should be debated and evaluated fairly by all individual Members based on its merits and in the interest of national security and the national interest of our Nation.

It is my hope that we can work with the committee chairman, Senator BINGAMAN, to bring forward an energy

bill that will address the priorities needed relative to energy, which is the lifeblood of our national economy, and we can do it in a manner that is within the expedited crisis we have before us relative to energy, national security, and other matters.

I thank the Chair for this opportunity, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

REFLECTIONS IN AFTERMATH OF TERRORIST ATTACK

Mr. CRAIG. Mr. President, all of us who come to the floor of the Senate are like most Americans today. In anything we do or approach, we approach it with a heavy heart, recognizing the devastation that has gone on around us that has been inflicted upon some of our friends or some associates we know of as it relates to the devastation the terrorists brought down upon New York City and here in Washington, DC, with our Nation's military center, the Pentagon.

As we all know, the President asked for support and authority. This Congress responded last week very appropriately. I was not able to be here at that moment. I was en route to my son's wedding in Washington State.

The difficulty of all of that was that I was not here, but I was also traveling at a very difficult time. Thirty some hours later, both my wife and I were able to observe a fine wedding, and we were pleased to be with our family and have our family around us, as I think most Americans would wish they could at a moment of crisis.

I am now, as most public people, wrestling with a variety of decisions that will ultimately be critical to our country and will spell out, in part, our future and the success of this great Nation.

I am confident that the administration is doing everything within its power at this moment to either directly or indirectly deal with the issue and to respond as all Americans and as most freedom-loving people in the world would wish we would.

I submit for the RECORD the story of two Idahoans, one now announced dead, the other still missing as a result of the plane crash into the Pentagon. Their names are Ron Vauk and Brady Howell.

I recommended Ron years ago to his appointment at the Naval Academy. He was an accomplished Naval Reserve officer, a submariner and Academy graduate who was on watch at the Naval Command Center last Tuesday. His family lives in Boise, ID. I talked with his mother this morning.

Brady, on the other hand, was a 26-year-old newlywed from Sugar City, ID. He was a civilian employee at the Pentagon, excited about his job, and starting a family. Our hearts go out to all of them. I visited with his wife last evening.

Many of us are experiencing that kind of a circumstance or situation as this crisis reaches down and out across America to touch many, if not all, of our citizens in a fairly direct way.

I am always caught in the great resilience of America. While we were bent for a moment, we now arise from that stronger than ever and more greatly committed to the phenomenal values we, as of last Monday, took for granted: The freedom of movement, the marvelous sense of human individualness we had in this country, as protected by a Constitution that had provided an ultimate shield of individual freedom in our country. To have that shaken to its very core on Tuesday, to find out that we were just a little less free and a great deal more concerned about the very freedoms we have. Our challenge now is to be able to deal with it in a comprehensive and responsible way, to secure and maintain our civil liberties and, at the same time, to be able to draw bright lines that establish a much clearer line and sense of security for our people and in a way to detect and control the kind of environment in which terrorists can live and ultimately prosper. That is going to be the role and responsibility of this Congress.

I, as most Americans, still stand resolved and optimistic that that can be done. It can be done well. We in the Senate have a role to play in all of that.

Over the weekend, I was struck by the comments made by the foreign minister of the Taliban Government in response to our comments, that Osama bin Laden be turned over to U.S. authorities. The head of that government stated that it is not consistent with our custom for a host to ask a guest to leave. The guest must leave on his own accord: the President of the Taliban said.

This statement confirms what all of us have assumed: that bin Laden is in Afghanistan and they are harboring him even at the risk of their own ruin.

It is equally unfortunate that individuals in the media are already posturing the American people for a no-collateral damage goal in our military objectives against these terrorists. Such posturing is dangerous, as it clearly undermines the support of our President to act both in the short term as well as in the long term to do one very simple but overpowering thing—that is, to secure our Nation's security and our citizens' security and our freedom.

I am confident this President will not bow down to the suggestion that there might or there should be no collateral damage. If his mission becomes clear, he already understands his goal.

There is no doubt that many new legislative proposals will be debated here in the Senate in the coming months to address issues of American security and the fight against international terrorism. One of the issues I hope we will discuss is that of U.S. energy dependence. Clearly, as we watch Americans line up in front of Red Cross centers to give blood to help the wounded, let us remember the very lifeblood of this country's economy is the energy that drives it.

I am not talking about the energy of the human mind. I am talking about the physical presence of energy—gas, oil, coal, the kinds of things that have fueled the economy that were turned into the phenomenal piece of explosive power we all watched last Tuesday.

Now more than ever before Americans recognize that once again the Middle East is the crucible that could spell our success or failure or might dictate to us the character of our economy in years to come, for one simple reason: not the politics of the region—that is daunting enough as we know it—but it is what they provide for the economy of the world. They are the oil barrel of the world. From that we ask at least 55 to 60 percent of our use on a daily basis.

We now consume in excess of 700,000 barrels of oil a day from Iraq alone. Is it possible that some of our own oil money is being turned against us in the form of the resources that the terrorists used ultimately to bring down the Trade Center and to punch a hole in the side of our Pentagon last Tuesday? Yes, it is possible. It is possible in part because for so many years we have ignored the fact of a growing dependency on foreign oil while we have turned ourselves away from increased domestic oil production and increased efficiency that ultimately produce the ability for our nation to stand alone, stand tall, and stand secure in its energy supply.

At least for the last 2 years, Congress has been doing the right thing. We have been struggling mightily with the shaping of a national energy policy. President Bush has established that as one of his top legislative priorities: to create greater energy independence on the part of this country so that now we know more than ever before that we can act with relative independence as we shape new foreign policy, and now, of course, as we shape an antiterrorist strategy for our Nation, for the world, and for freedom-loving people all around the world. It is a piece of the whole—that is, a national energy policy. Unlike almost any other policy except defense, and except intelligence, energy is the ultimate tool of a capitalist society. It is the strength of our economy.

As I mentioned, struggling to get across the country to get into the

State of Washington to my son's wedding on Friday and back on Sunday, I didn't ride on the wings of wind. I didn't walk. I rode on the force of energy, as do all Americans when they fly or when they drive or when they are transported around the world.

Mr. President, I ask unanimous consent for 3 additional minutes.

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

Mr. CRAIG. Mr. President, I certainly conclude that that ought to be a priority—a national energy policy—and that we ought to be able to shape one in reasonable fashion in a couple of weeks. The House has already moved legislation. They have passed a national energy policy.

Well over a month and a half ago, we began to mark up an energy policy bill for the Senate. I hope our leaders, Senator DASCHLE and Senator LOTT, will ask the Energy Committee to come together and stay together for the next couple of weeks to produce a bill to be debated on the Senate floor. Our President deserves a national energy policy as part of our overall national security strategy at this moment on his desk, acceptable and ready to sign.

I also believe we need to take a hard look at our intelligence community to make sure the shortcomings in predicting the events of the first Trade Center bombing, and the embassy bombing, and attack on the U.S.S. *Cole* and, of course, last week's attack do not recur.

We must do better. We cannot accept past performance. I agree with the assessments of my colleagues that a major reinvestment in our human intelligence capabilities is needed and it must take place through a reorganizational effort. We have the world's best when it comes to technological advancement. We can look down on any part of the world with such detail that from miles high we can read the watch on the arm of someone on the ground. But we cannot read what is in that person's mind. That is impossible with the technology of today. That comes from the human side of the capability I talk about, which we have been under-investing in, or divesting of, for the last several decades.

Clearly, we must get back into the minds of the citizens of the world—those who would do us damage and view our country as an enemy or an evil. It is only then that we can use the look-down from 3 miles high to determine where that person is going and when he or she may be there. But we must access the mind as well as observe the movement.

If we can accomplish all of those things—and I believe we can, and I believe our President will ask us to invest in those—then we will all stand in a bipartisan way to support it, because what is at stake here is the very strength of our country and the very freedom of our citizens. I have never once questioned the fact that we will not only stand for the test, but in the end, without question, we will win.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what question is before the Senate?

The PRESIDING OFFICER. H.R. 2590.

Mr. BYRD. Has the Pastore rule run its course?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. I thank the Chair. That being the case, I can speak out of order. Are there any restrictions?

The PRESIDING OFFICER. There is none.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE SENATE AND THE CONSTITUTION

Mr. BYRD. Mr. President, this is Constitution Week. Of course, I am talking about the U.S. Constitution. A point that all Governors and Senators might well remember: No State constitution in this country is like the Federal Constitution. No State's constitution so clearly and so strictly delineates the separation of powers as precisely as does the U.S. Constitution. So it is here in the Senate that the Constitution is defended—the U.S. Constitution—and it is here that we support the separation of powers, the checks and balances; and the one Constitution that we are bound by in this institution is the U.S. Constitution, a copy of which I hold in my hand. I want to take a little while today to talk about this Federal Constitution.

On Monday of this week we marked the 114th anniversary of the U.S. Constitution. Of course, the Senate was not in on Monday, and consequently I have been forced to wait until today to speak about the Constitution. Again, this is Constitution Week. In tragic and sad times, we instinctively reach for what matters most in our lives: Our faith, our families, and our fundamental rights as Americans.

As we struggle with the horrific events of September 11, we should take a measure of strength from the events of another September day, an 18th century September day.

On September 17, 1787, an extraordinary convention of American statesmen, meeting at Independence Hall in Philadelphia, adopted the Constitution of the United States of America. My memory may prove me wrong, but I believe that, too, was a Monday—as was September 17, in 2001, this year of our Lord. So today I wish to commemorate that singular event by discussing several of the constitutional provisions that shape the structure and guide the operations of the U.S. Senate. I think there will never be a better time, or a more propitious time, or a time when we more need to think and to speak of the Constitution of the United States, than this time, and amidst the circumstances that have attracted the attention and galvanized the attention of Americans, wherever they may live—in this country or elsewhere—as well as the people of other countries. So it is timely to think about the Constitution of the United States.

Imagine a U.S. Senate in which the State of West Virginia was assigned three Members while California was entitled to 30.

Or, consider a Senate in which Members served for life—or for just a single year.

How about a system in which the House of Representatives elected the Senate?

Or a Senate in which Members voted as a State block rather than as individuals?

To our modern ear, these options sound preposterous, perhaps, but to the Framers of the Constitution, these proposals deserved serious consideration.

There was nothing inevitable about the Constitution as we now know it. Every word required delicate construction, balancing, and refinement. In cases where the Framers could not fully agree on a particular point, they chose ambiguity—or even silence.

Among that charter's 55 draftsmen—only 39 actually signed the document—there existed a vast fund, a vast reservoir of knowledge about the operation of legislative bodies. That knowledge served the Framers well as they struggled to fashion the institutional structure of the United States Senate.

Let us examine some of the Senate-related options that the Convention's delegates confronted from the Convention's convening on May 25 until its adjournment on September 17.

First the issue of representation. Delegates representing large States at the Constitutional Convention advocated a strong national government. In Edmund Randolph's Virginia Plan, the number of Senators in each State would be determined by that State's population of free citizens and slaves. Large States, then, stood to gain the most seats in the Senate. As justification for this advantage, these delegates noted that their States contributed more of the Nation's financial and defense resources than did small States, and therefore, deserved a greater say in Government.

Small-State delegates countered with a plan designed to protect States' rights within a confederated system of government. Fearing the effects of majority rule, they, the small States, demanded equal representation in Congress. This was the system, they noted, that was then in effect under the Articles of Confederation. When the Convention agreed to divide the national legislature into two chambers, various Framers argued that every State should enjoy equal representation in both Chambers. In fact, some delegates threatened to withdraw from the Convention if it adopted any population-based representation plan.

Other delegates sought a compromise between large State and small State interests. As early as 1776, Connecticut's Roger Sherman—he is one of the

signers of the Constitution of the United States—Roger Sherman, as early as 1776 had suggested that the Continental Congress, in which each State had one vote, should be organized to represent people as well as States, and during the 1787 Convention, Sherman proposed the so-called ''Connecticut Compromise'' which provided population-based representation in the House of Representatives and equal State representation in the Senate.

Benjamin Franklin agreed that each State should have an equal vote in the Senate except in matters concerning money. The Convention's grant committee reported Franklin's motion with some modifications to the delegates early in July. Madison led the debates against that measure believing it to be an injustice to the majority of Americans. Some small State delegates were reluctant even to support proportional representation in the House.

On July 16, delegates narrowly adopted the mixed representation plan, the Great Compromise, giving States equal votes in the Senate. That is why we are here. The Presiding Officer would not be sitting where he is sitting today if there had not been a July 16 Great Compromise. The Official Reporter would not be here listening to me and taking down what I am saying. I would not be here. These young people who are our pages and who help us in so many ways to do our work for our constituencies would not be here. That was the Great Compromise, giving States equal votes in the Senate.

The compromise resolved the Convention's most divisive issue and created a Federal system of Government.

Senators already know what I am saying. Many people on the outside who are watching through that electronic eye up there know it. These things were taught long ago in the early years of a child's schooling, but this is Constitution Week. We need to be reminded, and now in the circumstances that confront this country and have confronted it especially since Tuesday, September 11, we must be reminded that we are to be guided by a constitution, the United States Constitution.

We must zealously guard the powers of the legislative branch in times like these when there is a war, when there is a military conflict. Powers have a way of gravitating toward the Chief Executive, and it is in times like those, in times like these, that we must be very zealous and jealous of the constitutional prerogatives and powers that are vested in this body, the legislative branch.

We must be on our guard more than ever because the Constitution lives and it will live when these circumstances are behind us, if and when they indeed are ever put behind us, and I assume that they will be put behind us at some point in time.

It might be a good thing to point out here, just to remind Senators that the Continental Congress met behind closed doors. The Congress, under the Articles of Confederation, met behind closed doors. The Constitutional Convention, where the Framers gave us this Constitution, met behind closed doors, with sentries at the doors and the windows drawn. So, there we have food for another speech, another day.

Be conscious of the Constitution and this institution (the Senate) and its prerogatives and its precedents, its rules. We need particularly now to be reminded of these things.

A second major issue related to the number of Senators allotted to each State. Once the convention's delegates established the principle of equal State representation in the Senate, they needed to determine how many Senators a State would be allotted. Few, if any, delegates considered that one Senator per State would be sufficient representation. Lone Senators might leave their State unrepresented in times of illness or other absences, and they would have no colleague to consult with on State-related issues. Additional Senators would make the Senate a more knowledgeable body and, perhaps, better able to counter the influence of the House of Representatives. But, some believed a very large Senate would soon lose its distinctive character, would lack the agility needed to effectively counterbalance the House, and would make it easier for Senators to escape personal responsibility for their actions.

Given these considerations, delegates had only a narrow choice regarding the number of Senators. During the Convention, they briefly discussed the advantages of two seats versus three. Gouverneur Morris of Pennsylvania, the man with the peg leg, stated that three Senators per State were necessary to form an acceptable quorum, while other delegates thought a third Senator would be too costly. On July 23, one week after the Great Compromise, only Pennsylvania voted in favor of three Senators. When the question turned to two Senators, Maryland alone voted against the measure, not because of the number, but because Luther Martin disagreed with the concept of per capita voting, which gave each Senator, rather than each State, one vote.

Both the Congress under the Articles of Confederation and the Constitutional Convention used a voting method that gave each State one vote. This system of block voting was meant to reinforce State solidarity, but it often frustrated those State delegations divided by controversial issues. The alternative, of course, was for Members to vote as individuals. Those Framers who had served in State legislatures had ample experience with the per capita system. At the Convention, they spent little time debating the two proposed voting methods. On July 14, Elbridge Gerry of Massachusetts stated that per capita voting in the Senate would ''prevent the delays and inconvenience that had been experienced in [the Continental] Congress and would give a national aspect and spirit to the management of business.'' One week later, Gouverneur Morris and Rufus King of Massachusetts added a per capita voting clause to their motion designating the number of Senators for each State. As I have already noted, Maryland's Luther Martin objected to the motion. A States' rights advocate, he regarded per capita voting as a departure ''from the idea of the States being represented in the second branch.'' Consequently, Martin convinced his fellow Maryland delegates to vote against the two-Senator, per capita measure. Supported by every State except Maryland, both the measure's clauses passed on July 23, allowing each State's two Senators to vote as individuals, though still subject to the influence of States, constituents, and party policies.

Because they did not have parties in those days, but I am speaking within the context of the current moment, the Constitution's Framers understood that no matter which method they chose for electing Senators, it would have a significant impact on the Senate's future relationships with the House, the people, and the States.

From the beginning, most delegates dismissed any notion of implementing the British House of Lords' peerage system based on heredity and title. This system contradicted the egalitarian notions outlined in the Declaration of Independence. The system set forth in the Virginia Plan received little support, as well. Had this measure passed, the House would have selected Members of the Senate from nominations offered by the State legislators. The Senate could not be expected to serve as an effective check on the very institution responsible for its Members' election.

Senators will recall that the Virginia plan was introduced by Gov. Edmund Randolph, a delegate from the State of Virginia, on May 29, 1787. It is easy for me to remember the date of May 29 because it was on that date, 64 years ago, that I married my wife Erma; 64 years ago on May 29.

The convention then considered a revised version of the Virginia Plan, which contained the clause, ''the Members of the Second Branch of the national Legislature ought to be chosen by the individual Legislatures.'' Most delegates easily accepted this election method, regarding it as the most ''congenial'' plan available. Only Pennsylvania's James Wilson criticized the idea. He believed that the State legislative method would ''introduce and cherish local interests and local prejudices.'' The alternative method, elections through popular vote, never gained the adherents it needed to become a viable option.

In Federalist 63, Madison defended the plan of election by State legislatures against those who feared indirect elections would transform the Senate into a ''tyrannical aristocracy.'' For

such an unlikely event to happen, the Senate, the State legislatures, the House of Representatives, and the people would all have to fall prey to corruption. Madison cited Maryland's successful experiment with indirect election. Elected by a unique electoral college system, the Senate in Maryland showed no symptoms of tyranny, and in fact, had built a reputation unrivaled by any other state in the Union.

Despite Madison's assurances, the system of indirect elections ultimately proved vulnerable to corruption. Following the Civil War, newspaper reporters accused State legislatures of accepting bribes or remaining willfully ''deadlocked,'' and therefore, unable to elect a Senator into office. Reformers reacted to these allegations by advocating a constitutional amendment that would provide for the election of Senators by popular vote. This one substantive correction to the Framers' handiwork for the Senate went into effect in 1913 as the Constitution's 17th amendment.

And, next, to the issue of term length. The 6-year Senate term represented a compromise between those Framers who wanted a strong, independent Senate and those who feared the possible tyranny of a Senate insulated from popular opinion. While few delegates to the 1787 Convention wanted to emulate the House of Lords' lifelong terms, or the Congress under the Articles Confederation's single-year terms, the Framers' reaction against these extremes helped shape their arguments for and against long terms in the Senate.

Delegates examined the experience of the various State legislatures. Although the majority of States set 1-year terms for both legislative bodies, five State constitutions established longer terms for upper house members. South Carolina's senators received 2-year terms. In Delaware, the senate had 3-year terms with one-third of the senate's nine members up for reelection each year. New York and Virginia implemented a similar class system but with 4-year terms instead of 3. Only Maryland's Senate featured 5-year terms, making that legislative body the focus of the convention's Senate term debates.

The delegates either praised Maryland's long terms for checking the excesses of lower-house democracy or feared them for the same reason. Some members of the Convention believed that even 5-year terms were too short to counteract the dangerous notions likely to emerge from the House of Representatives. In June, Madison, Edmund Randolph, and other convention delegates cited Maryland's experiences when they argued for long Senate terms. According to Madison, the senate of Maryland had never ''created just suspicions of danger.'' Far from being the more powerful branch, the senate had actually yielded too much, at times, to Maryland's House of Delegates. Unless the U.S. Senate obtained sufficient stability, Madison expected a similar situation under the new Constitution. He suggested terms of 7 years, or more, to counter the influence of the popularly chosen House of Representatives. Edmond Randolph believed that the primary object of an upper house was to control the larger lower house. He noted that Maryland's senate had followed this principle but had been ''scarcely able to stem the popular torrent.'' Seven-year terms, then, had a greater chance of checking the House than terms of 5 years or fewer.

On June 13, the convention took up a provision for 7-year Senate terms. This encountered heated criticism from several Framers. For Alexander Hamilton, only lifelong terms could check the ''amazing violence and turbulence of the democratic spirit.'' Other delegates preferred 4-year terms. Madison devised a 9-year-term proposal with one-third of the seats subject to election every 3 years. He received little support for this plan, but he argued in its favor until the final votes on June 26. On that date, and following the failure of his own measure, Madison joined the majority of his colleagues in voting for a 6-year term. In the Federalist papers, Madison argued that Maryland's experiment with 5-year terms proved that slightly longer terms posed no danger to bicameral legislatures. In fact, he expected the agreed-upon 6-year terms to have a stabilizing effect on the new national government. Long terms would control turnover in the legislature. Long terms would allow Senators to take responsibility for measures over time. Long terms would make Senators largely independent of public opinion.

The Articles of Confederation set no qualifications for delegates to the Continental Congress. It left these decisions up to the individual States. By contrast, convention delegates supported establishing membership limitations for House and Senate Members. Influenced by British and State precedents, they established age, citizenship, and residence qualifications for Senators, but voted against proposed religion and property requirements. There was a lot of sentiment especially on property requirements as to age. I might pay particular attention to that aspect.

The Framers debated the minimum age for Members of the House of Representatives before they considered the same qualification for Senators. Although James Wilson of Pennsylvania State stated that ''there was no more reason for incapacitating youth than age, where the requisite qualifications were found,'' other delegates were in favor of age restrictions. I'm glad they did not have their way. They were familiar with England's law requiring members of Parliament to be 21 or older. Some lived in States that barred individuals from serving in their upper chambers who had not attained the age of 21 or 25.

On June 25, 3 days after designating 25 as the minimum age for Representatives, delegates unanimously set a 30-year-minimum for Senators. In Federalist 62, Madison justified the higher age requirement for Senators. By its deliberative nature, the ''senatorial trust,'' called for a ''greater extent of information and stability of character,'' than would be needed in the more democratic House of Representatives. The Framers, not all of them by any means, trusted democracy.

As to citizenship, under English law, no person ''born out[side] of the kingdoms of England, Scotland, or Ireland'' could be a member of either house of Parliament. While some delegates may have admired the ''strictness'' of this policy, no Framers advocated a blanket ban on foreign-born legislators. Instead, they debated the length of time Members of Congress should be citizens before taking office. The States' residency qualifications offered moderate guidelines in this regard. New Hampshire's State senators needed to be residents for at least 7 years prior to election. In other States, upper house members fulfilled a 5-, 3-, or 1-year requirement.

The Virginia Plan introduced by Edmund Randolph, on May 29, made no mention of citizenship when it was introduced to the Convention. Two months later, the Committee of Detail reported a draft of the Constitution that included a 4-year citizenship requirement for all Senators. On August 9, Gouverneur Morris moved to substitute a 14-year minimum. Later that day, delegates voted against Senate citizenship requirements of 14, 13, and 10 years before settling on 9 years as a residency requirement. The issue of foreign birth was particularly important in the Senate, whose responsibilities would extend to the review of international treaties. While the Framers were concerned that the Senate, especially, might be subject to foreign influence, they did not wish to offend foreign allies or close the institution to meritorious naturalized citizens. The 9-year provision made the Senate requirement 2 years longer than that for the House of Representatives. On August 13, the Convention confirmed the 9-year requirement by a vote of 8 States to 3.

Inhabitancy: Although the Parliament of Great Britain repealed its residency law in 1774, no Convention delegates spoke against a residency requirement for Members of Congress. The qualification first came under consideration on August 6 when the Committee of Detail reported its draft of the Constitution. Article V, section 3 stated, ''Every member of the Senate shall be * * * at the time of his election, a resident of the state from which he shall be chosen.''

Two days later, Roger Sherman moved to strike the word ''resident'' from the portion of the clause that related to the House, and insert in its

place ''inhabitant,'' a term he considered to be ''less liable to misconstruction.'' Madison seconded the motion, noting that ''resident'' might exclude people occasionally absent on public or private business. Delegates agreed to the term, ''inhabitant,'' and voted against adding a time period to the requirement. The following day, they amended the Senate qualification to include the word, ''inhabitant'' and passed the clause by unanimous agreement.

We now turn to the issue of who gets to make executive and judicial nominations. Argued over the course of several weeks, the Constitution's nomination clause split the delegates into two factions. The first faction wanted the executive to have the sole power of appointment. The second wanted the Senate to have that responsibility. The second faction followed precedents that the Articles of Confederation and most of the State constitutions had established favoring legislative appointment. The Massachusetts constitution offered yet another approach. This third way particularly interested the convention delegates. For over 100 years, Massachusetts had divided the appointment responsibilities between its Governor, who made the nominations, and its legislative council, which confirmed the appointments.

Rather than adopt the Massachusetts model immediately, the delegates initially agreed to language that split the responsibility in a different way. The President would appoint executive branch officers, who would serve during his term, and the Senate would appoint members of the judiciary because they would hold their positions for life—a period most likely to exceed the tenure and authority of one President. However, the Framers in favor of a strong executive argued that Senate appointments would lead to government by a ''cabal'' swayed by the interests of constituents. Other delegates, fearful of monarchies, wanted to remove the President entirely from the appointment process. On September 4, the Committee of Eleven reported an amended appointment clause. Unanimously adopted on September 7, the clause, based on the Massachusetts model, provided that the President ''shall nominate, and by and with the advice and consent of the Senate, shall appoint'' the officers of the United States—certain officers.

As they debated the controversial treaty-making clause, the Constitutional Convention's delegates considered, but did not follow in whole, those precedents with which they were most familiar. In Great Britain, treaties were made by the king and, in certain cases, had to be approved by a majority vote in Parliament. The Continental Congress, which had no executive branch, dispatched agents to negotiate treaties. The treaties only went into effect after two-thirds, 9 out of 13, of the States approved the documents. This inefficient process was further complicated by the States' ability to enter into their own treaties. While the delegates agreed that the States could not continue to make treaties with foreign powers, they disagreed over the manner in which the United States should negotiate, draft, and ratify international agreements.

On August 6, the Committee of Detail reported a preliminary Constitution to the full Convention. Article IX, section 1 stated, ''The Senate of the United States shall have power to make treaties, and to appoint Ambassadors, and Judges of the Supreme Court.'' Throughout August and into the month of September, the delegates debated treaty-making as a separate issue from the rest of the clause. Several delegates opposed granting the Senate the sole control over treaty-making. It is a good thing that they did. While some wanted the executive to have that responsibility, others advocated involving both houses of Congress in the process. Small-State delegates, however, were inclined to keep the Committee of Detail's treaty clause because it gave each State an equal say in the adoption or rejection of treaties.

On September 4, the Committee of Eleven reported a treaty clause that appeased many of the delegates. This is what it said: ''The President by and with the advice and Consent of the Senate, shall have power to make Treaties.'' After further debate, the delegates unanimously approved the clause on September 7. However, the clause was taken up again, this time to add to it the words, ''But no treaty shall be made without the consent of two-thirds of the members present.'' Shortly thereafter, the Convention passed James Madison's addition, ''except in treaties of peace,'' which would be ratified by a simple majority vote. The next day, the delegates struck out the peace treaty exception and considered dropping the Senate supermajority requirement as well. However, after two delegates cited the Continental Congress' ''two-thirds of the States'' example, they voted to keep the two-thirds of the Senate provision.

Although adopted by the Convention, the treaty clause continued to stir debate in the period before the Constitution's ratification. As one of the clause's strongest proponents, Alexander Hamilton defended the provision in The Federalist 75. Remarkably, given the delegates' extreme dissension over treaty-making, he wrote, the clause ''is one of the best digested and unexceptionable parts of the plan.''

Let me pause here to say that we can witness the Convention as it worked. And we know that time after time after time the Convention would vote one way one day, and a few days later vote on the same matter again and vote a different way, and then perhaps vote again before the close of the Convention and arrive at an entirely different conclusion.

If the Convention had been open to the public, the Framers would have been severely restricted and constrained, and would have paused and thought once, twice, and three times, and more, before they would have changed their votes. They might, on a later date, have come to believe that in the earlier vote they had voted the wrong way.

By having the closed Convention, by meeting secretly, they were able to have full discussions of a matter, have a tentative vote, vote one way, perhaps a few days later vote a different way, and in the final analysis, in order to do the right thing, after considerable reflection and after hearing the arguments of others, vote again finally and, perhaps, differently.

That would have been very difficult to do had there been galleries, had there been the media, newspapers, had there been television—which, of course, there could not have been. It would have been difficult.

I say that to say that in some situations voting in executive session, in secret session, may, in the last analysis, be in the best interests of the country.

Early in the Convention, most delegates agreed that the inclusion of an impeachment provision would help to hold national officers accountable for their actions. Throughout the summer of 1787, committee members reported impeachment plans to the full Convention. The Virginia Plan proposed a supreme tribunal to hear and determine cases including, among other concerns, the ''impeachments of any National officers.'' On June 13, the Committee of the Whole amended the plan to provide that the President could be ''removable on impeachment of malpractices or neglect of duty.'' The revised measure did not specify the procedures for trying the President. In June and July, the Framers debated whether Congress should have a role in the impeachment process. Roger Sherman—there that Connecticut delegate is again—Roger Sherman asserted that the ''National Legislature should have the power to remove the Executive at pleasure.'' Virginia's George Mason objected to Sherman's plan, claiming that the President would become merely a ''creature of the Legislature.'' John Dickinson of Delaware countered with an unsuccessful motion to make the executive ''removable by National Legislature at request of majority of State Legislatures.''

You see, they were all over the place.

On August 6, the Committee of Detail reported that the House of Representatives ''shall have the sole power of impeachment'' and the executive ''shall be removed from his office by ''conviction in the Supreme Court, of treason, bribery, or corruption.'' Two weeks later, the committee added that ''the judges of the supreme court be triable by the senate, on impeachment by the house of representatives.''

Can you imagine what it would be like in this day and time to have a Constitutional Convention with all the doors open, the windows open, the galleries open, the media there? After

every vote, Members would rush out the door to get before a camera and explain their votes. Members would not later be able to easily change their minds and their votes upon more careful thought, upon more considered reflection.

So there are those today who would hem and haw and holler: Oh, we must not do this. We cannot do this. The people are entitled to hear everything we say.

Well, those Framers were very wise men. It was they who wrote this Constitution which I hold in my hand. Of course, there have been some amendments added later, but those men were wise men. And, remember, they were placing their lives, their fortunes, and their sacred honor on the barrelhead.

Of course, we had fought a war, but many of them were among those who voted on the Declaration of Independence in 1776.

The constitutional plan then went for review to a committee consisting of one member from every State represented at the Convention. The committee removed the full Supreme Court from the process. The report, influenced by the Massachusetts Constitution of 1780, stated, ''The Senate of the U.S. shall have power to try all impeachments [by the House of Representatives]''—naturally—''but no person shall be convicted without the concurrence of two thirds of the members present.'' Ah, there you have it now. Alexander Hamilton later explained this decision noting that no other institution would be sufficiently dignified—no other institution would be sufficiently dignified—or independent to handle the proceedings. The Framers debated the clause on September 8 and despite Madison's objection that the executive would become dependent on the legislature, the Convention, thank God, passed the final measure by a vote of eight States to two.

Mr. President, there are, of course, other provisions in the Constitution that guide the operations of the Senate. But, those that I have just discussed serve to stoke our appreciation for this extraordinary charter of government that we are talking about. In closing, let us consider the words of James Wilson, one of Pennsylvania's eight delegates to the Convention. Here is what James Wilson told a meeting of Philadelphia citizens several weeks after September 17, 1787:

> Perhaps there never was a charge made with less reason, than that which predicts the institution of a baneful aristocracy in the federal Senate. This body branches into two characters, the one legislative, and the other executive. In its legislative character, it can effect no purpose without the co-operation of the house of representatives: and in its executive character, it can accomplish no object, without the concurrence of the president. Thus fettered, I do not know any act which the Senate can of itself perform: and such dependence necessarily precludes every idea of influence and superiority. But I will confess, that in the organization of this body, a comprise between contending interests is discernible: and when we reflect how various are the laws, commerce, habits, population, and extent of the confederated States, this evidence of mutual concession and accommodation ought rather to command a generous applause, than to excite jealousy and reproach. For my part, my admiration can only be equaled by my astonishment, in beholding so perfect a system formed from such heterogeneous materials.

What a Constitution!

I have often thought that the Creator of heaven and earth also had his hand in the creation of the Constitution of the United States. Whenever, wherever did such another illustrious gathering of men ever occur? And why at this particular time? Had it been 5 years earlier, the Framers may have lacked the experience that they ultimately had gained under the Articles of Confederation which enabled them to add provisions that would avoid some of the problems with which they had been confronted under the Articles.

The country, such as it was at that time, the citizenry might not have yet had enough time—I say this particularly with reference to the leaders of the Convention and the other members—to so convincingly move them to the idea that mere amendments to the Articles of Confederation would not really be enough. There had to be a new start, a new beginning. They went outside the parameters of their authority to initiate that new beginning.

Had it been 5 years later, it might have been impossible, because by then we were seeing the excesses of the French Revolution, with men and women being hauled to the guillotine. And so perhaps that is where God had His hand. It happened at the right time. It brought together the right men, learned men, wise men, experienced men.

I thank Providence for this Constitution and for the men who had the foresight and the vision, the courage, the ability to listen to others and to change their minds. We can be thankful. But we should also be fully aware of our responsibilities to preserve that great document and to amend it only with great care and after great deliberation.

At this perplexing time in this year of our Lord 2001, we must be ever more on guard that we, as the elected Representatives of a great people, as we go forth, hold in our hands, as it were, the Constitution of the United States; that we resist any temptation because of the demands of the moment, the exigencies of the day, we resist the temptation to put that Constitution aside in order to avoid debate and expedite the business before the Senate. Let's not hesitate to ask questions. Let's look before we leap.

I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is not.

AMENDMENT NO. 1573

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator BURNS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. BURNS, proposes an amendment numbered 1573.

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

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

The amendment is as follows:

> (Purpose: To authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center)
>
> At the end of title VI, insert the following:
>
> SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as 'War Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.
>
> (b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. MCCONNELL. Mr. President, I rise today to offer an amendment which would authorize the Secretary of the Treasury to use such funds as he deems appropriate to establish and make available war bonds for purchase.

I am proud that along with a bill that Senator BURNS and I have offered which is pending as this amendment, there are at least four other measures which have been offered that would create a new investment vehicle for Americans who are anxious to contribute to the war on terrorism. Clearly, the Congress and the American people are anxious to establish such a program.

Each of the bills which have been introduced are similar. In fact, two of them adapt the language Senator BURNS and I originally introduced almost verbatim. It is safe to assume that the goal of each of the sponsors is identical. That goal is to develop a way for patriotic Americans to contribute directly to the effort to rebuild the broken and retaliate against the enemy of international terrorism.

How many times have we heard over the last few days from our constituents: What can I do to help? The war bond is a way to help.

There has been a great deal of wonderful and soaring rhetoric on display since the terrible attacks of September 11, 2001. These words have helped our Nation steel its resolve and recognize

the imperative of rooting out terrorism wherever it may lurk. As a result, the public is unified in its desire to take decisive action. The legislation that Senator Burns and I are offering today would allow the Secretary of Treasury to channel and sustain American compassion and unity.

Specifically, we propose allowing the Secretary to establish a new form of U.S. savings bond that would be designated war bonds. The war bonds would be in such form and denominations and be subject to such terms and conditions that the Secretary deemed most appropriate.

Some have pointed out that current economic conditions may argue against the need for war bonds to be used as a tool for funding the war on terrorism. I argue that view misses the most important point. There is no question that America is the most powerful nation economically and militarily on earth. However, what is less certain is the very nature of this effort, and a war bond campaign could be an invaluable tool for the government to explain the complex nature of the threats we face and rally all Americans to help provide necessary responses.

If the Government chooses to engage in this effort, I envision a war bond drive similar to those that were so successful during World War II. Influential Americans could be engaged to lead the education effort across the country, and all Americans would have the ability to participate in what is going to be a lengthy and complicated challenge. Success would be measured less by how much revenue is raised than by the Government's ability to maintain overwhelming approval of the actions it must undertake as we seek to eradicate the threat of terrorism.

Additionally some may argue that our use of the term ''war bonds'' is incendiary or inappropriate. Again, I would differ with this view. There is no question that the attacks of last Tuesday were acts of war. And, there is equally little doubt that America now finds itself in a state of war against the perpetrators of those vile and evil acts. Additionally, the phrase ''war bonds'' evokes the successful efforts which were undertaken during World War II. And if there is any doubt about how war bonds resonate with the American people, one need only look at the overwhelming response my office has received since introducing this legislation last week. In fact, I have even been contacted by one patriotic American who has reserved the domain name www.warbonds.gov as well as a toll free number for a war bonds drive.

In closing, I ask my colleagues to join me in supporting this amendment which would allow the Secretary to establish war bonds and continue a long and proud tradition of American citizen involvement in our Nation's most important causes.

Mr. BURNS. Mr. President, today, I proudly join my dear friend and colleague, Senator MITCH MCCONNELL, in offering an amendment to the Treasury, General Government Bill introducing the War Bond Amendment of 2001.

This legislation is in response to the many constituents in my state and indeed, Americans from all over this country, looking for a tangible opportunity to do something positive in reaction to the despicable acts of cowardice perpetrated upon this nation and its citizens by gutless and faceless cowards.

The act will create an opportunity for ordinary citizens to participate in this country's recovery and response to those acts and to support the President and our nation in the rebuilding efforts as well as bringing to justice those responsible for the horrific death and destruction of Tuesday, September 11th, 2001.

Throughout this nations history, bonds have been used as a vehicle for our citizens to come to the aid of this nation and now, as much as ever in our nations history, the combined support of our people is needed. By investing in these bonds, Americans are given a way to feel a part of the solution rather than feeling helpless in the face of these terrible events of last week.

Americans are not only demanding action, they are looking for an opportunity to be of service themselves, to demonstrate their commitment to this country and to do it in a meaningful, tangible way. This bill is one answer to that demand and that opportunity.

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

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

The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

THE STARK REALITY OF THE WORLD TRADE CENTER ATTACKS

Mr. SESSIONS. Mr. President, in the midst of the disaster we saw in New York, we had a number of images all of us will remember. One that will stick in my mind was as one of those great buildings was collapsing and the smoke and the dust and debris were barreling down the streets and people were running away, one of those people who was running was a fireman. As he got to a certain point, he slowed down, took off his hat and threw it as hard as he possibly could.

That courageous professional at that moment knew hundreds, perhaps thousands, were dying in that building and he could not save them, that many of his friends and brother firemen had been there at the scene closer than he, inside the building, and that they would not make it out.

It was a very poignant scene for me, and having been involved in some of these issues on the Judiciary Committee and as a Member of the Senate, I think it is important for each one of us to remember that in any terrorist attack, any really serious national disaster we have in this country, it will not be the Federal Government that is first on the scene. It will be our police officers and firemen, hundreds of whom we lost in New York City, doing what they were paid to do—respond to the scene, to give aid to those in distress, at the risk of their lives. Certainly the Biblical reference that ''Greater love hath no man than this, that a man lay down his life for his friends,'' applies to those people.

We as a nation know we have problems with terrorism. We as a nation have heard people talk for days on television that we could be facing a chemical or biological attack or even a nuclear attack.

We need to ask ourselves, and we have been asking ourselves in this Senate for some time, and I have been actively involved in this, how are we training those first responders who are there to react to that event. Each event is different. This event is different from a biological attack, a chemical poison gas attack would be different from a biological attack, and a nuclear attack would be different. And who knows what else could be conjured up in the minds of these diabolical people.

It is important for this Nation to fulfill our obligation to those people we will be sending out to respond to these events, that they have the very best in equipment and the very best knowledge and training on how to handle each and every one of these events, each being different from the other.

We have begun to make progress on that. I congratulate Senator BYRD, Senator JUDD GREGG who chairs the relevant subcommittee, Senator RICHARD SHELBY of Alabama, a member of the Appropriations Committee, and others who have over the past few years taken steps to establish programs to train those first responders, those firemen, those policemen, those emergency medical technicians.

I am particularly interested in the Center for Domestic Preparedness at Anniston, AL, a center developed around 1997, 1998, where they are training 5,000 first responders from all over the country. That center is in the old Fort McClellan, the military base that was a chemical training school for the U.S. Army that had a cadre of people with expertise in chemical and biological issues, and it had live agent training forces for them. They had the barracks from the closed military base, places to stay, exercise rooms, and classrooms available. It was the perfect location to establish this center. It has done well.

Just a few weeks before this tragedy occurred, I was very pleased to see we

had a major increase in funding for that center, taking us now to $30 million for the year. Of the total of the perhaps $20 billion we spend on terrorism, maybe more in this country, it is very small. But that will allow us, if it becomes final law this year—and I hope it will, particularly after this tragic event—to train, instead of 5,000 first responders a year, 10,000 first responders a year. They will be able to deploy them around this country. In fact, many have already been trained. We have received great references from the people who have completed the training. The chiefs of police and firemen who sent their members to the school have bragged about the training they received. Indeed, New York has sent a lot of people there; 146 of New York police and firefighters have been trained as first responders and 226 in the Washington, DC, metro area have been so trained. We are making progress. I believe it is the right thing to do.

At a time like this, we don't need to overreact. We don't need to do things that are not appropriate. But we need to coalesce all the information we have been gathering for a number of years that relates to the kind of attacks this Nation may face, take that information and make decisions about how to be better prepared. One of the most critical things we can say is every first responder, every firemen, every policemen, every emergency medical technician in the country needs to have been given by his or her Federal Government the best information we can give them when they are asked to put their lives on the line and respond to an attack.

We have equipment and we need to make sure we can use the equipment to determine if it is a biological agent or chemical agent that may be distressing people in a certain area of town. We need to know that before we go in there. This is a matter about which I feel strongly.

It is appropriate, as so many have, to pay the highest tribute to those people, particularly in New York City, who are at great risk of their lives, and many of whom lost their lives, responded to the care and protection of American citizens. We give great tribute to them. We also must give them the tools, the information, the training and equipment so they can be even better at protecting our citizens' lives and even better at protecting their own lives.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—Continued

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

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

Mr. DORGAN. Mr. President, one of our colleagues, Senator MCCONNELL, today offered an amendment. I believe that amendment dealing with the issuance of war bonds is now pending. Another of our colleagues has a proposal in the form of an amendment dealing with what are called unity bonds. That is Senator JOHNSON from South Dakota. He asked that this be introduced on his behalf, and as manager I will do so.

I ask unanimous consent that we set aside the McConnell amendment.

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

AMENDMENT NO. 1574

Mr. DORGAN. Mr. President, I send an amendment to the desk offered by Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. JOHNSON, proposes an amendment numbered 1574.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unity Bonds Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a national tragedy occurred on September 11, 2001, whereby certain individuals tried to steal America's freedom;

(2) Americans stand together to resist all attempts to steal their freedom;

(3) united, Americans will be victorious over their enemies, whether known or unknown; and

(4) Americans must respond to this tragedy in a spirit not of revenge, but of justice.

SEC. 3. AUTHORIZATION FOR THE ISSUANCE OF UNITY BONDS.

Section 3102 of title 31, United States Code, is amended by adding at the end the following:

''(f) ISSUANCE OF UNITY BONDS.—

''(1) IN GENERAL.—The Secretary shall issue bonds under this section, to be known as 'Unity Bonds', in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

''(2) USE OF PROCEEDS.—Proceeds from the issuance of Unity Bonds shall be used to raise funds to assist in recovery and relief operations following the terrorist acts referred to in paragraph (1), including humanitarian assistance, and to combat terrorism.

''(3) FORM.—The bonds authorized by paragraph (1) shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary may prescribe.''.

Mr. JOHNSON. Mr. President, I rise today to offer a bill to unite our citizens in this time of great crisis. As Americans, we feel many emotions, from anger to sadness, because of the tragedy of the terrorist attacks this past week.

The American people have responded with incredible acts of heroism, kindness, and generosity. The outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts. This response is the true American spirit our country has always known.

So many of my constituents in South Dakota have called my office this week to ask what they can possibly do to help their fellow Americans who are suffering today. Many have given blood, others have donated to aid organizations, and most have offered prayers for the victims and their families. One woman asked whether she could buy the equivalent of the old war bonds that allowed our citizens to contribute to the war effort back in World War II.

Based on my constituent's idea, today I am introducing legislation that directs the United States Treasury to issue Unity Bonds. Americans who purchase these savings bonds will be contributing to disaster relief to the victims of Tuesday's attack and to our Nation's war against terrorism.

We will recover from this week's attacks. We will rebuild our Nation's infrastructure, and we will rebuild our Nation's spirit. But it will take a sustained, long-term effort to stamp out terrorism against the United States and all other liberty-loving nations.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. I urge you to join me in helping to unite our citizens.

Mr. DORGAN. Mr. President, I think both of my colleagues, Senator MCCONNELL and Senator JOHNSON, have offered constructive ideas. They come at it in a slightly different way, but their amendments are very similar. It is my hope that perhaps they can get together and bring their amendments together, and together offer it today as well.

I don't know whether we will finish this bill today. My hope is that we can find a way to actually finish this legislation today. I don't know that we have any requirement for a recorded vote on our side. I don't know whether they have a requirement on the Republican side.

But my hope is that perhaps if we can finish this bill today, we can have a vote and perhaps seek a rollcall vote on the conference when the conference report comes back. But that is up to the members of both caucuses. We will not make that request at this moment.

I hope that perhaps other people will consider that. We have a number of amendments that have been discussed. We are now in the process of trying to determine what the list of amendments will be, and we hope to have that at some point. I would like to believe that we can, if we work hard, deal with the amendments we know of on our side and the other side, and try to complete this bill pretty much this evening.

Mr. President, I will wait for a bit. I have a managers' amendment, a managers' package that I will send to the desk in a few minutes. It has been

cleared by my colleague from Colorado. I know he is working on some other business relating to this bill off the Senate Chamber.

Let me, for a moment, while I am waiting for my colleague to come, and before I offer the managers' package, speak as in morning business, if I might, for 5 minutes. I ask unanimous consent to speak as in morning business for 5 minutes.

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

THE AGENDA OF THE SENATE

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the agenda in the Senate. Part of that agenda is, of course, what we are doing in this Senate Chamber today; that is, as President Bush is indicating to the American people, we are getting back to work. It is what we want to have happen in this country.

What happened last week was an unspeakable horror visited upon us by terrorists. It took so many thousands of lives of innocent Americans. We grieve for them. But the President said: We must go back to work. And so we must, in the Senate as well.

Our work largely remains the appropriations bills that we must complete. We are required to complete them by October 1. It is almost certain we will not be able to do that with all the appropriations bills, but we need to work hard to make that happen.

Today we bring one appropriations bill to the floor of the Senate; and that is the Treasury, Post Office, general government bill. It is a very important piece of legislation because, as I indicated, it contains money for counterterrorism, it contains money for about one-half of the Federal law enforcement system, including the Customs Service, the Office of Foreign Assets Control, the Secret Service, and so many other vital functions.

I think if we could pass this legislation today, or no later than Friday morning—but perhaps this afternoon—it would send a wonderful signal to the American people that when the President said, let's all get back to work, the Senate took that seriously, and we have gotten back to work, and we have moved a piece of legislation today that represents one very important subcommittee on the Senate Appropriations Committee.

I know my colleague, the chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, have worked very hard. I am so proud to serve with them on the Appropriations Committee. They work very hard to try to get these appropriations bills moving and get them through the Senate. If we can get this piece of legislation done today, I think it will be a great signal to send to the American people.

Part of the agenda, and the immediate part for us, is to pass appropriations bills. But there are, it seems to me, three significant issues that the Senate and the Congress and the American people must grapple with in a very serious way, with perhaps more determination than we have had for a long while as a nation.

One is the issue of terrorism. We now know that terror visits this land in a fashion that we have never before thought possible. The result is that we must not only recover from the acts of terrorism that occurred last week, we must work very hard to prevent those kinds of acts of terrorism from being committed in the future.

We know there are cells of terrorists that operate in this country. We know there are training camps for terrorists in other countries. We know there are people who very much would like to strike right at the heart of this country. So we must wage a war against terrorism, as President Bush has indicated. We must do so thoughtfully, not recklessly. We must do so in a vigilant way, every day, in every way, to try to be sure, as an American people, that we retain our freedoms but, at the same time, we try to reduce the risk of terrorist acts.

It is going to cost some money to do so. If we are, for example, going to put sky marshals on commercial airplanes flying in the country, that takes manpower, it takes money, it takes resources, yet we do not have much of a choice. If we are going to beef up security at airports so that people who are flying on commercial airplanes in this country have a feeling of safety and that we have substantially tightened security, that is going to require some money, but we do not have much choice.

If we are going to give the opportunity to our intelligence community, and the FBI, the CIA, and the law enforcement community—if we are going to give them the tools they need to try to take down these terrorist cells, and to try to track down the terrorists who committed these acts, and to track down terrorists who might commit future acts and prevent those acts from occurring, it is going to require some money and some resources.

I think all of us in Congress have to be willing to do that. I know there are some recommendations that will be controversial with respect to this war that we wage on terrorism.

The Attorney General made a recommendation the other day that I know will be controversial, and yet I do not think we have much choice in this matter. He talked about the circumstance that now exists when you get a wiretap order from the Federal court that allows you to wiretap only with respect to one telephone instrument the conversations of a suspected terrorist.

It seems to me, as the Attorney General has suggested, that if you have someone who is a suspected terrorist, and you have been able to make that case to a Federal court and are able to get a Federal court order, it ought not just apply to one telephone, it ought to apply to the phone calls made by that suspected terrorist from whatever telephone that suspected terrorist uses.

That is an example of the kind of policy changes we are going to have to consider, some of which will be controversial, but we do not have much choice if we are going to protect this country.

I do not want America to have to give up a lot of civil liberties in order to meet these protections that we now need, but we also need to understand that we need, as Americans, to be vigilant—all of us. It is not just about law enforcement, it is about all of us being vigilant and understanding that if we see something that is unusual, if we see something that we think should offer us concern, that it be reported.

So this war on terrorism is a very serious—a deadly serious—war that will be waged by all of us to try to prevent future terrorist acts in this country.

Even as we focus on that issue—terrorism, counterterrorism, rooting out the terrorists, finding out who did what was done last week with such madness in our country, and punishing them, and trying to prevent future acts—even as we do that, we have a couple of other things that are of paramount importance; and that is, we need to provide some additional vibrancy and restore life to this country's economy.

Even before the deadly acts last week, our economy was softening, and that softening of the American economy was causing significant problems. What happened last week has caused significant shock to the American economy. As a result of that shock, many of us worry a great deal that the confidence in this country's economy will suffer, the American people will lose confidence, and that we will see a further spiraling of economic difficulties.

So it is very important for all of us—the President and the Congress, Republicans and Democrats—to work to see if we can begin to pump some life into this economy. That means that almost certainly we will have to consider some kind of economic stimulus program, some kind of fiscal policy that matches what the Federal Reserve will do in monetary policy that provides some life and some buoyancy to an economy that has been in trouble.

The most important thing we can do is offer hope to the American people that in the long term the American economy is one to invest in; this is an economy of hope, optimism, and economic growth in the long term. We go through periods of upturns and downturns. There are inevitable contractions and expansions in the American economy. That will never change.

But we were going through a contraction at about the same time we were hit with these disasters last week, and that spells real trouble. All of us need to catch this economy very quickly and try to provide some new life and vibrancy to it. I think the President

will find willing hands in Congress, wanting to help him lift the kinds of policies necessary to boost this economy.

Some are talking, I know, about, for example, tax cuts, a capital gains tax cut. Frankly, I do not think we ought to be talking about a tax cut that will persuade people to sell stock at the moment. If you substantially create more demand for selling stock at a time that the stock market is moving downward, you are creating exactly the wrong influences. So a capital gains reduction is not, in my judgment, the right medicine; at least it is the wrong medicine for this illness.

I think, for example, investment tax credits might be something that could provide some stimulus. There are a whole series of things you could put in a menu that you could conceive would provide stimulus to this economy. But I think we have to have that discussion. And we have to work with President Bush and the Congress to put something together that says to the American people: We understand this economy has some difficulty. We are going to move quickly and decisively to respond to it, to give you hope that this country's economy will have a bright future and this country's economy will continue to grow.

In addition to all of that, what happened in this country ought to remind all of us that there is, in fact, an urgency to write an energy policy for America.

Without energy, this country doesn't work. Without energy, we don't have an economy. Without energy, America's lights are off. America's machines are shut down. The American economic engine doesn't run. We are a country that consumes an enormous amount of energy with a set of energy policies that are very vulnerable to terrorists. We are far too dependent on foreign sources of energy, and we have a system of energy for our country that is far too vulnerable to potential terrorist attacks.

We need a new domestic energy policy, one that says, yes, we are going to produce more, more oil and more natural gas, not necessarily from the most fragile lands in the world. We don't need to do that. Yes, we are going to produce more. We are going to produce more coal, and we will do that using clean coal technology. We don't have to sacrifice our environment even as we use more coal.

Importantly, we are also going to begin to conserve. Conservation is a very important ingredient in an energy policy that works. We also need to begin to focus more of our resources and more of our determination to find renewable and limitless sources of energy. It makes good sense for us to take the energy from the wind. The new technology wind turbines are remarkable. Why not use that energy from the wind that is limitless and renewable?

It makes good sense to take a drop of alcohol from a kernel of corn. You extend America's energy supply with that alcohol, and you still have the protein feedstock left from the corn.

It makes good sense to do things in a different way. Yes, we need to produce more, more oil, more natural gas, and more coal. Yes, we need to do that while we pay attention to this country's environment. We can and must do that. But also we need conservation. We need more efficiency of appliances, and we need renewable and limitless sources of energy developed in a very significant way.

I say that because when we talk about these three elements of public policy that require an urgency on the part of Congress, dealing with counterterrorism, trying to provide lift to an economy that is in trouble, and writing an energy bill that makes us less vulnerable to terrorist attacks and the shutoff of the supply of oil from the Middle East, all of these represent an urgency that Congress must tackle.

We must do this in a way that makes sense. This can't be business as usual. It can't be, ''The President believes this and we believe that. Let's have a fight for 5 or 6 months.'' It must be taking from the President and from Members of Congress the best of what all have to offer and from that developing a public policy that will strengthen our country, strengthen our country in the area of fighting terrorism, in trying to give our economy the lift it needs at this point and in making us less dependent on a source of energy that is vulnerable.

All of these represent an agenda that is critical to our country.

Could I talk about other things? Yes, there are plenty of other things yet to do. We know we need the kinds of things we were debating before the terrorist act last week. We were debating campaign finance reform, a Patients' Bill of Rights, the cost of prescription drugs. All of those things are important. None of them have lost their importance in the scheme of trying to do the people's business in the Congress. But there is an urgency to several of the elements of public policy that we must pay attention to first: terrorism, the economy, and energy.

I, for one, pledge to this President and my fellow Members of the Senate that we must come together in a way that we have never before done—at least in recent years—to grab these policy issues and try to find the best that everyone in the Chamber has to offer and work with the President to make the changes necessary to strengthen America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

Mr. DORGAN. Mr. President, the pending amendment is the Johnson amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Johnson amendment be set aside.

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

AMENDMENT NO. 1575

Mr. DORGAN. Mr. President, I intend to send to the desk a managers' package that I have worked together with Senator CAMPBELL to construct. On behalf of Senator CAMPBELL and myself, I send a package to the desk that includes two technical amendments regarding the National Archives; a Campbell for Domenici technical correction of a provision in the fiscal year 2001 Treasury appropriations law regarding a road leading to the Columbus, NM, border crossing; a Dorgan for Nelson and Graham amendment transferring a parcel of land in Orlando, FL; an amendment making available certain funds for agency personnel training at the Federal Law Enforcement Training Center at Glynco, GA; a Dorgan for Byrd technical amendment changing a reporting date for the U.S.-China Security Review Commission; a Dorgan amendment regarding HIDTA; a Dorgan-Campbell amendment regarding the directors of the Presidential libraries; a Dorgan-Campbell amendment for Feinstein regarding extending the printing date of the breast cancer awareness semipostal stamp; a Campbell amendment for Senator SHELBY regarding canine training.

I send the managers' package to the desk and I ask my colleague from Colorado to comment on it as well. I understand it is cleared.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this amendment has been cleared by the minority.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CAMPBELL, proposes an amendment numbered 1575.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, am I correct the managers' amendment is pending?

The PRESIDING OFFICER. The managers' amendment is pending.

Mr. DORGAN. I ask unanimous consent that the managers' amendment be agreed to.

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

The amendment (No. 1575) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. I ask unanimous consent that I be recognized as in morning business for the purpose of introducing a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the submission of S. Con. Res. 66 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ROBERT BONNER

Mr. BAUCUS. Mr. President, I rise to urge the Senate to act very swiftly to confirm the nomination of Robert Bonner to be Commissioner of Customs.

I remind my colleagues that Customs is one of the first lines of defense we have in our country. They inspect baggage and the goods of people coming into the United States. They help to assure that we are safe by inspecting any item that might threaten our national security and public welfare. They do a good job.

Last week's attacks demonstrate how important it is that Customs and all of our agencies have our full support. We must make sure that the agency is as robust as we possibly can.

What is the problem? The problem is that the Finance Committee has reported out Mr. Bonner to be Customs Commissioner, and someone on the Senate floor is holding him up. We cannot put him in place because there are a few Senators who for some reason don't want him to be Customs Commissioner.

I strongly urge this body to quickly and immediately confirm Robert Bonner to be Commissioner of Customs. He is more than eminently qualified. I cannot think of a more qualified person. He has been a Federal district judge. He has been the head of the DEA. He has an extensive background and experience for the job.

I have personally met with him. I have spoken with him. I have asked many questions of him. He is one of those people who—as soon as you sit down and talk with him—you immediately know has it. He is qualified. He is going to do a great job. I guarantee you that he will be terrific.

This is the very time that we need him to get on the job. The Acting Commissioner, Mr. Winwood, is doing a great job. I met with him for a good couple of hours last week getting a security briefing on what Customs is doing. He is terrific, too. But he needs help. He very much urged me to do all I could to help the Senate confirm the nomination of Mr. Bonner.

I call upon my colleagues. Come on. We are Americans. Let's work together. Let's get the job done. Mr. Bonner is a great man. Let's confirm him so we can get him on the job and so Customs can begin to do the things it wants to do and continue to do in helping protect our country.

I also say that part of that is strengthening our Customs Service along the northern border. I am quite concerned. In my State of Montana there are reports of a lot more goods coming across the border—sometimes, of all places, Glacier National Park because it is unprotected and particularly in the summertime. But there is a lot coming across. It is particularly drugs and illegal substances of all kinds. It is becoming a problem. We need stronger Customs enforcement along the northern border.

But to sum up, I plead with my colleagues. Come on. Let's confirm him. He is a good man.

I see my good friend from North Dakota on the floor. I think he has some of the same concerns.

I yield the floor.

Mr. DORGAN. Mr. President, if my colleague from Montana will yield for a question, I heard the statement by my colleague from Montana, and I couldn't agree more. It is critically important at this point in time to have this Congress confirm the President's nominee for the head of Customs. The Customs Commissioner job has been open for some long while.

The President, in my judgment, submitted the name of someone who is a well-qualified person who will do a good job. It is hung up. There is a hold on it over some other issue. It doesn't make any sense.

The Customs Service at this point is right at the center with a range of other agencies having to deal with this terrorist threat. A significant amount of our law enforcement is embedded in the Customs Service. We need good leadership.

The Senator from Montana says the Acting Commissioner is a good guy. I agree with that. I have great confidence in him. But there is nothing quite like having someone there who has been confirmed by the Congress to say: Here is the direction we are going to take with this agency.

It is important this week that we implore our colleagues who are holding nominees up—especially in critical areas—for the sake of this country, to get out of the way and to get the President's appointees, especially for an agency such as this, in place.

Mr. Bonner is a well-qualified man who will do a great job.

I just wanted to say how much I appreciate the statement by the Senator from Montana.

Mr. BAUCUS. Mr. President, if I might, I very much thank my colleague for his statements as well. This Senate, when it is business as usual, probably is not quite as efficient and productive as it could be. I am a firm believer in the basic underpinnings of democracy. We don't want to be too efficient, because as representatives of our people from different parts of the country, there are different aspirations, different hopes, and different points of view. We want a melting pot kind of basis to work together and pass legislation. But this is not the time for business as usual. We have a national crisis. We are virtually at war. There is a lot of talk of unity and of working together. There has been tremendous cooperation in both Houses, by both parties, and at both ends of Pennsylvania Avenue. But on something as vital as this, I just very much hope that whoever the one, or two, or three Senators are who for extraneous, independent, and separate reasons—whatever they may be—are holding up Mr. Bonner, that they will reconsider for the sake of our country, and particularly with an agency as important as this at this time.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1576

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to send an amendment to the desk and have it considered.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 1576.

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

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

The amendment is as follows:

(Purpose: To authorize State, regional, or local transportation authorities that receive Federal Transit Administration assistance or grants, to purchase heavy-duty transit buses through the General Services Administration)

After section 642, insert the following:

SEC. 643. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself and Senator DOMENICI. It authorizes State and local transit authorities that receive Federal transit assistance to purchase transit buses through the GSA list. That is the General Services Administration list.

Currently only the Washington Metropolitan Area Transit Authority has the option to purchase buses through the General Services Administration. The amendment would open up that option to other public transit agencies around the country that also receive Federal transit assistance, as the Washington Metropolitan Area Transit Authority does.

The General Services Administration currently offers three heavy-duty transit buses on its schedule. GSA selected the three as a result of competitive solicitations, and the companies had to bid attractive terms and prices in order to win those 5-year contracts and get on that list for the General Services Administration.

Allowing other public transit agencies the option to purchase these buses from GSA would result in substantial cost and time savings for these agencies. This would, of course, be especially valuable to some of our smaller communities around the country.

The new authority is limited only to transit buses and options offered by the General Services Administration. So the resulting demand will be limited only to transit agencies that want the specific bus that GSA offers. This does not require anyone to buy anything. This does provide an option that they can use for purchasing if they desire to do so.

However, in the next 12 to 18 months, GSA plans to broaden the program to a multiple award schedule with a larger variety of vehicles and optional equipment choices, which of course will benefit everyone.

We understand GSA is concerned that it may not be able today to adequately implement this new option. Consequently, the amendment directs GSA to notify the committee of jurisdiction if it finds that the program is resulting in unanticipated costs or impacts. We try in the language to give GSA the opportunity to do that if they determine that that is required.

This is a meritorious amendment. It is one I would very much like to see adopted as part of this legislation. I urge my colleagues to support it.

I yield the floor.

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

If not, the question is on agreeing to amendment No. 1576.

The amendment (No. 1576) was agreed to.

Mr. DORGAN. 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. CARPER. 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. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

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

ACTS OF BRAVERY AND KINDNESS FOLLOWING THE TERRORIST ATTACK

Mr. CARPER. Mr. President, during the course of the past week, we have witnessed extraordinary acts of bravery: aboard the aircraft that were hijacked, at the World Trade Center Towers, and at the Pentagon.

In addition, we have witnessed extraordinary acts of kindness by people from all walks of life in this Nation who have reached into their own pockets and hearts and sought to comfort those who have lost loved ones, who sought to donate something of their own, including their blood and money, to assist those who have suffered egregious losses.

Earlier this afternoon, I visited the Dover Air Force Base in the State of Delaware and spent time at the mortuary where the bodies of scores of victims of the crash and tragedy at the Pentagon are being taken. There I had the opportunity to thank men and women—active duty reservists, members of the National Guard, and civilians—who have come from all across the country in order to try to identify the remains of those who lost their lives in the crash at the Pentagon, in order to try to be able to provide to families who lost loved ones a sense of closure, to be able to take the remains of their husband, wife, son, or daughter and to be able to give them a proper funeral, to lay them to rest at their final resting place with dignity.

The job is as difficult and challenging as perhaps any job that has been undertaken in the wake of these tragedies. I want to express on behalf of not just the people of Delaware and those of us in my State who are affected, but people throughout the country who are touched and have lost a relative, a loved one, who will have that sense of closure because of the efforts going on today, yesterday, last week, and the days to follow at the Dover Air Force Base.

We are fortunate in this country to have so many heroes and heroines. As I speak some of them are working in the central part of the second smallest State in America.

I yield the floor and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 1577 AND 1578, EN BLOC

Mr. DORGAN. Mr. President, on behalf of Senator CAMPBELL and myself, I send two amendments to the desk and ask they be agreed to en bloc. They are a Campbell amendment for Senators FEINGOLD, GRASSLEY, and HARKIN regarding shipments of day-old poultry, and a Dorgan for Kohl amendment regarding information on foreign animal disease. I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. CAMPBELL, for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1577.

The Senator from North Dakota [Mr. DORGAN], for Mr. KOHL, proposes an amendment numbered 1578.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1577 and 1578) were agreed to, as follows:

AMENDMENT NO. 1577

At the appropriate place, insert the following:

SECTION 1. AMENDMENT TO TITLE 39.

Section 5402(d) of title 39, United States Code, is amended by—

(1) inserting ''(1)'' after ''(d)''; and

(2) inserting at the end the following:

''(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

''(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

''(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005.''.

AMENDMENT NO. 1578

(Purpose: To improve the collection of information relating to the introduction of foreign animal disease)

On page 26, after line 8 insert the following new section:

''SEC. . None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.''

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1578

Mr. KOHL. Mr. President, I congratulate Senator DORGAN and Senator CAMPBELL, chairman and ranking member of the Appropriations Subcommittee on Treasury and General Government, for their fine work in crafting the bill now before the Senate. I also thank them for accepting an amendment I have offered to help strengthen this country's safeguards against the possible introduction of foreign animal disease.

I serve as chairman of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, and we have given substantial attention to the ongoing problems of exotic pests and disease that have been introduced into this country over the years. Attention and concern for this problem has been heightened this past year with reports from the United Kingdom where outbreaks of foot and mouth disease have severely harmed the British economy and, in particular, rural areas in the British Isles. The U.S. livestock sector quickly realized the danger that the spread of foot and mouth disease, and similar infectious diseases, could reach our shores with equally devastating effect.

When Secretary Veneman testified before our subcommittee this spring, she told us that strong measures were in place to reduce the possibility that foreign animal disease would come to America. The fact that to date no such outbreaks have occurred here speaks to the strength of those measures. However, such safeguards are only as strong as their weakest part.

Currently, all passengers coming to the United States on aircraft or by other means are required to complete Customs Declaration form 6059B which poses a set of questions about that individual's activities abroad. Included is a question which asks if the passenger is ''bringing fruits, plants, meats, food, soil, birds, snails, other live animals, wildlife products, or have been on a farm or ranch outside the U.S.'' If the passenger answers this question in the affirmative, he or she is likely to be referred to USDA's Animal and Plant Health Inspection Service, APHIS, for further inquiry. Clearly, this question is designed to help provide the Customs Service with adequate information to know if a referral to APHIS is warranted or not.

I have every confidence that APHIS personnel who serve on the front line of this country's inspection force have the expertise and commitment to ask the right questions and take the right actions to safeguard against foreign pests and disease, such as Foot and Mouth Disease. However, current practice does not ensure that all overseas travelers who have been in the vicinity of diseased livestock will have received proper referral to the appropriate agencies. If a traveler did not visit a farm or ranch, for example, the Customs Service would not have the information necessary to make a proper referral to USDA. Still travelers in rural areas of certain countries, such as the UK may come in close contact with livestock either at county fairs, rural bed and breakfasts, on back country trails, or other settings that may not strike one as a ''farm or ranch,'' but may in fact pose the same level of risk.

My amendment simply requires that any new Customs declaration forms used for entry into the United States ask a question in a manner to alert the traveler to the fact that simply being in the proximity of livestock needs to be brought to the attention of Customs or USDA personnel due to the high risk of foreign borne disease. My amendment does not require the destruction of forms now in use. However, I understand that these forms are now in the process of being redrafted which, I believe, makes my amendment doubly timely. It is my further expectation that until such time that this change is actually put in place, Customs Service personnel will be provided guidance to sensitize them to making further verbal inquiry of travelers who have traveled in countries known to have infectious animal disease outbreaks to determine if they may have been in areas where a likelihood of infection was possible.

Again, my amendment is not lengthy, nor does it require much. However, I believe it will help strengthen our Nation's defense against invasion by foreign animal disease. If the asking of one question prevents an outbreak of a devastating disease in America, it will certainly be a question worth asking.

FUNDING FOR ADDITIONAL CUSTOMS INSPECTORS ON THE NORTHERN BORDER

Ms. COLLINS. Mr. President, I rise to comment the managers of the Treasury, Postal appropriation bill, Chairman DORGAN and Ranking Member CAMPBELL, for including in their bill funds to increase the number of Customs officers stationed on our northern border. I particularly commend their foresight, which was confirmed by the tragic events of last week, and the suggestion that some of the terrorists may have entered the United States through ports of entry in my home State of Maine.

Mr. DORGAN. I thank the Senator from Maine for her kind words. The bill before us does indeed include $25 million to fund a northern border hiring initiative. These funds would be used to hire approximately 285 additional Customs officers for our northern border.

Mr. CAMPBELL. Due to dramatic increases in land border traffic and trade with Canada coupled with only token increase in staffing in recent years, our ports of entry are woefully understaffed.

Ms. COLLINS. The situation in Maine is of particular concern to me. Ninety-eight Customs inspectors are currently stationed in my home State. Yet, according to a Customs Service resource allocation analysis based on threat and workload assessments, Maine should have 253 inspectors, or two-and-one-half times more than are currently there. Maine has 23 land border ports of entry, some of which are manned by a single inspector at any given point in time. Our Customs and Immigration and Naturalization Service inspectors work long and hard to protect the integrity of our border. But they need reinforcements.

I understand that the lack of Customs officials in Maine would not be ameliorated completely by this bill. But it, in conjunction with the $25 million for additional Immigration and Naturalization Service inspectors included in the Senate-passed Commerce, Justice, State appropriations bill, would take a strong step in the right direction. And I ask the distinguished chairman and ranking member to help ensure that Maine receives its fair share of additional inspectors.

Mr. DORGAN. I assure the Senator from Maine that the Customs Service will be instructed to pay particular attention to the needs of Maine when assessing where to deploy these officers.

Mr. CAMPBELL. We appreciate the Senator bringing Maine's needs to our attention and fully intend to see those needs met, to the extent possible, through the funds appropriated by this bill.

AMENDMENT NO. 1574, AS MODIFIED

Mr. DORGAN. Mr. President, on behalf of Mr. JOHNSON, I ask unanimous consent to modify his amendment, which I offered earlier today on his behalf.

I ask unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of the Johnson amendment.

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

The amendment (No. 1574), as modified, is as follows:

At the end of title VI, insert the following:

SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as 'Unity Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. JOHNSON. Mr. President, I rise today to offer an amendment that authorizes the Secretary of the Treasury to issue Unity Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center. This amendment is similar to legislation that I introduced last week, S. 1430. I was pleased that several of my Republican colleagues introduced similar bills because this is an initiative that should and must be bipartisan.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. This amendment deserves full bipartisan support, and I look forward to working in a consensus fashion to make Unity Bonds available to all Americans.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor to the McConnell amendment.

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

Mr. DORGAN. Mr. President, the ranking member, Senator CAMPBELL, and I have discussed the issue of the McConnell and Johnson amendments, both of which were offered this afternoon. We suggest the Senate approve both the Johnson and McConnell amendments. I ask unanimous consent that the Johnson amendment and the McConnell amendment be agreed to at this time. Let me be clear, I am asking consent that the McConnell amendment be agreed to as offered earlier today and that the Johnson amendment be agreed to as modified by the modification I sent to the desk a few moments ago.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. Mr. President, we have no objection. We support the amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1573 and 1574, as modified) were agreed to.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1579

Mr. DORGAN. Mr. President, on behalf of our colleague, Senator HOLLINGS, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) for Mr. HOLLINGS proposes an amendment numbered 1579.

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

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

The amendment is as follows:

At the appropriate place, insert:

DESIGNATION OF G. ROSS ANDERSON, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

(a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the ''G. Ross Anderson, Jr. Federal Building and United States Courthouse.''

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

Mr. DORGAN. Mr. President, we have cleared the amendment. I believe my colleague from Colorado has cleared the amendment as well.

Mr. CAMPBELL. That is correct, Mr. President. We concur.

Mr. DORGAN. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1579.

The amendment (No. 1579) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to H.R. 2590, the Treasury-Postal appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

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

The list is as follows:

Bingaman: 1 GSA.
Byrd: 2 Relevant.
Byrd: Relevant to the list.
Clinton: September 11 Heroes Stamp Act.
Daschle: 2 Relevant.
Daschle: Relevant to the list.
Dorgan: Managers' amendments.
Dorgan: Relevant.
Dorgan: Relevant to list.
Feinstein: 1 Breast Cancer Stamp.
Feinstein: 2 Relevant.
Johnson: 1 Unity Bonds.
Kerry: OMB study of the funding of SBA programs.
Kohl: Customs declarations and livestock.
Reid: Relevant.
Reid: Relevant to the list.
Schumer: 3 Relevant.
Hollings: SC facility.
Specter: 2 Relevant.
McConnell: War bonds.
Shelby: 1 Relevant.
Hatch: Drugs/Utah.
Hatch: 2 Relevant.
Lott: 2 Relevant.
Lott: 2 Relevant to list.
Campbell: Relevant.
Nickles: 2 Relevant to list.
Domenici: 2 Relevant to list.

Mr. DORGAN. 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. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, we have a finite list of amendments that would be offered to this bill, H.R. 2590, the Treasury-Postal appropriations. As I look through the list, I see a fair number of amendments that will not, in fact, be offered. There are a number we will be accepting. I say, if there are Senators who have amendments on this list, come to the floor to offer them. It would be our hope to move to third reading this evening. My expectation is we do not have a final vote on the bill today. We would likely do that Friday morning—of course at the discretion of the leader.

In order to finish the amendments and get to third reading, we need those who wish to offer their amendments to come to the floor and do so. We have been on the floor since 10 this morning. We know there are Members who have indicated to the respective Cloakrooms

they have amendments, and they are properly on the list we have asked consent for, but in order to have amendments considered, Senators have to come to the floor and actually offer them.

I ask Senators and their staffs who might be monitoring these proceedings to call the Cloakroom if they can regarding their amendments because we would like to go to third reading.

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

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

Mr. DORGAN. Mr. President, Senator CAMPBELL and I have been talking about the list we have presented that makes certain amendments in order and available to be offered. It is a very small list. In fact, with the exception of being able to approve a number of items on this list, I believe there are only two Senators remaining who have yet to come to the floor and offer amendments on which they are protected on the list. We ask them to do that. It is now 10 minutes before 7 in the evening. Those Senators would have had notice all day that we have been working on this bill. And, frankly, the Senate has been in a quorum call much of the day.

Senator CAMPBELL and I encourage those Senators who still have amendments they may wish to offer to either come and offer them or perhaps call us and notify us that they will not be offering those amendments, at which point we could go to third reading.

My understanding from leadership is that we will not be going to a final vote tonight. Perhaps this will require a rollcall vote. It is not certain at this moment. But, in any event, to get to third reading, we need to clear these amendments. I believe there are only two Senators for whom we are waiting. If they intend to offer the amendments, we hope they are on their way to the floor or that their staffs will find them and get them to the floor of the Senate so they can do that. If they are deciding not to offer those amendments, please notify us. We want to go to third reading.

Mr. CAMPBELL. Mr. President, to our knowledge, we have only two Senators on our side who said they have an amendment they want to offer. We are on the phone now to try to get them down here. But I think if we can get them down here quickly, we will be able to finish this bill by Friday.

Mr. DORGAN. Mr. President, if, in fact, there is a way to get to third reading, and then do a voice vote on final passage, of course we would prefer to do that as well. My expectation is we will have a recorded vote on the conference report when it comes back from the conference, but I do not know that that has yet been cleared. My understanding was that a voice vote had not been cleared some while ago.

In any event, if we can finish the amendments and get to third reading, it will have represented, in my judgment, significant progress. This is a fairly sizeable appropriations bill. The ability to do this bill today on the floor of the Senate would, I think, signal to the American people that this is a new seriousness of purpose in the Senate. We want to obviously do our business, and do it the right way, but we want to express to the American people that we are willing to work together and get things done.

This country suffers from a pretty serious crisis as a result of the terrorist acts. We want to demonstrate to the American people that we can go back to work and we can get this work done in an expeditious way.

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

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a short period of morning business.

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

MEASURE READ THE FIRST TIME—S. 1438

Mr. LEVIN. Mr. President, I understand that S. 1438, the Department of Defense authorization bill which I introduced a few minutes ago, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I object. And the reasons for the objection are as follows: That in consultation with the Republican leader, in consultation with the majority whip, and in consultation with the chairman, the chairman is seeking to have this piece of legislation be considered under rule XIV. We have no objection to that, but for technical reasons the objection to the second reading is required. It should not be interpreted—my objection—as animosity or anything between the chairman and myself. It is just part of the procedure, arcane though it may be.

So I object to second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

The Senator from Michigan.

MEASURE READ THE FIRST TIME—S. 1439

Mr. LEVIN. Mr. President, I understand that S. 1439, the Ballistic Missile Defense Act of 2001, which I introduced a few minutes ago, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1439) to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

Mr. WARNER. Mr. President, I object for the same reasons as I stated under S. 1438.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. LEVIN. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1583

Mr. DORGAN. Mr. President, I send to the desk, on behalf of my colleagues Senator CLINTON, Senator SCHUMER, Senator DORGAN, Senator WARNER, and others, an amendment and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mrs. CLINTON, for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER, proposes an amendment numbered 1583.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the ''Heroes Stamp Act of 2001''.

SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with sub-section (b).

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(2) by adding after the sentence following paragraph (3) the following: ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''.

(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall be mutual agreement with such agency establish in order to carry out the purposes of this Act.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

''(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.''

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''emergency relief personnel'' means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term ''semipostal'' has the meaning given such term by section 416 of title 39, United States Code.

Mr. DORGAN. Mr. President, this amendment has been cleared by myself and our side. Also, I understand it has been cleared by the Republican side. I ask the amendment be agreed to.

The PRESIDENT pro tempore. Is there objection to the adoption of the amendment?

Mr. CAMPBELL. We have no objection.

The PRESIDENT pro tempore. Hearing no objection, the amendment is agreed to.

The amendment (No. 1583) was agreed to.

Mr. DORGAN. Mr. President, my understanding is we are waiting for Senator HATCH who will be offering an amendment. That amendment is on the way to the floor. We have discussed that amendment. We will be accepting it. I expect it will take just a few moments. And when that amendment is accepted, I think at this point we are ready to go to third reading of the bill. We will see at that point whether we need a recorded vote on the bill. It would be nice to be able to finish this appropriations bill this evening.

As soon as we receive the amendment, it is our intention to accept the amendment and move to third reading.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I concur with the chairman. If we can finish this last amendment, I don't know if there are any other outstanding issues. If not, we are now checking with the leadership to see if it will be accepted to move this bill tonight.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1584

Mr. DORGAN. Mr. President, Senator CAMPBELL and I, on behalf of our colleague, Senator HATCH, send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. HATCH, proposes an amendment numbered 1584.

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

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

The amendment is as follows:

(Purpose: To designate the State of Utah as a High Intensity Drug Trafficking Area)

On page 36, line 7, after the semicolon insert the following: ''of which $2,500,000 shall be used for a newly designated HIDTA in the State of Utah.''

The PRESIDENT pro tempore. The question is on adoption of the amendment.

Mr. DORGAN. Mr. President, we have reviewed the amendment and have no objection on this side.

Mr. CAMPBELL. We have no objection on our side.

The PRESIDENT pro tempore. There being no objection to the immediate consideration of the amendment, the amendment is agreed to.

The amendment (No. 1584) was agreed to.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I believe the amendment we just considered by Senator HATCH is the last amendment to be offered to this bill. I believe on our side there are no further amendments. I believe that is the case on the Republican side.

ISSUANCE OF SEMIPOSTAL STAMPS

Mr. LEVIN. Mr. President, I would like to enter into a colloquy with the chairman of the Treasury and General Government Appropriations Subcommittee. First, I would like to commend the Chairman for his good work on this bill. I appreciate his leadership and commitment.

I would like to confirm with the chairman my understanding of an amendment offered by the chairman and Senators CLINTON and SCHUMER. The amendment proposes that a special commemorative semipostal stamp be issued to recognize the efforts of the brave emergency relief personnel who were killed in connection with last week's terrorist attacks.

Existing Postal Service regulations state that the Postal Service will offer only one semipostal stamp for sale at any given time. It is my understanding that it would be consistent with these regulations for the Postal Service to designate the commemorative stamp created by the amendment as the one semipostal stamp to be offered, pursuant to the said regulations, for the period specified in the amendment, with the exception of the Breast Cancer Research Stamp previously exempted by law.

Mr. DORGAN. Mr. President, the Senator is correct. The Postal Service could choose to designate the emergency relief semipostal as the one semipostal stamp to be offered for the period specified in the amendment, pursuant to Postal Service regulations.

Ms. SNOWE. Mr. President, I rise today in support of contraceptive coverage for almost 9 million Federal employees and their dependents who receive their health care coverage through the Federal Employees Health Benefits Program. At a negligible cost, this coverage has been included in the past three Treasury-Postal appropriations bills and is in the House passed bill and as well as the legislation before us today.

This provision enjoys broad bipartisan support among members of the Senate as demonstrated by a letter

sent by over half of the Members of the Senate to the chairman and the ranking member of the Subcommittee on Treasury, Postal Service and General Government.

This contraceptive coverage provision was adapted from legislation I originally authored back in 1997, the bipartisan Equity in Prescription Contraceptive Coverage Act, or EPICC, which currently has 42 cosponsors, and which was the subject of a hearing in the Senate Health, Education, Labor, and Pensions Committee on September 10. Throughout this effort, I have had the good fortune of being joined by Senator REID who has been a partner with me in this effort, and I thank him for his ongoing leadership on this issue. We both agree this is commonsense public policy whose time has long since come.

The facts are not in dispute, contraceptives are an essential part of not only a woman's health, but that of her children and her future children. The lack of equitable coverage of prescription contraceptives has a very real impact on the lives of America's women and, therefore, our society as a whole. We took a strong first step towards ending this inequity when, in 1998, we guaranteed access to prescription contraceptive coverage for federal employees.

The inclusion of this coverage in FEHBP has saved female enrollees over $1,000 over the past three years, according to the Alan Guttmacher Institute. Not only has the inclusion of this coverage saved our female employees about $350 a year, it has not cost the Federal government anything either. A January 2001 OPM statement on the cost of this coverage for federal employees under the FEHBP found no effect on premiums whatsoever since implementation in 1998. Since it's not often that we can say that, let me repeat it, it has had no effect on costs of health care.

In fact, some, like the Alan Guttmacher Institute, argue that improved access to and use of contraception nationwide saves insurers and society money by preventing unintended pregnancies, as insurers generally pay pregnancy-related medical costs, which can range anywhere from $5,000 to almost $9,000. Improved access to contraception would eliminate these costs and would reduce the costs to both employers and insurers.

Whenever we talk about contraceptive coverage, the issue of a ''conscience clause'' has continually been raised. I would remind my colleagues that this is a concern we effectively addressed in 1998 and that standard has remained unchanged ever since. I agree that this is a legitimate concern, which is why we found a compromise in order to assuage the concerns of our colleagues who felt that there needed to be a ''conscience clause'' to allow religious plans to opt out of this coverage if their beliefs and tenets are not consistent with this coverage. Originally, we specifically named five health plans that were excluded from having to provide this coverage and allowed ''any other existing or future religious based plans whose religious tenets are in conflict with the requirements'' of this coverage. Three years later, there are only two plans remaining in the FEHB program which do not provide this coverage. That's two out of over 245 participating health plans.

While many of my colleagues and I would prefer to have this coverage expanded for all women nationwide, it is essential that we do not rescind this critical health care benefit for women in the FEHB program. And the proponents of the larger legislation, EPICC, are not alone.

As recently as June, the U.S. District Court for the Western District of Washington ruled in *Erickson* v. *Bartell Drug Company* that an employer's failure to cover prescription contraceptives in its otherwise comprehensive prescription drug plan constitutes gender discrimination, in violation of title VII of the Civil Rights Act of 1964. This case was the first of its kind, setting a legal precedent as well as bolstering the case for our broader legislation.

In turn, the foundation for the district court decision was a ruling by the Equal Employment Opportunities Commission, or EEOC, last December that an employer's decision to exclude coverage of contraceptives in a health plan that covered other prescription drugs, devices and preventive health care services violated title VII of the Civil Rights Act regarding gender discrimination.

Together, these two decisions form a ''one-two'' punch in favor of the approach we advocate today, an approach that's already been endorsed by a total of 16 States, including my home State of Maine—that have passed similar laws since 1998. Today, another *twenty States* have contraceptive coverage legislation pending. That's a start, but it's not enough. Not only are these laws limited to state regulated plans, but this piecemeal approach to fairness leaves many American women at the mercy of geography when it comes to the coverage they deserve. Unfortunately, until we can get EPICC passed on its own, you either have to be a member of Congress, a Senator, a Federal employee, or living in one of these states to receive this guaranteed benefit.

We believe that contraceptive coverage not only makes sense in terms of the cost of contraceptives for women, but also as a means bridging, at least in some small way, the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby *also* prevent abortions. The fact of the matter is, we know that there are three million unintended pregnancies every year in the United States. We also know that almost *half* of those pregnancies result from just three million women who do *not* use contraceptives, while *39 million* contraceptive users account for the other 53 percent of unintended pregnancies, most of which resulted from inconsistent or incorrect use. In other words, when used properly, contraceptives *work*. We know that they prevent unintended pregnancies and when we have fewer unintended pregnancies, we will have a reduced need for abortions, and that is a goal each of us can support.

I ask my colleagues to continue to support the inclusion of this provision in the Federal Employees Health Benefits Program as contained in the Fiscal Year 2002 Treasury-Postal appropriations bill. It is an important benefit and it is in the best interests of women's overall health, their children and their future children's health.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1398, the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 2002.

The Senate bill provides $17.118 billion in discretionary budget authority, which will result in new outlays in 2002 of $12.528 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $16.183 billion in 2002. The Senate bill is within its Section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators DORGAN and CAMPBELL, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

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

S. 1398, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	17,118	15,478	32,596
Outlays	16,183	15,475	31,658
Senate 302(b) allocation [1]:			
Budget Authority	17,118	15,478	32,596
Outlays	16,183	15,475	31,658
House-passed:			
Budget Authority	17,022	15,478	32,500
Outlays	16,261	15,475	31,736
President's request:			
Budget Authority	16,614	15,478	32,092
Outlays	15,974	15,475	31,449
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation [1]:			
Budget Authority	.....	.....	.....
Outlays	.....	.....	.....
House-passed:			
Budget Authority	96	.....	96
Outlays	(78)	.....	(78)
President's request:			
Budget Authority	504	.....	504

S. 1398, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 2002—Continued

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Mandatory	Total
Outlays	209	.....	209

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

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

The PRESIDENT pro tempore. Are there any further amendments? If not, 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 PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

The bill (H.R. 2590) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Under the order previously entered, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees.

The President pro tempore appointed Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. CAMPBELL, Mr. SHELBY, Mr. DEWINE, and Mr. STEVENS.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this bill must have gone through in record fashion. I note for the record this is the first year Senator DORGAN has been chairman of the subcommittee. I have really enjoyed working with him, and I am continually awed by his skills in the Chamber of this great body and his ability to get this bill together in a timely fashion. I thank him and his staff for working so well with us. From my staff, Pat Raymond and Lula Edwards worked hard on our side. I thank them, too, for the record.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say again what a pleasure it is to work with Senator CAMPBELL, his staff and my staff who I named previously today. They have done an excellent job. We passed this bill in fairly short order. As I said when we started today, I hope we could perhaps show the American people that we are back at work and trying to do things in a way that allows all of us to work together for the interest of this country, and I believe the passage of this bill in the manner we have done tonight is a demonstration of that.

Again, I thank my colleague and all of our Senate colleagues for cooperating and allowing us to get to the point of passing this important legislation this evening. I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, while the chairman of the full committee is here and two managers of the bill, I congratulate them and you. The appropriations process is moving along, and we should all feel very good about that.

Senator DORGAN and Senator CAMPBELL have done a tremendous job on a very difficult bill that will go a long way toward solving many problems of this country.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I hope that the Senate will soon begin consideration of the National Defense Authorization Act for Fiscal Year 2002. This bill would authorize $343.5 billion for national defense programs, the full amount requested by the administration, including the $18.4 billion requested by the President in his amended budget request.

The bill would also address a number of important priorities identified by the Armed Services Committee, adding significant funding for military compensation and quality of life, the readiness and transformation of the military services, and the capability of our armed forces to meet nontraditional threats, including terrorism. In light of recent events, we will obviously do more, as we already have, with the enactment of the $40 billion emergency supplemental appropriation bill last week. However, these are no ordinary times, and the debate on this bill will be no ordinary debate. Debate on a bill like this is an inherent part of our democracy, and while our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We strive to set aside our differences, and ask decent people everywhere to join forces with us to seek out and to defeat the common enemy of the civilized world.

For this reason, I am today introducing two new bills. The first bill is identical to S. 1416, as reported by the Senate Armed Services Committee in every respect but one—the removal of legislative language dealing with missile defense. The second bill, which would be deferred for debate at a later and more appropriate time, would include the missile defense language.

I strongly believe that the missile defense provisions took an appropriate step on an issue of national importance, and I was disappointed that this single area of disagreement led the Republican Members of our committee to vote against this bill that is so important to our national security.

In my view, however, this is the wrong time for divisive debate on issues of national defense. We cannot let issues like this pull us apart and undermine our common sense of national purpose in fighting terrorism. Rather, we should leave this debate to a later time and link arms against our attackers.

When we take up the defense authorization act, I hope that my colleagues will join me in putting controversial issues aside and help us move forward together to pass this bill promptly and indicate our strong and unified support for the national defense with a minimum of divisive debate.

THE HAPPY HOOLIGANS

Mr. DORGAN. Mr. President, I want to comment for a moment about some fighter pilots who are flying air missions over our nation's capital.

On Tuesday of last week, following the attack on the World Trade Center and shortly before the Pentagon was hit, a detachment of fighters who were on alert at Langley Air Force Base in Virginia were ordered airborne to protect the nation's capital. It happens that the detachment of fighters is from North Dakota.

The 119th Tactical Fighter Wing of the North Dakota Air National Guard flies F–16s. They are called the Happy Hooligans. The Happy Hooligans are folks who farm; they run drug stores; they teach school. They do a lot of things in their community, but they also are members of the National Guard who maintain and fly F–16s. More than that, the Happy Hooligans, the National Air Guard detachment in Fargo, ND, are some of the best fighter pilots in the world. In fact, the Happy Hooligans have won the William Tell Award on several occasions.

The William Tell Award is an award that is given to the fighter units that are the most proficient combat fighter pilots in the world.

So this National Guard unit from Fargo, ND, has taken their airplanes to the William Tell contest, and they have flown against the world's top combat pilots, and they have brought the William Tell Award home to Fargo, ND, as proof that they are the best fighter pilots in the world.

For some time, the Happy Hooligans have kept a permanent detachment with four F–16s, pilots, and crews on alert at Langley Air Force Base to provide air defense of the United States.

Last Tuesday morning, the attack on the World Trade Center in New York precipitated an order for those fighters who were on alert to take to the skies. And those F–16s took to the air, but regrettably they were not yet over Washington's airspace when the airplane hit the Pentagon. They were still some minutes away.

But they then flew, as I understand it, 7 hours that day over the skies of Washington, DC, performing combat air patrol and protecting our nation's capital. And these are, as I said, men and women who belong to the National Guard but who have been awarded the distinction of being the best fighter pilots in the world.

I was enormously proud of them. I called their commander at Langley. I told them how proud I was to have the Happy Hooligans—a wonderful contingent of civilian soldiers; men and women who belong to the National Guard—flying those F–16s, providing air cover during a time of national emergency.

So, for the record, I want to say that all Americans, of course, are proud of our men and women in uniform. We grieve with them for the tragedy visited upon them when the airplane was flown into the Pentagon, just as we do for the thousands of people who have lost their lives at the World Trade Center.

And as there are brave men and women across the country who have stepped forward to say, let it be me—the firemen and the firefighters and police men and women who were climbing the stairs of the World Trade Center to try to rescue people, risking their lives to help others, just as there are so many heroes around this country during a time of need—so, too, were the Happy Hooligans in their cockpit of the F–16s, flying combat air patrols over our Nation's Capital.

Let me say to the Happy Hooligans: I salute you. I am proud of your work. And this country owes you a great debt of gratitude.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I say to my friend and colleague from North Dakota, in relation to his eloquent remarks about the Happy Hooligans, we are glad the Happy Hooligans are on our side. I knew that this training was going on. These Air Guardsmen—and possibly women as well—were very important in scrambling to protect our Nation's Capital. I know of one of those pilots actually who is from Virginia.

I am not going to get into the details because it is important for national security not to reveal what they were doing, but they were very much in harm's way. I will not get into any more detail other than to say, these pilots—the Happy Hooligans, and any others who were involved in that scrambled mission to protect our Nation's Capital, and the region here in the DC area—really were willing to give their lives in a generally undefended position.

So I am glad the Senator saluted the Happy Hooligans. I salute the Happy Hooligans and all those Air Guard pilots who scrambled to our Nation's defense, with complete risk to their lives, possibly having to give their lives to protect others.

They will be called upon again, undoubtedly, in service to our interests, our freedom, and our allies. We do salute them and their families and their employers, whether they may be in North Dakota, Virginia, Minnesota, Wisconsin, or anywhere else in this country because they are patriots. We have all seen the patriotism that defines our country.

TRIBUTE TO THE PAGES

Mr. DAYTON. Madam President, I rise today to pay tribute to our pages, who serve us day after day with extraordinary dedication—as do all of our staff—but especially for their exemplary performance last week. They continued their service on the Senate floor in the midst of crisis that had even adults in some alarm. Not only did they return to their work after the horrific events of last Tuesday, September 11, but also again last Thursday.

As you recall, Madam President, that evening the Senate Chamber had to be evacuated because of a bomb threat. One of our distinguished Senators said it was the first time the Senate floor had been cleared in his 25 years of service. A security guard told me it was the first time in the 33 years of his service that the Senate Chamber had been cleared. Yet that very night our pages were back working as scheduled to conclude the Senate's business, and they returned again last Friday. Today, they are once again assembled, and are working hard on our behalf.

For people of any age to respond with this kind of courage and dedication in this situation is exemplary. For these young men and women—teenagers who are high school students—to have shown this kind of courage is just extraordinary.

I ask unanimous consent that their names be printed in the RECORD. I wish to pay tribute on behalf of all the Senate to them for their dedication and their courage. They are truly outstanding young Americans.

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

UNITED STATES SENATE PAGES—FALL 2001

Katherine Amestoy, Adam Anthony, Vic Bailey, Danielle Bailey, DeAntai Box, Taryn Brice, Kevin Burleson, Elizabeth Candido, Jennifer Cohen, Eliza Coleman, Meredith Freed, Jason Frerichs, Patrick Gibson, Jena Gross,

Jennifer Holden, Joe Kippley, Clayton LaForge, Jessica Lussier, Ryan Majerus, Scott Moore, Michael Moran, Meagan Rose, Katie Ruedebusch, Christina Valentine, Antonio Ward, William Warren, George White, Jay Wright.

IN MEMORY OF CONGRESSMAN FLOYD SPENCE

Mr. THURMOND. Mr. President, last month, the U.S. Congress lost one of the finest public servants I have had the honor to know. As my colleagues may know, Congressman Floyd Spence, who represented South Carolina's 2nd District, passed away on August 16, 2001. Floyd Spence may no longer walk the halls of Congress, but the countless contributions he made over the last three decades will continue to influence South Carolina and this great Nation.

Floyd was a humble public servant who was proud of his modest background, often introducing himself as ''Floyd Spence, dirt farmer.'' He was a principled man who could disarm anyone with his friendly disposition and his distinct chuckle. It was difficult, if not impossible, for anyone to dislike Floyd.

Too often we take life for granted, but not Floyd Spence. As a beneficiary of two organ transplants, he knew too well he had been given not just a second, but a third change at life. As a result, Floyd lived life to the fullest, dedicating it to the service of others and his Nation.

Floyd's generosity was demonstrated by his willingness to lend an ear to those who faced the frightening prospect of a transplant, or the even scarier possibility of not receiving an organ in time. Having faced these fears himself, he welcomed the opportunity to comfort individuals from across the United States who called to ask him about his own experience.

My friend, ever the Southern gentleman, leaves behind a legacy of dedicated public service. For almost fifty years he loyally served the people of South Carolina. Floyd was also an outspoken advocate for our Armed Services and had served as Chairman for the House Armed Services Committee. As a retired Naval Reserve Officer, he recognized the importance of a strong military and worked tirelessly to ensure that the needs of our Armed Services were addressed.

He was a true patriot, a dedicated public servant, and he will be greatly missed by all who knew him. Floyd is an inspiration to all, and my heartfelt sympathy goes out to his devoted wife Debbie, and his fine sons, David, Zach, Ben, and Caldwell, and to his dedicated staff.

CONFIRMATION OF BRUCE COLE AS CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the nomination of Bruce Cole to be Chairman of the National Endowment for the Humanities.

Dr. Cole is a noted art historian and a Distinguished Professor at Indiana University. He served as Visiting Professor at Hebrew University in Jerusalem and previously held the Hohenberg Chair of Excellence at the University of Memphis. Dr. Cole is a former member of the National Council on the Humanities, and he will bring impressive stature and experience to the Humanities Endowment.

We have been fortunate over the past three decades to have many distinguished academics and humanists lead this agency. I believe that Dr. Cole will serve in that tradition and be an impressive leader for this important agency.

In conjunction with the consideration of his nomination by the Committee on Health, Education, Labor and Pensions, I submitted a number of questions to Dr. Cole, and I wanted to share his answers with my colleagues. I ask unanimous consent that they may be printed in the RECORD.

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

QUESTIONS BY SENATOR KENNEDY FOR DR. BRUCE COLE

GENERAL

1. Do you support the mission of the National Endowment for the Humanities and believe that there is a federal role in support of the humanities?

Answer: Yes. I believe firmly that the NEH plays a crucial, and necessary role in our democracy. Although the NEH is a small agency, its impact is great. As the only federal program dedicated exclusively to the national dissemination of the humanities, it affirms our government's support for the humanities. This support is proper because the humanities make us aware of our shared human condition and enlarge our worldview. The humanities are the principal means of transmitting our shared democratic values to future generations. As a pivotal civilizing force in human life, the humanities are essential to the well-being of any democracy and all its citizenry.

The importance of the humanities is recognized in the National Foundation on the Arts and Humanities Act establishing the NEH. This act states: ''That a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.'' The legislation also states that ''democracy demands wisdom and vision in its citizens'' and that ''the study of the humanities requires constant dedication and devotion.'' These words remain as true and meaningful today as when they were written more than three and a half decades ago. If confirmed I hope to serve the nation by furthering the NEH's mission to make the humanities part of the lives of all Americans.

2. Are there any circumstances under which you would support the elimination of the agency?

Answer: No.

3. Due to budget cuts and the impact of inflation, the NEH's spending power is about 30% of what it was in 1980. This decline in funding has reduced the agency's reach and impact. How do you view current funding of the agency? Will you advocate for higher spending levels for NEH?

Answer: I cannot answer this question presently because I do not have detailed knowledge of the NEH's current budget and how it is allocated. The proper size of the budget and the distribution of funds among the various programs and offices are important issues that shall command my immediate attention if I am confirmed. As NEH Chairman I shall devote my energies to ensuring that the NEH always has funds sufficient to enable it to disseminate the humanities to all sectors.

RESEARCH AND FELLOWSHIPS

4. You bring distinguished academic credentials and considerable experience to the NEH, what is your view of the importance of scholarship in the humanities. How do you feel these programs should balance other agency activities?

Answer: As a researcher, author, and teacher I believe strongly that support for humanities scholarship is one of the Endowment's most important activities. Serious scholarship adds directly to our knowledge and understanding of the humanities and forms the basis for public humanities programming such as NEH-supported television documentaries and museum exhibitions. Humanities scholarship also informs and enriches classroom teaching.

The NEH's broad mandate to support the humanities requires that it maintain a balance of different grant programs and activities—including education, preservation, public programming, research and scholarship, as well as challenge grants and the Federal/State program areas. I am committed to supporting the best grant proposals in all of the agency's programs.

5. Over the past 20 years, the proportion of NEH appropriations for scholarly activity has declined as a percentage of the budget. Do you feel that this is appropriate? Do you have any thoughts at this time about programmatic priorities for the agency?

Answer: If I have the privilege of serving as the Chairman of the NEH, I will carefully examine the agency's budget and history to determine if scholarly activity is receiving an appropriate level of support. As a professor and department chairman who has worked in the humanities for over thirty years, and as a recipient of an NEH fellowship which was critical for my development as a scholar, I know that NEH is often the sole source of funding for humanities scholarship. NEH funding for individual fellowships and for large-scale collaborative research projects remains a fundamental factor in the growth and development of talented scholars and teachers in the humanities.

6. NEH has been a key national resource for the collection and editing of the papers of American presidents and other important historical and literary figures. What priority would you assign this type of project?

Answer: In my view NEH support for these projects epitomizes the vital role the agency plays in creating humanities resources for scholars, students, and citizens alike. NEH's involvement in projects that are producing scholarly editions is one of the agency's crowning glories. These projects stand among the most important and long-lasting contributions the NEH can make to the advancement of the humanities and to the understanding of our past and present. Providing adequate resources to these and other excellent humanities projects will be one of my priorities if the Senate honors me with confirmation as NEH Chairman.

EDUCATION PROGRAMS

7. How do you feel that the agency can best support humanities in the higher education community?

Answer: Higher education projects supported by the Endowment—notably, the annual roster of summer seminars and institutes for college and university teachers—have long-term impact because they concentrate on helping humanities instructors become better teachers. The beneficiaries of these projects are the students who are reached by these intellectually engaged teachers. I think that the agency can best serve higher education by continuing to support model projects like these that others can emulate. I understand that the Endowment has also been quite active in recent years in encouraging projects that make use of the Internet and other electronic technologies to teach history, literature, languages, and other humanities subjects. While I expect to continue to encourage humanities projects that employ digital technology, I plan also to consult with NEH staff and with humanities educators to explore other ways the Endowment might strengthen its work in higher education.

8. Do you think that NEH should strengthen teacher training in the humanities in elementary schools?

Answer: Yes. The NEH already does this most effectively through its Seminars and Institutes for School Teachers program. These programs make school teachers students again for a few weeks as they study a great range of significant humanities topics, such as Milton's Paradise Lost, the fiction of Willa Cather, the history and culture of the American West or the Civil Rights Movement, the theater of Antonio Buero Vallejo, Dante's Divine Comedy, American Indian narratives, Mozart and his Vienna, cultural responses to the Holocaust in America, and so on. These programs help teachers renew and revitalize their understanding of specific areas of the humanities and better communicate them to their students. I think that it is critically important that American elementary and secondary school children be taught by instructors who are well-versed in the subjects they teach. As someone who has helped design humanities programs for schools, I understand that promoting the humanities in the elementary grades, as well as in other grades, is of paramount importance and worthy of an appropriate level of NEH support.

FEDERAL/STATE PARTNERSHIPS

9. The state humanities councils receive an earmark of about 30% of the agency's programmatic appropriations. This partnership between the federal and state entities is an effective tool to expand the reach of humanities programs and relatively scarce financial resources. Do you feel that the present distribution of programming funds is appropriate?

Answer: I enthusiastically support the state humanities councils. They extend the reach of the NEH to a vast audience through programs tailored to meet local needs, and they strengthen the cultural and educational infrastructure throughout America. These councils enrich the lives and understanding not only of those who inhabit America's great cities but also of those who live in the nation's many small towns. I have followed the activities of the Indiana Humanities Council for years and am impressed by its creativity, reach, and impact. The Endowment and the state councils are both very good at what they do; their efforts complement one another. I would like to strengthen and expand this historic partnership, which has fostered progress and excellence in the humanities for the American people. The state councils have my strong backing.

Because I do not know exactly what the funding needs of the state councils are, I cannot give an informed answer to this question until I have an opportunity to study in

detail all the budget issues related to the agency's programs.

10. Do you agree that state humanities councils should also be eligible to compete for other programming funds?

Answer: The state humanities councils serve their audiences well and I understand from NEH staff that in recent years state councils have been eligible to compete for funding in other programming areas of the NEH. This has, I am told, resulted in support for a number of excellent projects. As with the previous question on the state council's overall budget, I cannot give an informed answer to this question until I have had an opportunity to study this policy in detail.

11. Do you see additional roles for the state humanities councils in expanding the scope and reach of the Endowment's programs?

Answer: If confirmed I look forward to conferring with state council chairs and directors and the Endowment's staff to see if the councils could be even more effective than they are now in helping the NEH fulfill its mission. As I said above, I am a strong supporter of the state humanities councils and the excellent work they do.

REGIONAL HUMANITIES CENTERS

12. What priority will you place on the development of Regional Humanities Centers?

Answer: I was an early supporter of the regional centers idea when the project was in its embryonic stage. However, I do not now know enough about how this initiative has progressed to offer an informed opinion. If confirmed, I will make a considered judgment about its priority.

ENTERPRISE

13. Due to budget cuts and an interest in expanding the reach of the agency's programs, NEH has placed increased emphasis on raising private funds to support its own activities and to supplement grants to other organizations. Do you feel that the agency should actively pursue private funds?

Answer: If given the honor and opportunity to serve as Chairman of NEH my central task will be to make sure that the funds Congress appropriates to the NEH are spent wisely and in the service of our citizenry. I do not expect that the NEH would engage often in activities that would require it to raise monies in addition to its federal appropriation. Should that occur I would make sure that such fund-raising is done in a way that would not compete with NEH grantees and other important cultural institutions that may also be looking to the private sector support.

TRIBUTE TO MAJOR GENERAL T. MICHAEL MOSELEY

Mr. LOTT. Mr. President, I would like to take a moment today to recognize one of the finest officers in the United States Air Force, Major General T. Michael ''Buzz'' Moseley. On August 3rd, General Moseley was promoted from his job as Director of the Air Force Office of Legislative Liaison to become the Commander, Ninth Air Force, Air Combat Command and Commander, United States Central Command Air Forces, United States Central Command. During his time in Washington, and especially with regard to his work on Capitol Hill, General Moseley personified the Air Force core values of integrity, selfless service and excellence in all things. Many Members and staff enjoyed the opportunity to meet with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Buzz's many accomplishments since he entered the military 29 years ago, and to commend the superb service he provided the Air Force, the Congress and our Nation.

Buzz Moseley entered the Air Force through the Reserve Officer Training Corps program at Texas A&M. While and ''Aggie'', he completed both his bachelor's and master's degrees in political science. He earned his pilot wings in 1973 at Webb Air Force Base, Texas, and was then assigned to stay on as a T–37 instructor pilot. From 1979 to 1983, he flew the F–15 as an instructor pilot, flight lead and mission commander, first at Holloman Air Force Base, New Mexico, and then while serving overseas at Kadena Air Base, Japan. Over his career, General Moseley demonstrated his skill as an aviator in the T–37, T–38, AT–38 and F–15 aircraft, and logged over 2,800 hours of flying time.

From early in his career, General Moseley's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He was the Commander of the F–15 Division of the United States Air Force Fighter Weapons School at Nellis Air Force Base, Nevada and the Commander of the 33rd Operations Group at Eglin Air Force Base, Florida. When stationed at Nellis Air Force Base a second time, he commanded the 57th Fighter Weapons Wing. With 26 squadrons, consisting of A–10, B–1, B–52, F–15C/D, F–15E Strike Eagle, F–16C/D, HH–60G and the RQ–1A Predator, it is the Air Force's largest, most diverse flying wing. The 57th also included the Air Force Weapons School, Red Flag, Air Force Aggressors, the Air Force Demonstration Squadron ''The Thunderbirds'', the Air-Ground Operations School, Air Warrior, 66th Rescue Squadron and the Predator unmanned aerial vehicle operations.

Buzz Moseley also excelled in a variety of key staff assignments. These include serving as Deputy Director for Politico-Military Affairs for Asia and Middle East on the Joint Staff; Chief of the Air Force General Officer Matters Office; Chief of Staff of the Air Force Chair and Professor of Joint and Combined Warfare at the National War College; and Chief of the Tactical Fighter Branch, Tactical Forces Division, Directorate of Plans. General Moseley also serves on the Council on Foreign Relations and has been named an Officer of the Ordre National du Merite by the President of France.

During his service to the 106th and 107th Congress, General Moseley was the Air Force liaison for critical readiness and modernization issues. He was a crucial voice for the Air Force in representing its many programs on the Hill, providing clear, concise and timely information. General Moseley's leadership, professionalism, and expertise enabled him to foster exceptional rapport between the Air Force and the Senate, impressing me with his ability to work with the Congress to address Air Force priorities.

We were all pleased to see that the President recently nominated General Moseley for his third star. It is exceptionally well deserved. I offer my congratulations to him, his wife, Jennie, son, Greg and daughter, Tricia. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career.

I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Moseley. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount provided to the Internal Revenue Service for its earned income tax credit compliance initiative. The amount of the adjustment is limited to $146 million in budget authority in 2002.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

Mr. President, I ask unanimous consent to print table 1 and 2 in the RECORD.

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

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	546,945	537,091
Highways	.....	28,489
Mass Transit	.....	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,272	922,924
Adjustments:		
General Purpose Discretionary	146	143
Highways	.....	.....
Mass Transit	.....	.....
Conservation	.....	.....
Mandatory	.....	.....
Total	146	143
Revised Allocation:		
General Purpose Discretionary	547,091	537,234
Highways	.....	28,489
Mass Transit	.....	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,418	923,067

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,515,220	1,481,112	187,553
Adjustments: EITC Compliance Initiative	146	143	−143
Revised allocation: Budget Resolution	1,515,366	1,481,255	187,410

Prepared by SBC Majority staff on 9–19–01.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 4, 1996 in Houston, TX. Fred Mangione, a 46-year-old gay man, was allegedly stabbed to death outside a gay bar. Two men, Daniel Christopher Bean, 19, and his half-brother Ronald Henry Cauthier, 21, members of a new-nazi organization, were charged with a first-degree felony. Gauthier, 23, was sentenced to 10 years' probation for his part in the murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO PETER MARUDAS

Mr. SARBANES. Mr. President, my longtime Chief of Staff, Peter Marudas, retired recently from public service. It has been both an honor and privilege to work with Peter these many years. He has been not only a superb member of my staff, but also among my closest and dearest friends. I consider myself, and the citizens of Maryland, fortunate to have benefited from his service, counsel, and commitment to the highest standards of conduct and ethics.

In addition to his many years of service in the United States Senate, Peter's illustrious career includes service for several other public officials, including three former Baltimore City Mayors: Theodore McKeldin, Thomas A. D'Alesandro III, and Kurt Schmoke. While working at the highest levels, Peter has remained a down-to-earth, committed public servant, known for his exuberant good humor and generosity.

The attached Baltimore Sun article of August 18, 2001, accurately reflects not only Peter's individual and unique personality, but also the admiration and esteem in which he is held by all who are privileged to know him. I ask unanimous consent that it be printed in the RECORD.

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

[From The Baltimore Sun, Sept. 18, 2001]

HAIL AND FAREWELL

(By Carl Schoettler)

National television cameras catch Peter Marudas, Sen. Paul S. Sarbanes' chief of staff, and Allan Greenspan, chairman of the Federal Reserve, head to head in deep confab at a Senate banking committee hearing about a year ago.

Marudas immediately starts getting calls: What did he tell you? A hiccup from Greenspan can jump-start the stock market, up or down.

Marudas laughs. He likes telling this story.

He and Greenspan were talking about jazz.

As a young man, Greenspan played clarinet, flute and a little sax in New York jazz bands, including one led by Leonard Garment, who became President Nixon's White House counsel. Marudas is a lifelong and knowledgeable jazz fan.

A couple of months earlier, Marudas had asked him, ''Who do you think is the best saxophone player?''

Greenspan replies, Ben Webster, a mainstay of the Duke Ellington band.

''That's really an aficionado,'' Marudas exclaims. ''You got to know jazz to say that.''

So the next time Greenspan comes before the banking committee, Marudas gives him a Ben Webster tape. And the two are recorded for TV posterity talking about jazz, not G–8 economics.

Bringing Greenspan the Webster tape exemplifies Pete Marudas' style: kind, thoughtful, generous and politically astute. For nearly 35 years, Marudas has brought his particular, perhaps unique, political acumen to Baltimore, Maryland and national politics. Now, he's bowing out.

The farewells began Wednesday as he celebrated his name day at the Greek Orthodox Cathedral of the Annunciation. It was the Feast of the Dormition, the Assumption in most Western churches. Marudas' name in the church is Panagia, which is roughly Greek for ''Our Lady,'' the Virgin Mary. He's a devout Orthodox Christian and of course active in church politics.

Thursday he celebrated his 64th birthday, basically working in his Washington office, although well-wishers flooded the Sarbanes switchboard with birthday wishes and goodbyes.

Friday was his last day at work and the end of his own remarkable chapter in Maryland politics.

''It's an existential decision,'' he says of his retirement. ''We got the senator re-elected in the fall and he's now a chairman, which is what we were working for all the years. The Banking Committee, you can really do a lot there, the predatory lending business, you know, and just the integrity of the capital markets.''

He still had a portrait of Franklin Delano Roosevelt on his office wall yesterday as he got ready to leave. ''I got Truman, Roosevelt and Jefferson. And I have a labor union organization picture from the C.I.O., 'March with CIO to Victory.' Well, we [See Marudas, 8D] owned this bar where all these U.A.W. workers came in, when I grew up in Detroit,'' he says.

As a kid, he spent his summers in Baltimore where his uncle ran a dry-cleaning shop on Light Street in what is now Federal Hill, and he had relatives who lived in Brooklyn. Another uncle ran a restaurant in Curtis Bay.

''The first political event I ever attended was in the 1952 campaign,'' Marudas says. ''The Democratic candidates always kicked off their campaign in Detroit on Labor Day.'' Adlai Stevenson was the presidential candidate.

''My cousin and I got up real early, 5:30. Our mothers packed our lunches. We took the bus down. We were right down in front. Walter Reuther [the leader of the United Auto Workers union] introduced Adlai Stevenson,'' Marudas recalls.

''I was 15, my cousin was 12 or 13. It really made an impression for me. Stevenson was a man of such dignity.''

As a college student at the University of Michigan, Ann Arbor, Marudas attended a lecture by Reuther, who spoke on labor economics.

''He was a real force. He put the U.A.W. on the progressive side of the political spectrum,'' Marudas is remembering. ''You had people who came up from the South, white and black, where down there they had nothing to do with each other. They worked together as shop stewards. We saw all that going on. It really was something.

''You look at society: Wherever you have free trade unions, they're one of the essentials of a free society.''

NEW DEAL DEMOCRAT

He says it twice during a couple of long conversations. He remains an unreconstructed Roosevelt New Deal Democrat, with perhaps overtones of Adlai Stevenson.

''He's very strong democrat with a small 'd','' Senator Sarbanes says. ''He's a good Democrat with a big 'D'. But more importantly he's a democrat with a small 'd'.

''He doesn't have an ounce of meanness in him, at all,'' Sarbanes says, with obvious fondness in his voice. They've been personal friends longer than they've been political colleagues. ''He's really very generous and respectful with people. He really accords people their dignity.''

The two met when Marudas was covering City Hall for The Evening Sun. Marudas had studied journalism and earned a master's degree at Ann Arbor. He came to Baltimore to work on The Evening Sun in 1963.

Sarbanes, who had been working for Walter Heller, the chairman of the Council of Economic Advisors under Presidents Kennedy and Johnson, came back to Baltimore to become executive director of a commission to revise the city's charter.

Although Marudas grew up in Detroit and Sarbanes in Easton, Marudas says their roots were in the same province in Greece, Laconia, in Sparta.

''Our villages are 15 or 20 miles apart,'' he says. ''We got to know each other, became personal friends and then our careers came together in '71.''

Sarbanes had been a congressman about nine months when Marudas joined him in Washington.

FIRST POLITICAL JOB

Somewhat paradoxically, Marudas' first political job was for a Republican, Theodore Roosevelt McKeldin, who had been governor of Maryland and was in his second term as mayor of Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

One of McKeldin's aides was leaving and he called Marudas: ''The Governor'—we called McKeldin the Governor then—would like you to take my place.

'''Me!' I said. Then I thought he's got less than a year to go. I went home and talked it over with my wife and my mother-in-law.''

His wife, Irene, has been perhaps his closest advisor. They've been married for 39 years.

''I thought, Baltimore is the sixth largest city,'' he continues. ''It will be a chance to get a look at the inside of government and maybe come out again and pursue a career in newspapering.''

He worked for McKeldin for 10 or 11 months.

''He was a quick learner,'' says Gene Raynor, the former head of the state election board and an astute political observer in his own right. ''He became a master of precinct politics in the Byzantine world of politics in Baltimore City in the mid-'60s. There were not many people around who understood it as well as Pete Marudas. If I were a candidate anywhere in this state I would seek out Pete for advice.

''Paul is a kind of brainy guy, very, very smart, very, very brainy,'' Raynor says. ''But he was in the clouds. Marudas was right down to earth. They complemented each other.''

Thirty years ago, a somewhat wistful McKeldin told an interviewer. ''He [Marudas] was the best in history. If only I had had him earlier in my career.''

The same reporter who quoted McKeldin said a half-hour interview of Marudas stretched into a 90-minute discourse on Baltimore, the nation, Greece and the Orioles.

Marudas has not changed much over the years. He's an animated talker whose conversation moves by digression. His conversation veers happily from local to national to international politics like a bumper car in an amusement park.

Today, you'd certainly have to add the Mideast and the Balkans—and jazz.

SOME TOUGH YEARS

Marudas stayed on with Thomas A. D'Alesandro III after McKeldin left the mayor's office. They were tough years for Baltimore and the nation.

''I was thinking what I have been through and seen,'' Marudas says. ''In the summer of '67, Newark and Detroit exploded. We felt we got through that summer. In '68, we had the assassinations. We had the urban disturbances. We had the Catonsville Nine trial. We had the [George] Wallace campaign.

''Then the war came in. Kent State, Johns Hopkins, they lost control over there. We had to helicopter [Charles McC] Mathias, then an anti-war member of the House of Representatives, to speak to the students. We had all those demonstrations. We didn't have what I'd call a normal year until '71.''

That's when D'Alesandro decided not to run for a second term and Marudas went to Washington to work for Sarbanes.

''He brought one outstanding faculty as far as service to me as mayor and I think maybe to Sarbanes as senator,'' D'Alesandro says. ''He could sense sincerity or baloney.

''He was almost like my alter ego. I sort of found in him somebody who thought like I thought. And he sort of read me, in the sense he knew the things I was interested in. He encouraged me in some things and cautioned me in other things.

''And never had a hidden agenda. You knew you were getting a real honest critique . . . And if we made a decision against him he went along. He sang the song.

''I don't ever remember his trying to take credit for anything. Everything was for me as mayor and Sarbanes as senator . . . I loved the guy.''

And Sarbanes tells roughly the same story.

''When you draw advice and counsel from Peter,'' he says, ''the bottom line is always do the right thing.''

He laughs.

''If he thinks you're going in the wrong direction he'll tell you in no uncertain terms. And he'll keep telling you if you keep moving in that direction.''

PRIZED DISCRETION

Marudas' discretion is also legendary, highly prized by his bosses, but sometimes irritating to council members at City Hall. He's the reigning master of obfuscation.

Former Mayor Kurt L. Schmoke remembers council members complaining that they often did not understand what Marudas had just said.

''That was Peter being creatively enigmatic,'' Schmoke says. ''That was his trademark.''

Marudas picks up his own narrative thread: ''I go over to Washington, saying maybe we have all this stuff behind us and in a couple of years we're into an impeachment. And Sarbanes is on the Judiciary Committee and he offers the first article of impeachment as a junior member.''

Perhaps inevitably he thinks the Nixon impeachment was justified and Clinton's was not.

''You don't impeach a president for a lack of personal judgment,'' says Marudas, who read every single constituent letter on the Clinton impeachment received in Sarbanes' office. ''He has to have violated his constitutional oath. Then you have to have really very strong constitutional grounds, not some flimsy excuse.''

He returned to Baltimore again in 1987 for a stint as a seasoned senior member of the administration of Schmoke.

''I always wanted to work for someone younger than me,'' Marudas says. ''My grandfather always said when you're young learn from the old. When you're old learn from the young.

Schmoke actually had been an intern in Sarbanes' office in the House of Representatives. He's as effusive in his praise of Marudas as the other politicians.

''If I were designing a course at a public policy school, and including a description of the effective staff person,'' says Schmoke, ''I'd model that person on Peter Marudas.''

Everybody asks if Marudas can actually leave politics behind. Sarbanes expects to be able to call on his advice when he needs it.

But right now Marudas plans to go to a wedding in Detroit with his wife, Irene. He'll listen to a lot of jazz. And he'll do a lot of dancing. He and Irene love dancing, especially salsa.

ADDITIONAL STATEMENTS

OATS, INC., 30th ANNIVERSARY CELEBRATION

• Mr. BOND. Mr. President, today I rise to recognize Oats, Inc., and congratulate them on the celebration of their 30th anniversary.

For 30 years Oats, Inc. has provided specialized transportation for the elderly, disabled and rural citizens in Missouri. Rural transportation is a very important piece of our federal transit system, particularly in Missouri and I thank Oats, Inc. for the exemplary job they have done. Oats, Inc. has continually upheld their strong commitment to their mission of providing reliable transportation for transportation disadvantaged Missourians so they can live independently in their own communities.

Oats, Inc., will celebrate their 30th anniversary on September 26, 2001. I would like to extend my appreciation to the volunteers and those attending the celebration for the support they have given to Oats, Inc. I would also like to thank Oats, Inc. for the outstanding services they have provided for the communities in Missouri and it is my sincerest hope that their success extends over the next 30 years.•

TRIBUTE TO BRITTANY SANDERS OF KRISTIN'S KIDS CLUB

• Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to honor and recognize an outstanding young lady, Brittany Sanders, of Gladstone, MO, founder of Kristin's Kids Club. Ms. Sanders is truly extraordinary for having the commitment and vision to establish a children's club in memory of her friend, Kristin Bean, who died of cancer in 1996. This club's devotion to helping children is an inspiration to us all.

The Kristin's Kids Club was founded in 1999 in order to help children in need and to keep Kristin's spirit alive. Although the club was started by one extraordinary young girl, it now has more than 60 members. The club holds various fundraisers in order to raise money to give to charities and other organizations.

Not only do the members of this club raise money to help children, but they also help adults who are in need. They recently organized a variety show to benefit the Gladstone VFW Post 10906 to be used for the Clay County War Memorial fund. They also raised more than $2,000 to assist the victims of the September 11th terrorist attack.

I commend Brittany Sanders and the other members of Kristin's Kids Club for all of their efforts on behalf of Missouri's children. I thank them for making me proud to be a Missourian.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers

Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2001*.

REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 19, 2001*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 14, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills.

H.R. 2133. An act to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education.

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H.R. 2888. An act making emergency supplemental appropriations for the fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD) on September 14, 2001.

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 15, 2001, during the recess of the Senate, received a message from the House of representatives announcing that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD) on September 15, 2001.

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 17, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill and joint resolution, without amendment:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of ''S'' visa nonimmigrants.

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 227. A concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 227. Concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on September 15, 2000, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3943. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Custody Procedures'' (RIN1115–AG40) received on September 18, 2001; to the Committee on the Judiciary.

EC–3944. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Growing Leaders: The Presidential Management Intern Program''; to the Committee on Governmental Affairs.

EC–3945. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3946. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Base Year Inventories, and Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area'' (FRL7057–4) received on September 13, 2001; to the Committee on Environment and Public Works.

EC–3947. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Oregon'' (FRL7044–9) received on September 13, 2001; to the Committee on Environment and Public Works.

EC–3948. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington'' (FRL7057–8) received on September 13, 2001; to the Committee on Environment and Public Works.

EC–3949. A communication from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program'' (RIN0625–AA57) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3950. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.658(g) of the Commission's Rules—The Dual Network Rule'' (Doc. No. 00–108) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3951. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Occupant Crash Protection: Correction'' (RIN2127–AH24) received on September 18 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–3952. A communication from the Attorney for the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''List of Nonconforming Vehicles Decided to be Eligible for Importation'' (RIN2127–AI61) received on

September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3953. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Truth In Savings'' received on September 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3954. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public and Indian Housing, received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3955. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Congressional and Intergovernmental Relations, received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002'' (Rept. No. 107–65).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 952: A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself, Mr. WARNER, Mr. CAMPBELL, and Mr. CRAIG):

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. BOND, Mr. BUNNING, Mrs. BOXER, Mr. BURNS, Ms. CANTWELL, Mr. CHAFEE, Mrs. CLINTON, Mr. ENSIGN, Mr. HARKIN, Mr. HELMS, Mr. KOHL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. SCHUMER, Ms. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. CORZINE, Mr. MCCAIN, Mr. WELLSTONE, Ms. SNOWE, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. LEAHY):

S. 1435. A bill to provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1436. A bill to authorize additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. WYDEN):

S. 1437. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1438. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; read the first time.

By Mr. LEVIN:

S. 1439. A bill to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes; read the first time.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. MCCONNELL):

S. Res. 162.

By Mr. STEVENS (for himself, Mr. CARPER, and Mr. LIEBERMAN):

S. Con. Res. 66. A concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001; ordered held at the desk.

By Mr. DODD:

S. Con. Res. 67. A concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman; considered and agreed to.

By Mr. DODD (for himself and Mr. MCCONNELL):

S. Con. Res. 68. A concurrent resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 382

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 382, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 393

At the request of Mr. FRIST, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Connecticut (Mr. DODD), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 760

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 952, supra.

S. 969

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1125

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1153

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1153, a bill to amend the Food Security Act of 1985 to establish a grassland reserve program to assist owners in restoring and protecting grassland.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Mr. BREAUX), the Senator from Maryland (Mr. SARBANES), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1243

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1250

At the request of Mrs. CARNAHAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1298

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1421

At the request of Mrs. HUTCHISON, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SESSIONS), the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1421, supra.

S. 1430

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from North Dakota (Mr. DORGAN), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1431

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1431, a bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.

S. 1432

At the request of Mr. SMITH of Oregon, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. BREAUX), the Senator from

Georgia (Mr. CLELAND), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 139

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 139, a resolution designating September 24, 2001, as ''Family Day—A Day to Eat Dinner with Your Children.''

S. RES. 158

At the request of Mr. CLELAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 158, a resolution honoring the accomplishments and unfailing spirit of women in the 20th century.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself, Mr. WARNER, Mr. CAMPBELL, and Mr. CRAIG):

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise today to talk about a bill I introduced this morning. The first cosponsor of this measure is my good friend and colleague, Senator JOHN WARNER of Virginia. The bill is the Victims of Terrorism Relief Act of 2001, which would modify current tax policy to provide needed relief and compassion to the victims of the terrorist attacks that occurred on September 11, 2001.

As you well know—and all Americans know—on September 11, 2001, the world was stunned by what may prove to be the most vile, most horrifying act of hate and terror against a nation's people.

While many questions will remain unanswered in the weeks and months to come, what is immediately clear is that the conduct of war, as previously waged by the enemies of the United States, has been suddenly altered. That conduct of war is so different than what we ever imagined as a civilized Nation. This new war does not differentiate between a military and a civilian target. The enemies of liberty and democracy do not distinguish between a trained soldier and an unarmed child. The Federal Government, and the Congress, have previously recognized, and rightfully so, the special circumstances of some of our citizens who voluntarily serve their country in potentially dangerous regions outside of the United States.

Current law provides a reduction in the death tax liability of the estates of members of the Armed Forces who are killed while serving in a combat zone or die as a result of injuries suffered while serving in a combat zone.

In addition, current law provides an exemption from the Federal income tax, on the income earned in the year of death, by Federal military and civilian employees who die during, or as a result of, injuries suffered in a military or terrorist attack outside of the United States.

These brave and honorable individuals put their lives on the line for our country. It is only right that we recognize their extraordinary dedication and their sacrifice.

Unfortunately, the advent of a new type of warfare means many provisions in our Tax Code, which were designed to provide tax relief to Federal military and civilian employees killed in service to their country, are now inadequate in the face of new threats. These benefits do not extend such relief to civilians who may be likewise killed in enemy attacks now indiscriminately aimed at civilian targets, as well as military installations.

As we recognize that our world and the rules of war, as the terrorists use them, have changed, we, too, must change the tax benefits of those citizens and their families who are adversely affected.

To address these inadequacies in the current Tax Code, I introduced the Victims of Terrorism Tax Relief Act of 2001 which would extend and expand current law benefits to any individual who died as a result of the terrorist attacks occurring on September 11, 2001.

Specifically, my legislation eliminates all Federal death taxes on the estates of any individual killed during, or as a result of injuries derived from, the September 11, 2001 terrorist attacks.

It exempts from Federal income tax, in the year of death, any income earned by any individual killed during, or who died as a result of injuries resulting from, the September 11, 2001, terrorist attacks.

It ensures that all our citizens—law enforcement, firefighters, rescue and relief workers, nurses, doctors, anyone—are recognized for their heroism and their sacrifice.

On September 13, 2001, the House of Representatives unanimously passed H.R. 2884, demonstrating overwhelming bipartisan support for extending current law tax benefits to civilian victims of the September 11, 2001, terrorist attacks. While I do not believe the legislation went far enough, in that it does not provide for full relief from Federal death taxes, it takes a very strong stand, sending a message of unity from Washington.

This is a recognition that all of those who lost their lives, in a violent act of war on the United States, on September 11, 2001, whether they are military personnel, civilian personnel, rescue workers, firefighters, police, nurses, citizens trying to help, citizens in their offices, children taking a plane trip, passengers on a plane, pilots of planes, all of these individuals have left us a legacy. Indeed, it is an enduring legacy of purpose, a legacy of compassion, a love of liberty, and a quest for justice.

We must honor all of those who lost their lives in this vile act of war on the United States and never forget; for their memory has truly unified a very diverse nation and has made it an even stronger and more respectful nation. We will honor and always remember them.

The U.S. Senate must rise to the occasion and stand in solidarity with the House of Representatives. The Senate must promptly pass this important legislation. It matters to those victims and their families.

I have personally talked to many, too many, of those family members—brothers, children, and wives—who have lost loved ones because of this dastardly terrorist attack. They are in a time of great grief. That grief will continue until the day they pass from this earth and reunite with their loved ones in heaven.

In this new war against the United States, the enemy is making all Americans, whether they are military or civilian, young or old, parents, children or spouses, targets for their attacks.

In this effort, the Federal Government must adapt its death benefits to take into consideration this sad truth: that the traditional line between combatants and noncombatants is not always respected. I have told those folks that their husband or their brother or their father is a hero and that they were killed because they were here in America. These grieving families need our assistance as much as do the families of our brave military personnel.

What they do not need in this time of mourning is the added worry of filling out tax forms. It is going to be hard enough for them to get by emotionally, much less financially.

For the Senate to act promptly on this legislation, would be to send a positive, reassuring message to these families: you are not going to have to worry about any of these tax forms, or how to afford new taxes in a time of grief—you are not alone in this. We must let them know we appreciate them as the heroes they are. We will always remember them, their acts of martyrdom and heroism unifying this Nation like I have never seen it unified in all of our history.

I hope my Senate colleagues, as they all start coming back after the holy days, will rise in applause, and help to ensure that our tax benefit laws reflect the realities of the new war against civilians, allowing them the same sort of benefits that we provide for our brave military personnel.

I ask unanimous consent that the text of my legislation introduced earlier in the day be printed in the RECORD.

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

S. 1433

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victims of Terrorism Relief Act of 2001''.

SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

''(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

''(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subtitle shall not apply—

''(A) with respect to the taxable year in which falls the date of such individual's death, and

''(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

''(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

''SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.''.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

''Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.''.

(3) Section 5(b)(1) of such Code is amended by inserting ''and victims of certain terrorist attacks'' after ''on death''.

(4) Section 6013(f)(2)(B) of such Code is amended by inserting ''and victims of certain terrorist attacks'' after ''on death''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 3. RELIEF FROM ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting ''(a) IN GENERAL.—'' before ''The additional estate tax''; and

(2) by adding at the end the following:

''(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—No tax imposed under this subtitle shall apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

''SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.''.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

''Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

By Mr. SPECTER (for himself, Mr. BOND, Mr. BUNNING, Mrs. BOXER, Mr. BURNS, Ms. CANTWELL, Mr. CHAFEE, Mrs. CLINTON, Mr. ENSIGN, Mr. HARKIN, Mr. HELMS, Mr. KOHL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. SCHUMER, Ms. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. CORZINE, Mr. MCCAIN, Mr. WELLSTONE, Ms. SNOWE, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of Untied Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Madam President, today I have sought recognition to introduce a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001. The bill which I am introducing would authorize the posthumous award of a Congressional Gold Medal to each of the crew and passengers of United Airlines Flight 93, which took off from Newark, New Jersey, changed course over Ohio, and crashed in Shanksville, PA, which is located in Somerset County.

On Friday, after the Senate had passed H.R. 2888, a resolution authorizing the use of force and $40 billion for additional disaster assistance, both of which have been requested by the President, Senator SANTORUM and I flew by helicopter to Shanksville, PA, Somerset County, which is in southwestern Pennsylvania. There, we took a look at the crash scene, participated in a prayer service, and talked to the representatives of the FBI and the National Transportation Safety Board, as well as our constituents and friends in the area.

At that time, we found absolute rubble. The plane had traveled at a speed of approximately 450 miles an hour at a very low level as it passed by the Johnstown, PA airport, which is slightly to the north of the ultimate crash scene. The plane hit the ground with an enormous impact, leaving just traces, the debris of people, regrettably, and the plane itself.

In our conversations with the officials of the National Transportation Safety Board, Senator SANTORUM and I inquired into a rumor which had been circulating that the plane might have been shot down. However, we were assured by the officials from the National Transportation Safety Board that such an event, in fact, had not happened.

Notwithstanding the debris, the officials were able to piece together the four corners of the plane. Had the plane been shot down, there would have been some sign of it prior to the impact and prior to the crash.

While we were at the scene, Senator SANTORUM and I announced our intention to seek the Congressional Gold Medal for the passengers and crew of United Airlines Flight 93. I am introducing this legislation today and, since yesterday, a large number of cosponsors have already signed on to the bill. Therefore, it is being introduced on behalf of Senator HARKIN, Senator BOXER, Senator BOND, Senator BUNNING, Senator BURNS, Senator CANTWELL, Senator CLINTON, Senator ENSIGN, Senator HELMS, Senator LANDRIEU, Senator NELSON of Florida, and Senator SCHUMER.

The medal has special significance for the Senate, the House of Representatives, and for the Capitol because all indications are that the plane—and this is speculation, because we will never know for certain—but, there are indications that the plane was headed for the U.S. Capitol. That statement was made by Vice President CHANEY on Sunday, September 16 on NBC's ''Meet The Press.'' It is speculation. I want to clearly identify it as such because there is no way to be sure. But the speculation is supported by the fact that the plane which hit the Pentagon had been on a direct line to the White House and it veered off at the last moment. The fourth plane, United Airlines Flight 93, appeared to have been headed in a line that could have been to the White House, or even to Camp David, although it is unlikely to have been headed to Camp David since no one was there at the time. Most likely, Flight 93 was headed to the Capitol, the symbol of our Nation.

Wherever the United States is symbolized around the world, it is the Capitol dome that represents the nation. The terrorists intended to strike at us in every way possible: physically, psychologically, emotionally, and at the very Capitol.

So it is with a heavy heart, which is a sentiment shared by Americans all across he land and really, by most people across the globe, that I introduce this bill denominated at the ''Honoring the Passengers and Crew of United Airlines Flight 93 Act.''

On September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California;

The plane was hijacked by 4 terrorists shortly after it took off;

It is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

The passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

The passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent Americans, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon:

The 44 people in all, 37 passengers and 7 crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

The struggle of the crew and passengers of United Airlines Flight 93 against the terrorists caused the Boeing 757 to crash down in a sparsely populated area near Shanksville, Pennsylvania at 10:10 a.m., September 11, 2001, possibly saving countless lives in the Nation's Capital.

The President is authorized, on behalf of Congress, to award posthumously a gold medal of appropriate design to each of the United Airlines Flight 93 crew members: Lorraine G. Bay; Sandra W. Bradshaw; Jason Dahl; Wanda A. Green; LeRoy Homer; CeeCee Lyles; and Deborah A. Welsh; and the United Airlines Flight 93 passengers: Christian Adams; Todd Beamer; Alan Beaven; Mark Bingham, who made a call to his mother; Deora Bodley; Marion Britton; Thomas E. Burnett, Jr.—who was one of the individuals who had cellular phone contact—William Cashman; Georgine Rose Corrigan; Joseph Deluca; Patrick Driscoll; Edward Felt; Colleen Fraser; Andrew Garcia; Jeremy Glick—another one of the passengers who had contact with his wife, according to very detailed newspaper accounts, with the determination by Mr. Glick, according to his wife's report, that something would be done. Obviously, something was done—Kristin Gould; Lauren Grandcolas; Donald F. Greene; Linda Gronlund; Richard Guadagno; Toshiya Kuge; Hilda Marcin; Waleska Martinez; Nicole Miller; Louis J. Nacke; Donald Peterson; Mark Rothenberg; Christine Snyder; John Talignani; Honor Wainio; and 3 additional heroes whose families have requested that their names be withheld.

The original thought Senator SANTORUM and I had was to make the recommendation requesting the award of these medals only to the three individuals who had been identified as having cellular phone contact. However, it is entirely likely that others were involved in the heroic effort to somehow storm the cockpit. What precisely happened during that flight, we do not know. We may know more when the black box or the voice recorder is located and investigated. There was a very heroic action to stop that plane from continuing on its flight—wherever it was headed—presumably to the Capitol Building, causing it to crash and take the lives of the 33 passengers, seven crew members, and foiling the efforts of those four terrorists.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

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

S. 1434

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Honoring the Passengers and Crew of United Flight 93 Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California;

(2) the plane was hijacked by 4 terrorists shortly after it took off;

(3) it is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

(4) the passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

(5) the passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent Americans, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon;

(6) the 40 passengers and crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

(7) the struggle of the crew and passengers of United Airlines Flight 93 against the terrorists caused the Boeing 757 to crash down in a sparsely populated area near Shanksville, Pennsylvania at 10:10 a.m., September 11, 2001, possibly saving countless lives in the Nation's Capital.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award posthumously a gold medal of appropriate design to each of—

(A) the United Airlines Flight 93 crew members—

(i) Lorraine G. Bay;
(ii) Sandra W. Bradshaw;
(iii) Jason Dahl;
(iv) Wanda A. Green;
(v) LeRoy Homer;
(vi) CeeCee Lyles; and
(vii) Deborah A. Welsh; and

(B) the United Airlines Flight 93 passengers—

(i) Christian Adams;
(ii) Todd Beamer;
(iii) Alan Beaven;
(iv) Mark Bingham;
(v) Deora Bodley;
(vi) Marion Britton;
(vii) Thomas E. Burnett, Jr.;
(viii) William Cashman;
(ix) Georgine Rose Corrigan;
(x) Joseph Deluca;
(xi) Patrick Driscoll;
(xii) Edward Felt;
(xiii) Colleen Fraser;
(xiv) Andrew Garcia;
(xv) Jeremy Glick;
(xvi) Kristin Gould;
(xvii) Lauren Grandcolas;
(xviii) Donald F. Greene;
(xix) Linda Gronlund;
(xx) Richard Guadagno;
(xxi) Toshiya Kuge;
(xxii) Hilda Marcin;
(xxiii) Waleska Martinez;
(xxiv) Nicole Miller;
(xxv) Louis J. Nacke;
(xxvi) Donald Peterson;
(xxvii) Mark Rothenberg;
(xxviii) Christine Snyder;
(xxix) John Talignani;
(xxx) Honor Wainio; and
(xxxi) 3 additional heroes whose families have requested that their names be withheld.

(2) MODALITIES.—The modalities of presentation of the medals struck under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the ''Secretary'') shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

Mr. DORGAN. Madam President, I ask unanimous consent to be added as a cosponsor to the Senator's bill.

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

By Mr. SPECTER:

S. 1436. A bill to authorize additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings; to the Committee on Rules and Administration.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation which specifically authorizes funding for Senators to mail town meeting notices to their constituents. My legislation authorizes $3 million each year for the next five years for Members to spend on the mailing of town meeting notices in counties with populations of less than 50,000.

Town meetings are the best way for Members to inform constituents about

our actions in Washington, and town meeting notices are the most effective means we have of advising constituents about these events. Unfortunately, the budgets under which we operate today are very restrictive and do not allow us to properly advise all of our constituents when we will be holding a town meeting in their area. For Pennsylvania alone, it would cost $735,000, one third of my entire office budget, to circulate town meeting notices to each household in Pennsylvania. For this reason, additional funding is necessary to allow Members to send adequate notice to constituents of their visits throughout their States. However, recognizing the fiscal constraints under which we are currently operating, I have limited the scope of my legislation to only counties with smaller populations.

Smaller, rural communities are not always effectively reached by the mass media, which are generally relied upon to deliver news of our legislative activities. For example, if you take the northern tier of Pennsylvania, or the southern tier, where residents do not necessarily get any of the major newspapers and are outside television range, unless you actually go to the county, it is very hard for Senators to communicate with their constituents about what they are doing in Washington. Town meetings are a valuable forum in which Members can share details of our work and in turn hear directly from constituents concerning their thoughts on a variety of topics. My legislation would ensure that constituents in all parts of a Member's State are afforded the opportunity to participate in this process.

I regularly visit all 67 counties in Pennsylvania and find it very refreshing to get outside the beltway, to find out what people are thinking about in the more rural, remote parts of Pennsylvania. Likewise, my constituents also find it valuable to be able to receive notice that ARLEN SPECTER is coming to town, to listen to a short speech, and spend the majority of meeting time participating in a question and answer session. That way you have participatory democracy.

In July 2001, during Senate floor consideration of the Fiscal Year 2002 Legislative Branch Appropriations bill, Subcommittee Chairman DURBIN and Ranking Minority Member BENNETT accepted my amendment which provides $3 million for the mailing of town meeting notices, subject to authorizing legislation. Today I am introducing this authorizing legislation, and urge my colleagues to join me in supporting its timely passage.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. WYDEN):

S. 1437. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. 530B, which was slipped into the omnibus appropriations bill at the end of the 105th Congress. The McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate Federal prosecutions. At a time when we need Federal law enforcement authorities to move quickly to catch those responsible for last week's terrorist attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on Federal investigations and prosecutions caused by this ill-considered legislation.

The bill that I am introducing today, along with Senators HATCH and WYDEN, will modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I introduced similar legislation in the last Congress, but was unable to get it before the Judiciary Committee for consideration. Since then, I have continued to work closely with the Justice Department and the FBI to monitor the problems caused by the McDade law and to refine this corrective legislation. I hope Congress will make it a top priority as it considers ways to improve Federal law enforcement and combat terrorism.

By way of background, controversy surrounding the application of State ethics rules to Federal prosecutors began over a decade ago, when a Federal appellate court held in United States v. Hammad, that a disciplinary rule prohibiting lawyers from communicating with persons they knew to be represented applied in the investigatory stages of a Federal criminal prosecution. The court also noted that suppression of evidence was an appropriate remedy for a prosecutor's breach of an ethical rule.

The Department of Justice responded to the Hammad opinion with what became known as the Thornburgh Memorandum. Issued on June 8, 1989, the Memorandum asserted that ''contact with a represented individual in the course of authorized law enforcement activity does not violate'' the ABA's model ''no contact'' rule. The Memorandum concluded, ''The Department will resist, on Supremacy Clause grounds, local attempts to curb legitimate Federal law enforcement techniques.''

The Federal courts responded negatively to the Department's position. In general, the Department was unable to persuade the courts of the efficacy of the Attorney General's policy statement.

Amid mounting criticism of the Thornburgh Memorandum, Attorney General Reno issued regulations in 1994 governing all Justice Department litigators in their communications with persons represented by counsel. These regulations allowed contacts with represented persons in certain circumstances, even if such contacts were at odds with State or local Federal court ethics rules. State disciplinary authorities could sanction a government attorney for willful violation of the regulations, but only upon a finding by the Attorney General that a willful violation had occurred.

The Department's new regulations shared the fundamental defect of the Thornburgh Memorandum, regulation of Federal prosecutors by the Justice Department instead of by the courts, without valid statutory authority. Not surprisingly, the only court to consider these regulations found them to be invalid.

On May 1, 1996, Representative Joseph McDade introduced legislation that sought to resolve the controversy over the Justice Department's claimed authority to write its own ethics rules. In essence, H.R. 3386 provided that Federal prosecutors were governed by the ethics rules that apply to lawyers generally. A hearing on the bill was held on September 12, 1996, before the Subcommittee on Courts and Intellectual Property, but no further action was taken.

On March 5, 1998, Representative McDade introduced H.R. 3396, a modified version of H.R. 3386. Although the House Judiciary Committee did not hold hearings or act on the bill, language similar to H.R. 3396 was included in the House-passed Commerce-Justice-State appropriations bill for FY1999. Thereafter, without the benefit of any hearings or debate in the Senate, and over the objection of a bipartisan majority of the Senate Judiciary Committee, the same language was enacted as Title VIII of the final omnibus bill, with a six-month delayed effective date.

At a hearing before a Judiciary Subcommittee on March 24, 1999, a number of law enforcement officials lined up to criticize the new law. In particular, they argued that its vague directive to comply with rules in each State where the attorney engages in his or her duties leaves prosecutors unsure about what rule applies to particular conduct. The one certain result of this confusion: Attorneys would refrain from taking critically important investigative steps or would leave law enforcement officers to make their own decisions about whom and how to investigate.

The McDade law went into effect on April 19, 1999. Since then, all of law enforcement's concerns about the McDade law have come to pass.

In floor statements on May 25 and September 14, 2000, I described some of the devastating effects that the McDade law is having on Federal law enforcement efforts across the country. You will recall some of the disturbing facts I described:

In Oregon, Federal prosecutors will no longer authorize undercover operations, and the FBI was forced to shut down its Innocent Images initiative, which targets child pornography and exploitation.

In California, a grand jury investigation into an airline's safety and maintenance practices was stalled for many months because of the McDade law's interplay with that State's ethics rules. After about a year of investigation, one of the airline's planes crashed, after experiencing mechanical problems on the first leg of its trip.

In another State, the FBI was stymied in a child murder investigation because of a State Bar ethics rule that went far beyond what is required by established Supreme Court and Federal appellate case law.

There are other recent examples. In one case, the FBI has had to close an investigation into allegations of fraud committed by the officials of a city with regard to FEMA disaster funds after the city's attorney invoked the McDade law to prohibit FBI agents from interviewing any city employees. In another case, counsel for an aviation company has used the McDade law to prevent the FBI from working with company employees who are willing to provide information and evidence concerning allegations that the company has been selling defective aircraft engine parts to military and civilian airlines.

Of more immediate urgency, the McDade law seriously threatens to impede the terrorism investigation into the events of September 11, 2001. In this widespread, international investigation, the McDade law will subject Justice Department attorneys to multiple and different attorney conduct rules, either because the attorneys working on or supervising the investigation are admitted to practice in more than one state, or because they are seeking assistance through court processes, search warrants; material witness warrants; criminal complaints; and grand jury subpoenas, in more than one Federal district court, each of which adopts its own set of attorney conduct rules. How are Justice Department attorneys meant to resolve conflicts in those rules in a manner that is reliable without unduly delaying this critical investigation?

There can no longer be any serious doubt about the need for corrective legislation. We cannot afford to wait until the McDade law impedes the investigation into last Tuesday's attacks before taking action.

Supporters of the McDade law have argued that Federal prosecutors are no worse off than their State counterparts, who have long been subject to State ethics rules. This is simply not the case. State prosecutors practice almost entirely before the courts of the State in which they are licensed: they do not practice in Federal court. Thus, they are subject to only one set of ethics rules, the rules applied by the courts before which they appear and the rules of the State in which they are licensed are one and the same. This is not true for Federal prosecutors, who are licensed by a State but practice in Federal courts and must comport with local Federal court ethics rules. Thus, Federal prosecutors are generally subject to at least two sets of potentially conflicting ethics rules.

Additionally, Federal prosecutors frequently work across State lines. This is not true of State prosecutors, whose work is generally confined to a single State. Under the McDade law, Federal prosecutors must comport with the State ethics rules of each State where they engage in their duties, which may be different than the rules of either the licensing State or the local Federal court. This means that Federal prosecutors may be subject to three or more sets of ethics rules with respect to the same conduct, including two or more sets of State ethics rules that do not take into consideration the special needs and interests of the United States in investigating and prosecuting violations of Federal law.

In any event, even assuming that State Bar rules are causing serious problems for State prosecutors as well as Federal prosecutors, that is a matter for the States, not for Congress. Our responsibility is to ensure the effective enforcement of the Federal criminal laws, and that is what my legislation seeks to accomplish.

The Professional Standards for Government Attorneys Act adheres to the basic premise of the McDade law: The Department of Justice does not have the authority it has long claimed to write its own ethics rules. This legislation establishes that the Department may not unilaterally exempt Federal trial lawyers from the standards of professional responsibility adopted by the Federal courts. Federal courts are the more appropriate body to establish such standards for Federal prosecutors, not only because Federal courts have traditional authority to establish such standards for lawyers generally, but because the Department lacks the requisite objectivity.

The first part of this bill embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of professional responsibility, and not to the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of the bill specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. Such activities are legitimate and essential crimefighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, the bill addresses the most pressing contemporary question of government attorney ethics, namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. I urge Congress to move quickly to pass this corrective legislation before more cases are compromised.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

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

S. 1437

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Professional Standards for Government Attorneys Act of 2001''.

SEC. 2. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

(a) Section 530B of title 28, United States Code, is amended to read as follows:

''SEC. 530B. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

''(a) DEFINITIONS.—In this section:

''(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'——

''(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; and Special Assistant to the Attorney General or Special Attorney appointed under section 515; any special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed

by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

''(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

''(2) STATE.—The term 'State' includes a Territory and the District of Columbia.

''(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

''(1) for conduct in connection with a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of that court;

''(2) for conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is intended to be brought; and

''(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

''(c) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)——

''(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

''(2) shall not be required to be a member of the bar of any particular State.

''(d) COVERT ACTIVITIES.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting covert activities, and participate in such activities, even though such activities may require the use of deceit or misrepresentation.

''(e) ADMISSIBILITY OF EVIDENCE.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceeding.

''(f) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking ''Ethical standards for attorneys for the Government'' and inserting ''Professional standards for Government attorneys''.

(c) REPORTS.——

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include——

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration——

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SUMMARY OF THE ''PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001''

I. AMENDMENTS TO 28 U.S.C. § 530B

The first part of the bill supersedes the McDade law with a new 28 U.S.C. § 530B, consisting of six subsections:

Subsection (a) codifies the definition of ''government attorney,'' by reference to the current Department of Justice regulations.

Subsection (b) establishes clear choice-of-law rules for government attorneys with respect to standards of professional responsibility, modeled on Rule 8.5(b) of the ABA's Model Rules of Professional Conduct. These choice-of-law rules apply only with respect to government attorney conduct that is related to the attorney's work for the government. Under these rules, an attorney who is handling a case in court would be subject to the professional standards established by the rules and decisions of that court; an attorney who is engaged in conduct reasonably intended to lead to a proceeding in court, such as conduct in connection with a grand jury or civil investigation, would be subject to the professional standards of the court in which the proceeding is intended to be brought; in other circumstances, where no court has clear supervisory authority over particular conduct, an attorney would be subject to the professional standards established by rules and decisions of the United States District Court for the judicial district in which the attorney principally performs his official duties. In the event that the Supreme Court promulgates one or more uniform national rules governing the professional conduct of government attorneys practicing before the Federal courts, the terms of the uniform national rule would apply.

Subsection (c) clarifies the law regarding the licensing of government attorneys, an issue that is currently addressed through the appropriations process. Since 1979, appropriations bills for the Department of Justice have incorporated by reference section 3(a) of Pub. L. 96–132, which states: ''None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.'' Subsection (c) codifies this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular. The clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. *United States* v. *Straub*, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United States Attorney because he was not licensed to practice in West Virginia).

Subsection (d) specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See *In re Gatti*, 330 Or. 517 (2000). This subsection ensures that these traditional law enforcement tools will be available to federal prosecutors and agents.

Subsection (e) makes clear that violations of professional conduct rules by government attorneys shall not be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceeding.

Subsection (f), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

II. JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS

The second part of the bill directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., *State* v. *Miller*, 600 N.W.2d 457 (Minn. 1999); *United States* v. *McDonnell Douglas Corp.*, 132 F.3d 1252 (8th Cir. 1998); *United States* v. *Lopez*, 4 F.3d 1455 (9th Cir. 1993); *United States* v. *Hammad*, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA's Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These ''no contact'' rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to Federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in being governed by a single set of professional standards relating to

frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors' communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individuals. Absent clear authority to engage in communications with represented persons, when necessary and under limited circumstances carefully circumscribed by law, the government is significantly hampered in its ability to detect and prosecute Federal offenses.

The proposed legislation charges the Judicial Conference with developing a uniform national rule governing government attorney contacts with represented persons. Given the advanced stage of dialogue among the interested parties, the Department of Justice, the ABA, the Federal and State courts, and others, the Committee is confident that a satisfactory rule can be developed within the one-year time frame established by the bill.

While the ''no contact'' rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility may also threaten to interfere with legitimate investigations. The proposed legislation therefore directs the Judicial Conference to prepare a second report addressing broader questions regarding the regulation of government attorney conduct. This report, to be completed within two years, would review any areas of conflict or potential conflict between federal law enforcement techniques and existing standards of professional responsibility, and make recommendations concerning the need for additional national rules.

Mr. WYDEN. Mr. President, I wish to bring to the Senate's attention a serious legal matter currently impeding Federal criminal investigations in many States, especially Oregon, and legislation that I am joining the Chairman of the Judiciary Committee, Senator LEAHY, in introducing today to correct this problem.

Enacted at the end of the 105th Congress as Section 801 of the Omnibus Appropriations Bill (Public Law 105–277), the Citizens Protection Act, commonly known as the ''McDade law,'' has hampered Federal law enforcement efforts aimed at combating child pornography, drug trafficking, and terrorism, particularly in the State of Oregon.

In the Gatti case [Gatti, 330 Or. 517 (2000)] in early 2000, the Oregon Supreme Court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Comprehensive Medical Review, CMR. The attorney, who represented a client who had filed a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar's view that the attorney's conduct violated two Oregon State Bar disciplinary rules and an Oregon statute, specifically, a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting willful deceit or misconduct in the legal profession. In doing so, the court rejected the attorney's defense that his misrepresentations were justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no 'prosecutorial exception' to either the State Bar disciplinary rules or the Oregon statute. As a result of this decision, prosecutors in Oregon may not concur or participate in undercover and other covert law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

Soon after this Oregon Supreme Court decision, the Oregon U.S. Attorney's Office informed the Oregon FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be disallowed by the State Bar. Several important investigations were immediately terminated or severely impeded. The Oregon U.S. Attorney even refused to certify the renewal of the Portland Innocent Images undercover program, which targets child pornography and exploitation. Without the U.S. Attorney's certification, the program was shut down and a significant criminal problem has since gone unchecked.

The Federal Investigation Enhancement Act that I am introducing today with Senator LEAHY will clarify that Federal attorneys may, for the purpose of enforcing Federal law, authorize, concur, direct, and supervise covert investigations even though such activities may require the use of deceit or misrepresentation. In doing so, our legislation will make it possible for Federal authorities to continue their efforts to investigate and apprehend the most dangerous criminals.

It is my hope that the Senate will act quickly on this legislation that will correct the most serious problems caused by the McDade law. It will be of enormous help to Federal law enforcement efforts in Oregon and across our country who are prosecuting these crimes.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing the Victims of Terrorism Relief Act of 2001, to provide tax relief for the innocent victims of the terrorist attacks against our Nation last Tuesday, September 11.

Last week's attack was unlike any event in our Nation's history. It was an act of war committed on U.S. soil, and more, with innocent civilians coldbloodedly selected as the principal targets and even strapped to the weapons. I am confident that, under the leadership of our Commander-in-Chief, and with broad and deep support, across our country and, on a bipartisan basis, here in Congress, we will win this war decisively.

A significant part of our response also must be compassion for the survivors of those victims of the first day of this war. Our tax code has long recognized that compassion demands we extend a helping hand by providing relief to our military heroes killed in combat. Today, sadly, we recognize the need to extend similar comfort and relief to the families of civilian victims whose lives have been taken.

The other body has already passed emergency legislation along these lines. The bill I am introducing is identical to that legislation. The main provisions of this bill would extend the same relief to individuals killed in last week's terrorist attack as is currently provided for members of our armed forces, with regard to the death tax, and currently provided for Federal military and civilian employees, with regard to Federal income taxes.

I fully realize that my Senate colleagues, including knowledgeable members of the Senate Finance Committee, will propose additional tax relief provisions to meet additional needs that are still being identified. But I want to add my voice, early and urgently, to emphasize the importance of acting swiftly and decisively to provide this relief to our fellow Americans.

I ask unanimous consent that the text of this bill be printed in the RECORD, as well as a brief summary of its provisions.

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

S. 1440

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victims of Terrorism Relief Act of 2001''.

SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

''(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

''(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subtitle shall not apply—

''(A) with respect to the taxable year in which falls the date of such individual's death, and

''(B) with respect to any prior taxable year in the period beginning with the last taxable

year ending before the taxable year in which the wounds or injury were incurred.

''(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

''SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.''.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

''Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.''.

(3) Section 5(b)(1) of such Code is amended by inserting ''and victims of certain terrorist attacks'' after ''on death''.

(4) Section 6013(f)(2)(B) of such Code is amended by inserting ''and victims of certain terrorist attacks'' after ''on death''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 3. RELIEF FROM ADDITIONAL ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting ''(a) IN GENERAL.—'' before ''The additional estate tax'', and

(2) by adding at the end the following:

''(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

''SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.''.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

''Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

VICTIMS OF TERRORISM RELIEF ACT OF 2001—EXPLANATION OF PROVISIONS

Death Tax Relief.—Section 2201 of the Internal Revenue Code currently provides an estate tax reduction for members of the armed forces who are killed while serving in a combat zone or who die as a result of injuries suffered while serving in a combat zone. The provision reduces estate tax liability by more than half.

The bill would extend this estate tax treatment to individuals who were killed as a result of the September 11 terrorist attack or who dies as a result of injuries suffered from that attack.

Income Tax Relief.—Section 692(c) of the Internal Revenue Code currently exempts Federal military and civilian employees from paying Federal income taxes in the year of their death if they die during (or as a result of injuries suffered in) a military or terrorist act outside of the United States.

The bill would extend this Federal income tax relief to individuals who died as a result of the September 11 terrorist attack or who die from injuries suffered as a result of that attack.

Relief for Airline Payments to Passengers.—The bill would clarify that the $25,000 per passenger payments made by United Airline will be exempt from Federal income taxes, if such a clarification is needed. Any similar payments made by American Airlines would receive similar treatment.

Exempt FEMA Assistance Payments from Tax.—The bill would ensure that FEMA assistance payments are exempt from federal income tax.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 66—TO EXPRESS THE SENSE OF THE CONGRESS THAT THE PUBLIC SAFETY OFFICER MEDAL OF VALOR SHOULD BE AWARDED TO PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY IN THE AFTERMATH OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. STEVENS (for himself, Mr. CARPER, and Mr. LIEBERMAN) submitted the following concurrent resolution, which was ordered held at the desk.

S. CON. RES. 66

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107–12, 115 Stat. 20)—

(A) allows the President to award, and present in the name of Congress, a Medal of Valor to a public safety officer cited by the Attorney General of the United States, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty; and

(B) provides that the Public Safety Officer Medal of Valor shall be the highest national award for valor by a public safety officer;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City, and a third into the Pentagon in suburban Washington, DC;

Whereas thousands of innocent Americans were killed or injured as a result of these attacks, including rescue workers, police officers, and firefighters at the World Trade Center and at the Pentagon;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon;

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events and acting heroically, without concern for their own safety, trying to help and to save as many of the lives of others as possible in the impact zones, in spite of the clear danger to their own lives; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) because of the tragic events of September 11, 2001, the limit on the number of Public Safety Officer Medals of Valor should be waived, and a medal should be awarded under the Public Safety Officer Medal of Valor Act of 2001 to any public safety officer, as defined in that Act, who was killed in the line of duty; and

(2) the Medal of Valor Review Board should give strong consideration to the acts of bravery by other public safety officers in responding to these events.

Mr. STEVENS. Mr. President, yesterday Senator INOUYE and I went to New York City to visit the disaster area. It was an experience I shall never forget. We had the cooperation of the New York National Guard, which flew us in a helicopter over the area of the World Trade Center, and then met Mayor Giuliani on the ground and visited the disaster scene.

Today, I have come to this Chamber to introduce a Senate concurrent resolution. This resolution would express the sense of the Congress that the Public Safety Officers Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

It is with a sad heart that I introduce this resolution, for once again America has seen some of our finest go into harm's way to help those they are sworn to protect and serve. Many of these firefighters, police officers, and public safety officers gave their lives. They made the ultimate sacrifice for our country in the service of their fellow Americans.

Without regard for their own safety, firefighters, police officers, port authority officers, rescue personnel, and others rushed into the World Trade Center and the Pentagon to help in the rescue of workers in those buildings. Senator INOUYE and I visited the Pentagon the day before yesterday to view that site.

Many of these people gave their lives in helping those they sought to rescue. The truly heroic response of our public servants to these horrible and evil attacks on America and Americans should not go unnoticed, and we all know the acts will not go unpunished.

The Public Service Medal of Valor was created to recognize public safety officers who act with extraordinary valor above and beyond the call of duty and to recognize the protective service that goes often unnoticed in our daily lives.

In 1998, in the U.S. Capitol, Senators, Congressmen, tourists, and staff were reminded of the tremendous sacrifices that officers make every day when Officers Jacob Chestnut and John Gibson gave their lives defending the peace and defending our lives here in the Nation's Capitol.

Shortly after that tragic event, I introduced the Senate version of the Medal of Valor Act. The law allows for five medals to be awarded a year, but I believe it is important to recognize all those who lost their lives on September 11, 2001, in the horrendous attacks in New York City and the Pentagon. They deserve consideration under this law.

When President Bush signed the Public Safety Medal of Valor Act into law on May 30 of this year, 28 of our colleagues were cosponsors of the Senate version.

It is my hope that they and others in the Senate will join in recognizing the heroic acts of all our public safety officers killed in the line of duty in the aftermath of these terrorist attacks of September 11 of this year by cosponsoring this resolution and helping to get it passed.

I ask the concurrent resolution remain at the desk so those who wish to cosponsor can do so through tomorrow.

Is that request in order, Mr. President?

The PRESIDING OFFICER. The Chair is advised that doing so may delay referral of the bill.

Mr. STEVENS. It is my desire to have those who wish to be an original cosponsor have the opportunity to do so, and I ask the cooperation of the Parliamentarian to see how that can be worked out.

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

SENATE CONCURRENT RESOLUTION 67—PERMITTING THE CHAIRMAN OF THE COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO DESIGNATE ANOTHER MEMBER OF THE COMMITTEE TO SERVE ON THE JOINT COMMITTEE ON PRINTING IN PLACE OF THE CHAIRMAN

Mr. DODD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Seventh Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

SENATE CONCURRENT RESOLUTION 68—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. DODD (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 68

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Dayton, Mrs. Feinstein, Mr. Inouye, Mr. Cochran, and Mr. Santorum.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Dodd, Mr. Schumer, Mr. Dayton, Mr. Stevens, and Mr. Cochran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1570. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

SA 1571. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, supra; which was ordered to lie on the table.

SA 1572. Mr. KERRY (for himself, Mr. BOND, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2590, supra; which was ordered to lie on the table.

SA 1573. Mr. MCCONNELL (for himself, Mr. BURNS, Mr. HUTCHINSON, Mr. SMITH of Oregon, and Mr. STEVENS) proposed an amendment to the bill H.R. 2590, supra.

SA 1574. Mr. DORGAN (for Mr. JOHNSON (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill H.R. 2590, supra.

SA 1575. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, supra.

SA 1576. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, supra.

SA 1577. Mr. DORGAN (for Mr. CAMPBELL (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amendment to the bill H.R. 2590, supra.

SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, supra.

SA 1579. Mr. DORGAN (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2590, supra.

SA 1580. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

SA 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1582. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1583. Mr. DORGAN (for Mrs. CLINTON (for himself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER)) proposed an amendment to the bill H.R. 2590, supra.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, supra.

TEXT OF AMENDMENTS

SA 1570. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $187,322,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $19,732,000: *Provided further*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $69,028,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,150,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by

5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,799,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $32,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(RESCISSION)

Of the funds appropriated under this heading in the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346), $8,000,000 are rescinded effective September 30, 2001.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $45,702,000, of which not to exceed $3,400,000 shall remain available until September 30, 2004; and of which $7,790,000 shall remain available until September 30, 2003: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $44,879,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: *Provided*, That any amount provided under this heading shall be available only after the advance approval of the Committees on Appropriations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $106,317,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $17,166,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $33,434,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $106,965,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $212,316,000, of which not to exceed $9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $821,421,000, of which $3,500,000 shall be available for retrofitting and upgrades of the National Tracing Center Facility in Martinsburg, West Virginia; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms, and of which $16,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,022,453,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $172,637,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committee on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $357,832,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $230,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committee on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that expenditure plan has been approved by the Committee on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $191,718,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at $187,318,000. In addition, $40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,786,347,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,535,198,000, of which not to exceed $1,000,000 shall remain available until September 30, 2004, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,563,249,000 which shall remain available until September 30, 2003.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $419,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 34; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities

and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $899,615,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $2,554,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided,* That up to $18,000,000 provided for protective travel shall remain available until September 30, 2003.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,352,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided,* That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 119. Section 122 of Public Law 105–119, as amended by Public Law 105–277, is further amended in paragraph (g)(1), by striking ''three years'' and inserting ''four years''; and by striking '', the United States Customs Service, and the United States Secret Service''.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

This title may be cited as the ''Treasury Department Appropriations Act, 2002''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $76,619,000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the ''Postal Service Appropriations Act, 2002''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $54,165,000: *Provided,* That $10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $11,914,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such

sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $8,625,000, to remain available until expended, of which $1,306,000 is for six projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which $7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the United States Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,896,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $314,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,192,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,119,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,447,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $46,032,000, of which $11,775,000 shall be available until September 30, 2003 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,519,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,096,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277), $42,000,000, which shall remain available until expended, consisting of $20,000,000 for counternarcotics research and development projects, and $22,000,000 for the continued operation of the technology transfer program: *Provided*, That the $20,000,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (HIDTA), of which $1,000,000 shall be for an additional amount for the Rocky Mountain HIDTA; of which $1,500,000 shall be used for an additional amount for the Midwest HIDTA; of which $1,000,000 shall be for an additional amount for the Gulf Coast HIDTA; of which $1,000,000 shall be for an additional amount for the Hawaii HIDTA; of which $500,000 shall be for an additional amount for the Milwaukee HIDTA; of which $500,000 shall be for an additional amount for the Philadelphia/Camden HIDTA; of which $1,000,000 shall be for an additional amount for the Northwest HIDTA; of which $1,500,000 shall be for an additional amount for the Southwest Border HIDTA; of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, not less than $2,100,000 shall be used for auditing services and activities: *Provided further*, That HIDTAs designated as of September 30, 2001, shall be funded at no less

than fiscal year 2001 levels unless the Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by Public Law 105–277, $249,400,000, to remain available until expended, of which $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998; of which $4,800,000 shall be made available no later than 30 days after the enactment of this Act to the United States Anti-Doping Agency for their anti-doping efforts; of which $50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; of which $1,000,000 shall be available to the National Drug Court Institute; and of which $3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: *Provided,* That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2002''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,498,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $43,993,000, of which no less than $4,453,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses of which $2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: *Provided,* That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $26,378,000: *Provided,* That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further,* That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,217,350,000, of which (1) $477,544,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, U.S. Courthouse, $11,290,000

Arkansas:

Little Rock, U.S. Courthouse Annex, $5,022,000

California:

Fresno, U.S. Courthouse, $121,225,000

District of Columbia:

Washington, U.S. Courthouse Annex, $6,595,000

Washington, Southeast Federal Center Site Remediation, $5,000,000

Florida:

Ft. Pierce, Courthouse, $4,314,000

Miami, Courthouse, $15,282,000

Illinois:

Rockford, Courthouse, $4,933,000

Iowa:

Cedar Rapids, Courthouse, $14,795,000

Maine:

Jackman, Border Station, $868,000

Maryland:

Montgomery County, FDA Consolidation, $19,060,000

Suitland, U.S. Census Bureau, $2,813,000

Suitland, National Oceanic and Atmospheric Administration II, $34,083,000

Massachusetts:

Springfield, U.S. Courthouse, $6,473,000

Mississippi:

Gulfport, U.S. Courthouse, $3,000,000

Jackson, Mississippi, $13,231,000

Michigan:

Detroit, Ambassador Bridge Border Station, $9,470,000

Montana:

Raymond, Border Station, $693,000

New Mexico:

Las Cruces, U.S. Courthouse, $4,110,000

New York:

Brooklyn, U.S. Courthouse Annex—GPO, $3,361,000

Buffalo, U.S. Courthouse Annex, $716,000

New York, U.S. Mission to the United Nations, $4,617,000

Oregon:

Eugene, U.S. Courthouse, $4,470,000

Pennsylvania:

Erie, U.S. Courthouse Annex, $30,739,000

Tennessee:

Nashville, Courthouse, $20,700,000

Texas:

Del Rio III, Border Station, $1,869,000

Eagle Pass, Border Station, $2,256,000

El Paso, U.S. Courthouse, $11,193,000

Fort Hancock, Border Station, $2,183,000

Houston, Federal Bureau of Investigation, $6,268,000

Utah:

Salt Lake City, Courthouse, $5,000,000

Virginia:

Norfolk, U.S. Courthouse Annex, $11,609,000

Nationwide:

Judgment Fund Repayment, $84,406,000

Non-prospectus construction, $5,900,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance notice is transmitted to the Committees on Appropriations of a greater amount: *Provided further,* That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $844,880,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance notice is transmitted to the Committees on Appropriations of a greater amount:

Repairs and Alterations:

Alabama:

Montgomery, Frank M. Johnson, Jr. Federal Building-Courthouse, $4,000,000

California:

Laguna Niguel, Chet Holifield Federal Building, $11,711,000

San Diego, Edward J. Schwartz Federal Building-U.S. Courthouse, $13,070,000

Colorado:

Lakewood, Denver Federal Center, Building 67, $8,484,000

District of Columbia:

Washington, 320 First Street, Federal Building, $8,260,000

Washington, Internal Revenue Service Main Building, Phase 2, $20,391,000

Washington, Main Interior Building, $22,739,000

Washington, Main Justice Building, Phase 3, $45,974,000

Florida:

Jacksonville, Charles E. Bennett Federal Building, $23,552,000

Tallahassee, U.S. Courthouse, $4,894,000

Illinois:

Chicago, Federal Building, 536 South Clark Street, $60,073,000

Chicago, Harold Washington Social Security Center, $13,692,000

Chicago, John C. Kluczynski Federal Building, $12,725,000

Iowa:

Des Moines, 210 Walnut Street, Federal Building, $11,992,000

Missouri:

Kansas City, Federal Building, 811 Grand Boulevard, $1,604,000

St. Louis, Federal Building, 104/105 Goodfellow, $20,212,000

New Jersey:

Newark, Peter W. Rodino Federal Building, $5,295,000

Nevada:

Las Vegas, Foley Federal Building-U.S. Courthouse, $26,978,000

Ohio:

Cleveland, Anthony J. Celebrezze Federal Building, $22,986,000

Cleveland, Howard M. Metzenbaum Courthouse, $27,856,000

Oklahoma:

Muskogee, Federal Building-U.S. Courthouse, $8,214,000

Oregon:

Portland, Pioneer Courthouse, $16,629,000

Pennsylvania:

Pittsburgh, Post Office-Courthouse, $12,600,000

Rhode Island:

Providence, Federal Building and Courthouse, $5,039,000

Wisconsin:

Milwaukee, Federal Building-U.S. Courthouse, $10,015,000

Nationwide:

Design Program, $33,657,000

Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000

Transformers—Various Buildings, $15,588,000

Basic Repairs and Alterations, $370,000,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,959,550,000 for rental of space which shall remain available until expended; and (5) $1,748,949,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance notice is transmitted to the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,217,350,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $145,749,000, of which $27,887,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $36,025,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000 to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Senate Committee on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,376,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 408 of Public Law 106–554 is amended by striking ''April 30, 2002'' and inserting ''September 30, 2002''.

SEC. 409. Notwithstanding any other provision of law, the General Services Administration is directed to maintain the vehicle

rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian Affairs that were in effect on April 30, 2001 until such time as appropriations to the Bureau of Indian Affairs funding for the Student Transportation Program for schools and dormitories funded by the Bureau of Indian Affairs equals or exceeds $3 per mile.

SEC. 410. DESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 100 1st Street, SW, Minot, North Dakota, shall be known and designated as the ''Judge Bruce M. Van Sickle Federal Building and United States Courthouse.''

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section (a) shall be deemed to be a reference to the Judge Bruce M. Van Sickle Federal Building and United States Courthouse.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $30,375,000 together with not to exceed $2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: *Provided,* That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: *Provided further,* That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the Committee on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $244,247,000: *Provided,* That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further,* That of the funds made available, $22,302,000 is for the electronic records archive, $16,337,000 of which shall be available until September 30, 2004: *Provided further,* That the Archivist of the United States is authorized, pursuant to 44 U.S.C. 2903, to construct a new Southeast Regional Archives on land to be acquired (Federal site), by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, and abut land designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. There is hereby appropriated $30,500,000 which shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $41,143,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,436,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,060,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $99,036,000, of which $3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,398,000; and in addition, not to exceed $10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978

(Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $11,784,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 2002''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 512. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 513. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that: (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2002 and 2003 in the burden imposed by all rules issued by each agency that issued such a major rule.

SEC. 514. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2002 may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That

the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include

the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 630. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 631. (a) IN GENERAL.—Hereafter, in accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 632. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 633. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 634. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 635. Subsection (f) of section 403 of Public Law 103–356 is amended by deleting ''October 1, 2001'' and inserting ''October 1, 2002''.

SEC. 636. Section 6 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting '', or for use at official functions in or about,'' after ''about''.

SEC. 637. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available in law.

SEC. 638. Section 3 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting '', utilities (including electrical) for,'' after ''military staffing''.

SEC. 639. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 640. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398) is amended by adding at the end the following: ''The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.''.

(b) The amendment made by this section shall take effect on January 3, 2001.

SEC. 641. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

SEC. 642. Not later than six months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2002''.

SA 1571. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. ___. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.

(a) SHORT TITLE.—This section may be cited as the ''Breast Cancer Research Stamp Act of 2001''.

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

''(h) This section shall cease to be effective after July 29, 2008.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(2) by adding after the sentence following paragraph (3) the following: ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''.

SA 1572. Mr. KERRY (for himself, Mr. BOND, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. . LOAN SUBSIDY COST ESTIMATE CORRECTION.

By October 1, 2001, the Housing, Treasury and Finance Division shall, in consultation with the Small Business Administration, develop subsidy cost estimates for the 7(a) General Business Loan Program and the 504 Certified Development Company loan program

which use data that reflect the current performance of those programs and track the actual default experience in those programs since the implementation of the Federal Credit Reform Act in 1992: *Provided*, That, notwithstanding any other provision of law, these subsidy estimates shall be effective October 1, 2001 for fiscal year 2002, and be included in the President's fiscal year 2003 budget submission and the Office of Management and Budget shall report on the progress of the development of these estimates to the Senate Committee on Appropriations and the Senate Committee on Small Business and Entrepreneurship prior to the submission of the President's fiscal year 2003 budget.

SA 1573. Mr. MCCONNELL (for himself, Mr. BURNS, Mr. HUTCHINSON, Mr. SMITH of Oregon, and Mr. STEVENS) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, insert the following:

SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administration costs for the issuance of bonds, to be known as 'War Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

SA 1574. Mr. DORGAN (for Mr. JOHNSON (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unity Bonds Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a national tragedy occurred on September 11, 2001, whereby certain individuals tried to steal America's freedom;

(2) Americans stand together to resist all attempts to steal their freedom;

(3) united, Americans will be victorious over their enemies, whether known or unknown; and

(4) Americans must respond to this tragedy in a spirit not of revenge, but of justice.

SEC. 3. AUTHORIZATION FOR THE ISSUANCE OF UNITY BONDS.

Section 3102 of title 31, United States Code, is amended by adding at the end the following:

''(f) ISSUANCE OF UNITY BONDS.—

''(1) IN GENERAL.—The Secretary shall issue bonds under this section, to be known as 'Unity Bonds', in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

''(2) USE OF PROCEEDS.—Proceeds from the issuance of Unity Bonds shall be used to raise funds to assist in recovery and relief operations following the terrorist acts referred to in paragraph (1), including humanitarian assistance, and to combat terrorism.

''(3) FORM.—The bonds authorized by paragraph (1) shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary may prescribe.''.

SA 1575. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 57, line 16, strike ''$22,302,000'' and insert ''$23,302,000''.

On page 57, line 18, delete ''further'' and after ''2004'', move all of the text that follows through to ''penses'' on page 58, line 10 and re-insert the text after the word ''expended'' on page 58, line 14.

On page 57, line 16, strike ''$22,302,000'' and insert ''$23,302,000''.

On page 57, line 18, delete '' further'' and after ''2004'', move all of the text that follows through to ''penses'' on page 58, line 10 re-insert the text after the word ''expended'' on page 58, line 14.

On page 55, after line 14, insert the following new sections:

''SEC. 411. Section 410 of Appendix C of Public Law 106–554 (114 Stat. 2763A–146) is amended—

''by striking 'a 125 foot wide right-of-way' and inserting 'up to a 125 foot wide right-of-way'

''by striking 'northeast corner of the existing port' and inserting ''southeast corner of the existing port'' and

''striking 'approximately 4,750 feet' and inserting ''and then west to a connection with State Highway 11 between approximately 5000 and 7000 feet''

''by striking 'a road to be built by the County of Luna, New Mexico to connect to'

''by striking 'Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration:'

''by striking consisting of approximately 12 acres and inserting consisting of approximately 10.22 acres.

''SEC. 412. Notwithstanding any other provision of law, the United States Government is directed to deed block four (4) of the LOCH HAVEN REPLAT, as recorded in Plat Book 'Q', Page 9, Public Records of Orange County, Florida, back to the City of Orlando, Florida, under the same terms that the land was deeded to the United States Government by the City of Orlando in the recorded deed from the City dated September 20, 1951.''.

On page 7, line 5, after 2004:'', insert the following: ''and of which up to 20 percent of the $17,166,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency:''.

On page 94, between lines 14 and 15, insert the following new section:

SEC. . DEADLINE FOR SUBMISSION OF ANNUAL REPORTS BY UNITED STATES-CHINA SECURITY REVIEW COMMISSION.

Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by section 1 of Public Law 106–398) is amended by striking ''March'' and inserting ''May''.

On page 35, line 23, strike ''1,500,000'' and insert $1,750,000''.

At the appropriate place in the bill insert the following:

SEC. . Subsection (a) of section 2105 of title 44, United States Code, is amended to read as follows:

(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this Title, a director at each Presidential archival depository established under section 2112 of this Title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify.

At the end of title VI, add the following:

SEC. ___. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.

(a) SHORT TITLE.—This section may be cited as the ''Breast Cancer Research Stamp Act of 2001''.

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

''(h) This section shall cease to be effective after July 29, 2008.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(2) by adding after the sentence following paragraph (3) the following: ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''.

On page 13, line 10, after ''Alert,'', insert ''not less than $1,000,000 shall be provided to develop a curriculum for the training of law enforcement dogs to combat and respond to terrorist activities specifically related to chemical and biological threats;''.

SA 1576. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After section 642, insert the following:

SEC. 643. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

SA 1577. Mr. DORGAN (for Mr. CAMPBELL (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SECTION 1. AMENDMENT TO TITLE 39.

Section 5402(d) of title 39, United States Code, is amended by—

(1) inserting ''(1)'' after ''(d)''; and

(2) inserting at the end the following:

''(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

''(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

''(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005.''.

SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 26, after line 8 insert the following new section:

''SEC. . None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.''

SA 1579. Mr. DORGAN (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

DESIGNATION OF G. ROSS ANDERSON, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

(a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the ''G. Ross Anderson, Jr. Federal Building and United States Courthouse.''

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

SA 1580. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

At the end of the bill, add the following:

DIVISION D—NATIONAL ENERGY SECURITY

SEC. 4001. ENACTMENT OF ENERGY PROVISIONS.

The provisions of H.R. 4 of the 107th Congress, as passed by the House of Representatives on August 2, 2001, are enacted into law.

SA 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

On page 413, between lines 13 and 14, insert the following:

SEC. 1217. AUTHORITY TO WAIVE SANCTIONS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to waive any sanction imposed against any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism or is otherwise in the national security interests of the United States.

(b) CONGRESSIONAL NOTIFICATION.—Not less than 30 days prior to the exercise of any waiver authorized by subsection (a), the President shall notify Congress of his intention to exercise the waiver, together with an explanation of his reasons for the waiver.

(c) SANCTION DEFINED.—In this section, the term ''sanction'' means any prohibition or restriction with respect to a foreign country or government or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(1) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(2) a mandatory decision of the United Nations Security Council.

SA 1582. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

At the end of the bill, add the following:

DIVISION D—NATIONAL ENERGY SECURITY

SEC. 4001. SHORT TITLE.

This division may be cited as the ''National Energy Security Act of 2001''.

SEC. 4002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the United States economy, threatens national security, undermines the ability of Federal, State, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy use in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) this comprehensive strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions must also be taken to mitigate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

(b) PURPOSES.—The purposes of this division are to protect the energy security of the United States by decreasing America's dependence on foreign oil sources to not more than 50 percent by 2010, by enhancing the use of renewable energy resources, conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies, improving environmental quality by reducing emissions of air pollutants and greenhouse gases, and mitigating the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

TITLE I—GENERAL PROVISIONS TO PROTECT ENERGY SUPPLY AND SECURITY

SEC. 4101. CONSULTATION AND REPORT ON FEDERAL AGENCY ACTIONS AFFECTING DOMESTIC ENERGY SUPPLY.

Prior to taking or initiating any action that could have a significant adverse effect on the availability or supply of domestic energy resources or on the domestic capability to distribute or transport such resources, the head of a Federal agency proposing or participating in such action shall notify the Secretary of Energy in writing of the nature and scope of the action, the need for such action, the potential effect of such action on energy resource supplies, price, distribution, and transportation, and any alternatives to such action or options to mitigate the effects and shall provide the Secretary of Energy with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The proposing agency shall consider any such recommendations made by the Secretary of Energy. The Secretary of Energy shall provide an annual report to the Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the House of Representatives on all actions brought to his attention, what mitigation or alternatives, if any, were implemented, and what the short-term, mid-term, and long-term effect of the final action will likely be on domestic energy resource supplies and their development, distribution, or transmission.

SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) REPORT.—Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall submit a report to the President and Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) ALTERNATIVES.—The report shall specify legislative or administrative actions that must be implemented to meet this goal and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) conserve energy resources, including improving efficiencies and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(d) NOTIFICATION TO CONGRESS.—Whenever the Secretary determines that stocks of petroleum products have declined or are anticipated to decline to levels that would jeopardize national security or threaten supply shortages or price increases on a national or regional basis, he shall immediately notify Congress of the situation and shall make such recommendations for administrative or legislative action as he believes are necessary to alleviate the situation.

SEC. 4103. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to in this section as the ''Panel'') to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and Congress within 6 months from the date of enactment of this Act.

SEC. 4104. STUDY OF EXISTING RIGHTS-OF-WAY TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.

Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission whether the right-of-way can be used to support new or additional capacity and what modifications or other changes, if any, would be necessary to accommodate such additional capacity. In performing the review, the head of each agency shall consult with agencies of State or local units of government as appropriate and consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities and shall set forth those considerations in the report.

SEC. 4105. USE OF FEDERAL FACILITIES.

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and the Secretary of the Army shall each submit a report to Congress not later than 180 days after the date of enactment of this Act. Each report shall—

(1) describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, maintenance requirements, and schedule for any improvements as well as the purposes for which power is generated; and

(2) describe what actions are planned or underway to increase hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

SEC. 4106. NUCLEAR GENERATION STUDY.

The Chairman of the Nuclear Regulatory Commission shall submit a report to Congress not later than 180 days after the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this Nation's energy mix. The report shall include an assessment of agency readiness to license new advanced reactor designs and discuss the needed confirmatory and anticipatory research activities that would support such a state of readiness. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

SEC. 4107. DEVELOPMENT OF A NATIONAL SPENT NUCLEAR FUEL STRATEGY AND ESTABLISHMENT OF AN OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) DETERMINATION BY CONGRESS.—Prior to the Federal Government taking any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) OFFICE OF SPENT NUCLEAR FUEL RESEARCH.—There is hereby established an Office of Spent Nuclear Fuel Research (referred to in this section as the ''Office'') within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(c) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(d) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (e)(2).

(e) DUTIES.—The Associate Director of the Office shall—

(1) involve national laboratories, universities, the commercial nuclear industry, and

other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(2) develop a research plan to provide recommendations by 2015;

(3) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(4) conduct research and development activities on such technologies;

(5) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(6) require research on both reactor- and accelerator-based transmutation systems;

(7) require research on advanced processing and separations;

(8) encourage that research efforts include participation of international collaborators;

(9) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support; and

(10) ensure that research efforts with the Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(f) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to Congress on the activities and expenditures of the Office, including the progress that has been made to achieve the objectives of subsection (c).

SEC. 4108. STUDY AND REPORT ON STATUS OF DOMESTIC REFINING INDUSTRY AND PRODUCT DISTRIBUTION SYSTEM.

(a) ANNUAL REPORT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, the States, the National Petroleum Council, and other representatives of the petroleum refining, distribution and retailing industries, shall submit a report to Congress on the condition of the domestic petroleum refining industry and the petroleum product distribution system. The first such report shall be submitted not later than January 1, 2002, and revised annually thereafter.

(b) RECOMMENDATIONS.—Each annual report shall include any recommendations that the Secretary believes should be implemented either through legislation or regulation to ensure that there is adequate domestic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.

(c) PREPARATION.—In preparing each annual report, the Secretary shall—

(1) provide an assessment of the condition of the domestic petroleum refining industry and the Nation's motor fuel distribution system, including the ability to make future capital investments necessary to manufacture, transport, and store different petroleum products required by local, State, and Federal statute and regulations;

(2) examine the reliability and cost of feedstocks and energy supplied to the refining industry as well as the reliability and cost of products manufactured by such industry;

(3) provide an assessment of the collective effect of current and future motor fuel requirements on—

(A) the ability of the domestic motor fuels refining, distribution, and retailing industries to reliably and cost-effectively supply fuel to the Nation's consumers and businesses;

(B) gasoline (reformulated and conventional) and diesel fuel (on-highway and off-highway) supplies; and

(C) retail motor fuel price volatility;

(4) explore opportunities to streamline permitting and siting decisions and approvals for expanding existing and/or building new domestic refining capacity;

(5) recommend actions that can be taken to reduce future motor supply concerns; and

(6) provide an assessment of whether uniform, regional, or national performance-based fuel specifications would reduce supply disruptions and price spikes.

(d) CONFIDENTIALITY OF DATA.—Any information requested by the Secretary to be submitted by industry for purposes of this section shall be treated as confidential and shall be used only for the preparation of the annual report.

SEC. 4109. REVIEW OF FEDERAL ENERGY REGULATORY COMMISSION NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate Federal agencies, immediately undertake a comprehensive review of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate. The Commission shall report its findings not later than 180 days after the date of enactment of this Act to the Senate Committee on Energy and Natural Resources and the appropriate committees of the United States House of Representatives, including any recommendations for legislative changes.

SEC. 4110. ANNUAL REPORT ON AVAILABILITY OF DOMESTIC ENERGY RESOURCES TO MAINTAIN THE ELECTRICITY GRID OF THE UNITED STATES.

(a) Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Council, States, and appropriate regional organizations, shall submit a report to the President and Congress which evaluates the availability and capacity of domestic sources of energy generation to maintain the electricity grid in the United States. Specifically, the Secretary shall evaluate each region of the country with regard to grid stability during peak periods, such as summer, and options for improving grid stability.

(b) The report shall specify specific legislative or administrative actions that could be implemented to improve baseload generation and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives to (1) increase the use of nonemitting domestic energy sources, including conventional and nonconventional sources such as, but not limited to, increased nuclear energy generation, and (2) conserve energy resources, including improving efficiencies and decreasing fuel consumption.

SEC. 4111. STUDY OF FINANCING FOR NEW TECHNOLOGIES.

(a) The Secretary of Energy shall undertake an independent assessment of innovative financing techniques to encourage and enable construction of new electricity supply technologies with high initial capital costs that might not otherwise be built in a deregulated market.

(b) The assessment shall be conducted by a firm with proven expertise in financing large capital projects or in financial services consulting, and is to be provided to Congress not later than 270 days after the date of enactment of this Act.

(c) The assessment shall include a comprehensive examination of all available techniques to safeguard private investors in high capital technologies—including advanced design power plants including, but not limited to, nuclear—against government-imposed risks that are beyond the investors' control. Such techniques may include (but not be limited to) Federal loan guarantees, Federal price guarantees, special tax considerations, and direct Federal Government investment.

SEC. 4112. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—Not later than eighteen months from date of enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 4113. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects. The task force shall include the Bureau of Land Management and the Fish and Wildlife Service in the Department of the Interior, the United States Army Corps of Engineers, the United States Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation and such other agencies as the Office and the Federal Energy Regulatory Commission deem appropriate. The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission. The agreement shall be completed within 6 months after the effective date of this section.

SEC. 4114. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with the appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

(g) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan as defined in subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

SEC. 4115. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TECHNOLOGIES.

(a) The Secretary of Energy shall conduct a comprehensive 5-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators gas turbines reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

(b) There are authorized to be appropriated such sums as may be necessary for the purposes of this section.

TITLE II—TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM FOR ADVANCED CLEAN COAL TECHNOLOGY FOR COAL-BASED ELECTRICITY GENERATING FACILITIES

SEC. 4201. PURPOSE.

The purpose of this title is to direct the Secretary of Energy (referred to in this title as the ''Secretary'') to—

(1) establish a coal-based technology development program designed to achieve cost and performance goals;

(2) carry out a study to identify technologies that may be capable of achieving, either individually or in combination, the cost and performance goals and for other purposes; and

(3) implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications, advanced clean coal technologies for coal-fired generating units constructed before the date of enactment of this title.

SEC. 4202. COST AND PERFORMANCE GOALS.

(a) IN GENERAL.—The Secretary shall perform an assessment that identifies costs and associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020.

(b) CONSULTATION.—In establishing cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of equipment using advanced coal technologies;

(6) organizations representing workers; and

(7) organizations formed to—

(A) further the goals of environmental protection;

(B) promote the use of coal; or

(C) promote the development and use of advanced coal technologies.

(c) TIMING.—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of enactment of this Act, and after taking into consideration any public comments received, submit to Congress the final cost and performance goals.

SEC. 4203. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to—

(1) identify technologies capable of achieving cost and performance goals, either individually or in various combinations;

(2) assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals; and

(3) develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technologies.

(b) COOPERATION.—In carrying out this section, the Secretary shall give appropriate consideration to the expert advice of representatives from the entities described in section 4111(b).

SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research on and development, demonstration, and commercial application of coal-based technologies under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.).

(b) CONDITIONS.—The research, development, demonstration, and commercial application programs identified in section 4203(a)

shall be designed to achieve the cost and performance goals, either individually or in various combinations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and

(2) recommendations for additional authorities required to achieve the cost and performance goals.

SEC. 4205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of sections 4202, 4203, and 4204, $100,000,000 for each of fiscal years 2002 through 2012, to remain available until expended.

(b) CONDITIONS OF AUTHORIZATION.—The authorization of appropriations under subsection (a)—

(1) shall be in addition to authorizations of appropriations in effect on the date of enactment of this Act; and

(2) shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a power plant improvement initiative program that will demonstrate commercial applications of advanced coal-based technologies applicable to new or existing power plants, including co-production plants, that, either individually or in combination, advance the efficiency, environmental performance and cost competitiveness well beyond that which is in operation or has been demonstrated to date.

(b) PLAN.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—

(1) the program elements and management structure to be used;

(2) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and

(3) the demonstration activities that will benefit new or existing coal-based electric generation units having at least a 50 megawatt nameplate rating including improvements to allow the units to achieve either—

(A) an overall design efficiency improvement of not less than 3 percentage points as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, replacement or installation;

(B) a significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide or mercury in a manner that is well below the cost of technologies that are in operation or have been demonstrated to date; or

(C) a means of recycling or reusing a significant proportion of coal combustion wastes produced by coal-based generating units excluding practices that are commercially available at the date of enactment.

SEC. 4207. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 4206(b), the Secretary shall solicit proposals for projects which serve or benefit new or existing facilities and, either individually or in combination, are designed to achieve the levels of performance set forth in section 4206(b)(3).

(b) PROJECT CRITERIA.—A solicitation under subsection (a) may include solicitation of a proposal for a project to demonstrate—

(1) the reduction of emissions of 1 or more pollutants; or

(2) the production of coal combustion byproducts that are capable of obtaining economic values significantly greater than byproducts produced on the date of enactment of this title.

(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that—

(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy to maintain a diversity of fuel choices in the United States to meet electricity generation requirements;

(3) achieve in a cost-effective manner, 1 or more of the criteria set out in the solicitation; and

(4) demonstrate technologies that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock on the date of enactment of this title.

(d) FEDERAL SHARE.—The Federal share of the cost of any project funded under this section shall not exceed 50 percent.

(e) EXEMPTION FROM NEW SOURCE REVIEW PROVISIONS.—A project funded under this section shall be exempt from the new source review provisions of the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 4208. FUNDING.

To carry out sections 4206 and 4207, there are authorized to be appropriated such sums as may be necessary.

SEC. 4209. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to develop mining research priorities identified by the Mining Industry of the Future Program and in the National Academy of Sciences report on Mining Technologies, establish a process for joint industry-government research; and expand mining research capabilities at universities.

(b) There are authorized to be appropriated to carry out the requirements of this section, $10,000,000 in fiscal year 2002, $12,000,000 in fiscal year 2003, and $15,000,000 in fiscal year 2004. At least 20 percent of any funds appropriated shall be dedicated to research carried out at universities.

SEC. 4210. RAILROAD EFFICIENCY.

(a) The Secretary shall, in conjunction with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) There are authorized to be appropriated to carry out the requirements of this section $50,000,000 in fiscal year 2002, $60,000,000 in fiscal year 2003, and $70,000,000 in fiscal year 2004.

TITLE III—OIL AND GAS

Subtitle A—Deepwater and Frontier Royalty Relief

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ''Outer Continental Shelf Deep Water and Frontier Royalty Relief Act''.

SEC. 4302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(D)) is amended by striking the word ''area;'' and inserting in lieu thereof the word ''area,'' and the following new text: ''except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16⅔ percent. For purposes of this section, 'Arctic areas' means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska;''.

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

''(9) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to—

''(A) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas of Alaska; and

''(B) an additional 10 percent of the qualified costs of any such exploratory wells which are located ten or more miles from another well drilled for oil and gas.

For purposes of this Act, 'qualified costs' shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to the Internal Revenue Code of 1986; 'exploratory well' shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in sections 210.4 through 210.10(a)(10) of title 17, Code of Federal Regulations (or a successor regulation), or a well 3 or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; 'geophysical work' shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and all distances shall be measured in horizontal distance. When a measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well.''.

SEC. 4303. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this subtitle not later than 180 days after the date of enactment of this Act.

SEC. 4304. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

Subtitle B—Oil and Gas Royalties in Kind

SEC. 4310. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192) or section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353) or any other mineral leasing law from the date of enactment of this Act through September 30, 2006.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.

1331 et seq.) or any other mineral leasing law on demand of the Secretary of the Interior shall be paid in oil or gas. If the Secretary of the Interior elects to accept the royalty in kind—

(1) delivery by, or on behalf of, the lessee of the royalty amount and quality due at the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit;

(2) royalty production shall be placed in marketable condition at no cost to the United States;

(3) the Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind for not less than fair market value; and

(B) transport or process any oil or gas royalty taken in kind;

(4) the Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas;

(B) processing the gas; or

(C) disposing of the oil or gas; and

(5) the Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel or other administrative costs of the Federal Government.

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs, or, at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES.—The Secretary shall administer any program taking royalty oil or gas in kind only if the Secretary determines that the program is providing benefits to the United States greater than or equal to those which would be realized under a comparable royalty in value program.

(e) REPORT TO CONGRESS.—For every fiscal year, beginning in 2002 through 2006, in which the United States takes oil or gas royalties within any State or from the outer Continental Shelf in kind, excluding royalties taken in kind and sold to refineries under subsection (h) of this section, the Secretary of the Interior shall provide a report to Congress that describes—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts realized from taking royalties in kind, and costs and savings associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) DEDUCTION OF EXPENSES.—

(1) Prior to making disbursements under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) or other applicable provision of law, of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under paragraphs (b)(3) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under paragraph (c), the Secretary of the Interior may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) CONSULTATION WITH STATES.—The Secretary of the Interior will consult with a State prior to conducting a royalty in kind program within the State and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law. The Secretary shall also consult annually with any State from which Federal royalty oil or gas is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) PROVISIONS FOR SMALL REFINERIES.—

(1) If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than fair market value.

(2) In selling oil under this subsection, the Secretary of the Interior may at his discretion prorate such oil among such refineries in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—

(1) Any royalty oil or gas taken in kind from onshore oil and gas leases may be sold at not less than the fair market value to any department or agency of the United States.

(2) Any royalty oil or gas taken in kind from Federal oil and gas leases on the outer Continental Shelf may be disposed of under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)).

Subtitle C—Use of Royalty In Kind Oil To Fill the Strategic Petroleum Reserve

SEC. 4320. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.

The Secretary of the Interior shall enter into an agreement with the Secretary of Energy to transfer title to the Federal share of crude oil production from Federal lands for use at the discretion of the Secretary of Energy in filling the Strategic Petroleum Reserve during periods of crude oil market stability. The Secretary of Energy may also use the Federal share of crude oil produced from Federal lands for other disposal within the Federal Government, as he may determine, to carry out the energy policy of the United States.

Subtitle D—Improvements to Federal Oil and Gas Lease Management

SEC. 4330. SHORT TITLE.

This subtitle may be cited as the ''Federal Oil and Gas Lease Management Improvement Act of 2000''.

SEC. 4331. DEFINITIONS.

In this subtitle:

(1) APPLICATION FOR A PERMIT TO DRILL.—The term ''application for a permit to drill'' means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or non-mineral estate.

(B) EXCLUSION.—The term ''Federal land'' does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(3) OIL AND GAS CONSERVATION AUTHORITY.—The term ''oil and gas conservation authority'' means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) PROJECT.—The term ''project'' means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(6) SURFACE USE PLAN OF OPERATIONS.—The term ''surface use plan of operations'' means a plan for surface use, disturbance, and reclamation.

SEC. 4332. NO PROPERTY RIGHT.

Nothing in this subtitle gives a State a property right or interest in any Federal lease or land.

SEC. 4333. TRANSFER OF AUTHORITY.

(a) NOTIFICATION.—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) AUTHORITY INCLUDED.—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communication;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) RETAINED AUTHORITY.—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and

gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 4334. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) FEDERAL AGENCIES.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) APPEALS.—Following a transfer of authority under section 4333, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) PENDING ENFORCEMENT ACTIONS.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 4333 until those proceedings are concluded.

(d) PENDING APPLICATIONS.—

(1) TRANSFER TO STATE.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) ACTION BY THE STATE.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

SEC. 4335. COMPENSATION FOR COSTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 4333.

(b) PAYMENT SCHEDULE.—Payments shall be made not less frequently than every quarter.

(c) COST BREAKDOWN REPORT.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

SEC. 4336. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—

(1) IN GENERAL.—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 4337. TIMELY ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) OFFER TO LEASE.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 4333 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) FAILURE TO MEET DEADLINE.—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) ADMINISTRATIVE APPEALS.—

(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 4338. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 4339. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2002, the Secretaries shall jointly submit to Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

Subtitle E—Royalty Reinvestment in America

SEC. 4351. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on outer Continental Shelf leases be credited against onshore Federal royalty obligations.

TITLE IV—NUCLEAR

Subtitle A—Price-Anderson Amendments

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the ''Price-Anderson Amendments Act of 2001''.

SEC. 4402. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NRC LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

(b) INDEMNIFICATION OF DOE CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is

amended by striking ", until August 1, 2002,".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

SEC. 4403. DOE LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date.".

SEC. 4404. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 4405. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 4406. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) such date of enactment, in the case of the first adjustment under this subsection; or

"(B) the previous adjustment under this subsection.".

SEC. 4407. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is further amended by striking subsection d. and inserting the following:

"d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit under the Internal Revenue Code of 1954 shall be subject to a civil penalty under this section in excess of the amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations; occur.".

SEC. 4408. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date of enactment of this Act.

(b) INDEMNIFICATION PROVISIONS.—The amendments made by sections 4403 and 4404 shall not apply to any nuclear incident occurring before the date of enactment of this Act.

(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) shall not apply to any violation occurring under a contract entered into before the date of enactment of this Act.

Subtitle B—Funding From the Department of Energy

SEC. 4410. NUCLEAR ENERGY RESEARCH INITIATIVE.

There are authorized to be appropriated $60,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, for grants to be competitively awarded and subject to peer review for research relating to nuclear energy. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Research Initiative.

SEC. 4411. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

There are authorized to be appropriated $10,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 4412. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

There are authorized to be appropriated $25,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Technology Development Program to be managed by the Director of the Office of Nuclear Energy, for a roadmap to design and develop a new nuclear energy facility in the United States and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Technology Development Program.

Subtitle C—Grants for Incentive Payments for Capital Improvements To Increase Efficiency

SEC. 4420. NUCLEAR ENERGY PRODUCTION INCENTIVES.

(a) INCENTIVE PAYMENTS.—For electric energy generated and sold by an existing nuclear energy facility during the incentive period, the Secretary of Energy shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application, which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFIED NUCLEAR ENERGY FACILITY.—The term "qualified nuclear energy facility" means an existing reactor used to generate electricity for sale.

(2) EXISTING REACTOR.—The term "existing reactor" means any nuclear reactor the construction of which was completed and licensed by the Nuclear Regulatory Commission before the date of enactment of this section.

(c) INCENTIVE PERIOD.—A qualified nuclear energy facility may receive payments under this section for a period of 15 years (referred to in this section as the "incentive period").

(d) AMOUNT OF PAYMENT.—

(1) Payments made by the Secretary under this section to the owner or operator of a nuclear energy facility shall be based on the increased volume of kilowatt hours of electricity generated by the qualified nuclear energy facility during the incentive period. The amount of such payment shall be 1 mill for each kilowatt-hour produced in excess of the total generation produced over the most recent calendar year prior to the first fiscal year in which payment is sought. Such payment is subject to the availability of appropriations under subsection (f), except that no facility may receive more than $2,000,000 in 1 calendar year.

(2) The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions, the calendar year 2001 shall be substituted for the calendar year 1979.

(e) SUNSET.—No payment may be made under this section to any nuclear energy facility after the expiration of the period of 20 fiscal years beginning with fiscal year 2001, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 15 fiscal years.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section $50,000,000 for each of the fiscal years 2001 through 2015.

SEC. 4421. NUCLEAR ENERGY EFFICIENCY IMPROVEMENT.

(a) INCENTIVE PAYMENTS.—The Secretary of Energy shall make incentive payments to the owners or operators of qualified nuclear energy facilities to be used to make capital improvements in the facilities that are directly related to improving the electrical

output efficiency of such facilities by at least 1 percent.

(b) LIMITATIONS.—

(1) Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility.

(2) No payments in excess of $1,000,000 in the aggregate may be made with respect to improvements at a single facility.

(3) Payments may be made by the Department or used by a facility to offset the costs of NRC permitting fees for a capital improvement.

(4) Payments made by the Department to the Nuclear Regulatory Commission for permitting an improvement that can impact multiple facilities are not subject to the limitation in (b)(2).

(c) AUTHORIZATION.—There is authorized to be appropriated to carry out this section not more than $20,000,000 in each fiscal year after fiscal year 2001.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2001

SEC. 4501. SHORT TITLE.

This title may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2001''.

SEC. 4502. DEFINITIONS.

When used in this title the term—

(1) ''1002 Area'' means that area identified as ''Coastal Plain'' in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 4503. LEASING PROGRAM FOR LANDS WITHIN THE ANWR 1002 AREA.

(a) AUTHORIZATION.—Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the 1002 Area and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations and other provisions that ensure the oil and gas exploration, development, and production activities on the 1002 Area will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) COMPATIBILITY.—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the 1002 Area are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) SOLE AUTHORITY.—This title shall be the sole authority for leasing on the 1002 Area: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) FEDERAL LAND.—The 1002 Area shall be considered ''Federal land'' for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) SPECIAL AREAS.—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the 1002 Area as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the 1002 Area by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the 1002 Area to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) CONVEYANCE.—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the 1002 Area, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 4504. RULES AND REGULATIONS.

(a) PROMULGATION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the 1002 Area related to the leasing, exploration, development and production of oil and gas.

(b) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 4505 ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.

The ''Final Legislative Environmental Impact Statement'' (April 1987) prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 4506. LEASE SALES.

(a) LEASE SALES.—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the 1002 Area for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALES ON 1002 AREA.—The Secretary shall, by regulation, provide for lease sales of lands on the 1002 Area. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than 200,000 acres and no more than 300,000 acres shall be offered. If the total acreage nominated is less than 200,000 acres, the Secretary shall include in such sales any other acreage which he believes has the highest resource potential, but in no event shall more than 300,000 acres be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than 200,000 acres of the 1002 Area. The initial lease sale shall be held within 20 months of the date of enactment of this title. The second lease sale shall be held not later than 2 years after the initial sale, with additional sales conducted not later than 1 year thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 4507. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the 1002 Area upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ percent in amount or value of the production removed or sold from the lease.

(b) ANTITRUST REVIEW.—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, 30 days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) IMMUNITY.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) DEFINITIONS.—As used in this section, the term—

(1) ''antitrust review'' shall be deemed an ''antitrust investigation'' for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and

(2) ''antitrust laws'' means the Acts referred to in section 1 of the Clayton Act (15 U.S.C. 12).

SEC. 4508. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed 5,760 acres, or 9 surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of 10 years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 4507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 4509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the 1002 Area to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the 1002 Area shall be fully responsible and liable for the reclamation of those lands within and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the 1002 Area by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 4503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this title; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

SEC. 4509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu of, any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) AMOUNT.—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) ADJUSTMENT.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) DURATION.—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable laws.

(e) TERMINATION.—Within 60 days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

SEC. 4510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) REGULATIONS.—The Secretary shall prescribe regulations to:

(1) ensure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and

(2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 4511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 4512. RIGHTS-OF-WAY ACROSS THE 1002 AREA.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of subsections (c) through (t) and (v) through (y) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the 1002 Area for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the 1002 Area. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 4504 of this title shall include provisions granting rights-of-way and easements across the 1002 Area.

SEC. 4513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the 1002 Area; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of each facility on the 1002 Area which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issued pursuant to this title to ensure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to ensure compliance with all environmental or safety regulations.

SEC. 4514. NEW REVENUES.

(a) DEPOSIT INTO TREASURY.—Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the 1002 Area shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading ''EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA'' in Public Law 96–514 (94 Stat. 2957, 2964) semiannually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury. Notwithstanding any other provision of law, the Secretary of the Treasury shall monitor the total revenue deposited into the Treasury as miscellaneous receipts from oil and gas leases issued under the authority of this subtitle and shall deposit amounts received as bonus bids into a special fund established in the Treasury of the United States known as the Renewable Energy Research and Development Fund (referred to in this section as the ''Renewable Energy Fund'').

(b) USE OF RENEWABLE ENERGY FUND.—Of the amounts in the Renewable Energy Fund, an amount equal to ten percent of the total deposits shall be made available to the Secretary of Energy, without further appropriation, at the beginning of each fiscal year in which amounts are available, and may be expended by the Secretary of Energy for research and development of renewable domestic energy resources of wind, solar, biomass, geothermal and hydroelectric. Such amounts shall remain available until expended and shall be in addition to funds appropriated in the preceding fiscal year to the Secretary of Energy for renewable energy research, development and demonstration programs authorized by section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813). The Secretary of Energy shall develop procedures for the use of the Renewable Energy Fund that ensure accountability and demonstrated results. Beginning the first full fiscal year after deposits are made into the Renewable Energy Fund, the Secretary of Energy shall submit an annual report to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives detailing the use of any expenditures.

TITLE VI—ENERGY EFFICIENCY, CONSERVATION, AND ASSISTANCE TO LOW-INCOME FAMILIES

SEC. 4601. EXTENSION OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking ''such sums as may be necessary for each of fiscal years 2000 and 2001, and $2,000,000,000 for each of fiscal years 2002 through 2004'' and inserting ''$3,000,000,000 for each of fiscal years 2000 through 2010''.

(b) PAYMENTS TO STATES.—Section 2602(d)(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621) is amended by striking ''2004'' and inserting ''2010''.

(c) EMERGENCY FUNDS.—Section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking ''$600,000,000'' and inserting ''$1,000,000,000''.

SEC. 4602. ENERGY EFFICIENT SCHOOLS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy the Energy Efficient Schools Program (referred to in this section as the ''Program'').

(b) IN GENERAL.—The Secretary of Energy may, through the Program, make grants to—

(1) be provided to school districts to implement the purpose of this section;

(2) administer the program of assistance to school districts pursuant to this section; and

(3) promote participation by school districts in the program established by this section.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants under subsection (b)(1) shall be used to achieve energy efficiency performance not less than 30 percent beyond the levels prescribed in the 1998 International Energy Conservation Code as it is in effect for new construction and existing buildings. Grants under such subsection shall be made to school districts that have—

(1) demonstrated a need for such grants in order to respond appropriately to increasing elementary and secondary school enrollments or to make major investments in renovation of school facilities;

(2) demonstrated that the districts do not have adequate funds to respond appropriately to such enrollments or achieve such investments without assistance; and

(3) made a commitment to use the grant funds to develop energy efficient school buildings in accordance with the plan developed and approved pursuant to subsection (e)(1).

(d) OTHER GRANTS.—

(1) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to evaluate compliance by school districts with the requirements of this section and in addition may be used for—

(A) distributing information and materials to clearly define and promote the development of energy efficient school buildings for both new and existing facilities;

(B) organizing and conducting programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of energy efficient school buildings;

(C) obtaining technical services and assistance in planning and designing energy efficient school buildings; and

(D) collecting and monitoring data and information pertaining to the energy efficient school building projects.

(2) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with school administrations, students, and communities, and coordinating public benefit programs.

(e) IMPLEMENTATION.—

(1) PLANS.—Grants under subsection (b) shall be provided only to school districts that, in consultation with State offices of energy and education, have developed plans that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants were made.

(2) SUPPLEMENTING GRANT FUNDS.—The State agency referred to in paragraph (1) shall encourage qualifying school districts to supplement their grant funds with funds from other sources in the implementation of their plans.

(f) ALLOCATION OF FUNDS.—Except as provided in subsection (c), funds appropriated for the implementation of this section shall be provided to State energy offices to administer the program of assistance to school districts under this section.

(g) PURPOSES.—Except as provided in subsection (c), funds appropriated under this section shall be allocated as follows:

(1) Seventy percent shall be used to make grants under subsection (b)(1).

(2) Fifteen percent shall be used to make grants under subsection (b)(2).

(3) Fifteen percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may, through the Program established under subsection (a), retain an amount, not exceed $300,000 per year, to assist State energy offices in coordinating and implementing such Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve energy efficient school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For this section, there are authorized to be appropriated $200,000,000 for each of fiscal years 2002 through 2005, and such sums as may be necessary for each of fiscal years 2006 through 2011.

(j) DEFINITIONS.—

(1) ELEMENTARY AND SECONDARY SCHOOL.—The terms ''elementary school'' and ''secondary school'' shall have the same meaning given such terms in paragraphs (14) and (25) of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14),(25)).

(2) ENERGY EFFICIENT SCHOOL BUILDING.—The term ''energy efficient school building'' refers to a school building which, in its design, construction, operation, and maintenance maximizes use of renewable energy and efficient energy practices, is cost-effective on a life-cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(3) RENEWABLE ENERGY.—The term ''renewable energy'' means energy produced by solar, wind, geothermal, hydroelectric power, and biomass power.

SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended—

(1) in paragraph (7)(A), by striking ''125'' and inserting ''150''; and

(2) in paragraph (7)(C), by striking ''125'' and inserting ''150''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422(a) of the Energy Conservation and Production Act (42 U.S.C. 6872(a)) is amended—

(1) by striking ''$200,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''1991'' and all that follows through ''1994.'' and inserting ''2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.''.

SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

''(f) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—

(1) by striking ''October 1, 1991'' and inserting ''January 1, 2001'';

(2) by striking ''10'' and inserting ''25''; and

(3) by striking ''2000'' and inserting ''2010''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)(1)) is amended by striking ''and'' and all that follows through ''1993.'' and inserting ''$45,000,000 for fiscal year 1993, $75,000,000 for fiscal year 2002, $100,000,000 for fiscal years 2003 and 2004, $125,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.''.

SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) ENERGY SAVINGS THROUGH CONSTRUCTION OF REPLACEMENT FACILITIES.—Section 804 of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(2)''; and

(C) by adding at the end the following:

''(B) The term 'energy savings' also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in the contract, that would otherwise be utilized in 1 or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.''; and

(2) in paragraph (3), by inserting after the first sentence the following: ''The terms also mean a contract that provides for energy savings through the construction or operation of 1 or more new buildings or facilities.''.

(b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

''(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, from a base cost of operation and maintenance established through a methodology set forth in the contract.

''(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.''.

(c) 5-YEAR EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''October 1, 2003'' and inserting ''October 1, 2008''.

(d) UTILITY INCENTIVE PROGRAMS.—Section 546(e) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (3), by adding at the end the following: ''Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation. Notwithstanding section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.''; and

(2) by adding at the end the following:

''(6) A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned buildings or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.''.

SEC. 4606. FEDERAL ENERGY EFFICIENCY REQUIREMENT.

(a) IN GENERAL.—Through cost-effective measures, each agency shall reduce energy consumption per gross square foot of its facilities by 30 percent by 2010 and 50 percent by 2020 relative to 1990.

(b) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) GUIDELINES.—The Secretary of Energy, in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure energy consumption in Federal facilities.

(d) EXEMPTION OF CERTAIN FACILITIES.—A facility may be deemed exempt when the Secretary determines that compliance with the Energy Policy Act of 1992 is not practical for that particular facility. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Administrator of the Energy Information Administration, set guidelines for agencies to use in excluding certain kinds of facilities to meet the requirements of this section.

(e) APPLICABILITY.—The Department of Defense is subject to this order only to the extent that it does not impair or adversely affect military operations and training (including tactical aircraft, ships, weapons systems, combat training, and border security).

(f) DEFINITIONS.—For the purposes of this section—

(1) ''agency'' means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) ''facility'' means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term ''facility'' also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, but not to exceed $50,000,000 in any fiscal year, for an Energy Efficiency Science

Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

TITLE VII—ALTERNATIVE FUELS AND RENEWABLE ENERGY

Subtitle A—Alternative Fuels

SEC. 4701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting ''(unless, at the discretion of the State transportation department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)))'' after ''required''.

SEC. 4702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

''(e) CREDIT FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.—The Secretary shall allocate an infrastructure credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary to operate or maintain the alternative fueled vehicle. Such necessary infrastructure shall include—

''(1) equipment required to refuel or recharge the alternative fueled vehicle;

''(2) facilities or equipment required to maintain, repair or operate the alternative fueled vehicle;

''(3) training programs, educational materials or other activities necessary to provide information regarding the operation, maintenance or benefits associated with the alternative fueled vehicle; and

''(4) such other activity as the Secretary deems an appropriate expenditure in support of the operation, maintenance or further wide spread adoption or utilization of the alternative fueled vehicle.

''(f) QUALIFYING INFRASTRUCTURE CREDIT.—The term 'infrastructure credit' shall mean—

''(1) that equipment or activity defined in subsection (e) above; and

''(2) be equivalent in cost to the acquisition of an alternative fueled vehicle for which the expenditure on the infrastructure is made.

''(g) LIMITATION ON NUMBER OF INFRASTRUCTURE CREDITS ISSUED.—Each fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or each Federal fleet as defined by section 303(b)(3) of title III of this Act, shall be limited in the number of infrastructure credits that may be acquired and used to meet the alternative fueled vehicle requirements of this Act to no more than the equivalent of ½ of the alternative fueled vehicles required per annum.''.

SEC. 4703. STATE AND LOCAL GOVERNMENT USE OF FEDERAL ALTERNATIVE FUEL REFUELING FACILITIES.

Section 304 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended by adding at the end the following:

''(c) STATE AND LOCAL GOVERNMENT OWNED VEHICLES.—Federal agencies may include any alternative fuel vehicles owned by States or local governments in any commercial arrangements for the purpose of fueling Federal alternative fueled vehicles as authorized under subsection (a) of this section. The Secretary may allocate equivalent infrastructure credits to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the inclusion of such vehicles in any such commercial fueling arrangements.''.

SEC. 4704. FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.

(a) FUEL ECONOMY.—Through cost-effective measures, each agency shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 3 miles per gallon by the end of fiscal year 2005 compared to acquisitions in fiscal year 2000.

(b) USE OF ALTERNATIVE FUELS.—Through cost-effective measures, each agency shall, by the end of fiscal year 2005, use alternative fuels for at least 50 percent of the total annual volume of fuel used by the agency. No more than 25 percent of fuel purchased by State and local governments at federally-owned refueling facilities may be included by an agency in meeting the requirement of this section.

(c) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section. Each agency should develop an implementation plan that meets its unique fleet configuration and fleet requirements.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) GUIDELINES.—The Secretary of Energy, through the Federal Energy Management Program and in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure fuel economy for the collection and annual reporting of data to demonstrate compliance with the requirements of this section.

(e) APPLICABILITY.—This order applies to each Federal agency operating 20 or more motor vehicles within the United States.

(f) EXEMPTION OF CERTAIN VEHICLES.—Department of Defense military tactical vehicles are exempt from this order. Law enforcement, emergency, and any other vehicle class or type determined by the Secretary, in consultation with the Federal Energy Management Program, are exempted from the requirements of this section. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Federal Energy Management Program, set guidelines for agencies to use in the determination of exemptions.

(g) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means an executive agency as defined in 5 U.S.C. 105. (Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.)

(2) ALTERNATIVE FUEL.—The term ''alternative fuel'' means any fuel defined as an alternative fuel pursuant to section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(h) CONFORMING AMENDMENTS.—Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows:

(1) in subsection (a)(3)(E), by striking the period at the end and inserting the following: '', except that, not later than fiscal year 2005 at least 50 percent of the total annual volume of fuel used must be from alternative fuels.''; and

(2) in subsection (g)(4)(B), after the words, ''solely on alternative fuel'', insert the words '', including a 3-wheeled enclosed electric vehicle having a VIN number''.

SEC. 4705. LOCAL GOVERNMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—Within 1 year of date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for covering the incremental cost of qualified alternative fuel motor vehicles.

(b) CRITERIA.—In deciding to whom grants shall be made under this subsection, the Secretary of Energy shall consider the goal of assisting the greatest number of applicants, provided that no grant award shall exceed $1,000,000.

(c) PRIORITIES.—Priority shall be given under this section to those local government fleets where the use of alternative fuels would have a significant beneficial effect on energy security and the environment.

(d) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.—For purposes of this section, the term ''qualified motor vehicle'' means any motor vehicle which is capable of operating only on an alternative fuel.

(e) INCREMENTAL COST.—For purposes of this section, the incremental cost of any qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel motor vehicle of the same model.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated $100,000,000 annually for each of the fiscal years 2002 through 2006.

Subtitle B—Renewable Energy

SEC. 4710. RESIDENTIAL RENEWABLE ENERGY GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy shall develop and implement a grant program to offset a portion of the total cost of certain eligible residential renewable energy systems.

(b) ELIGIBILITY.—Grants may be awarded for—

(1) the new installation of an eligible residential renewable energy system for an existing dwelling unit;

(2) the purchase of an existing dwelling unit with an eligible residential renewable energy system that was installed prior to the date of enactment of this section;

(3) the addition to or augmentation of an existing eligible residential renewable energy system installed on a dwelling unit prior to the date of enactment of this section, provided that any such addition or augmentation results in additional electricity, heat, or other useful energy; or

(4) the construction of a new home or rental property which includes an eligible residential renewable energy system.

(c) TOTAL COST.—

(1) IN GENERAL.—For purposes of this section, ''total cost'' means expenditure of funds for—

(A) any equipment whose primary purpose is to provide for the collection, conversion, transfer, distribution, storage or control of electricity or heat generated from renewable energy;

(B) installation charges;

(C) labor costs properly allocable to the onsite preparation, assembly, or original installation of the system; and

(D) piping or wiring to interconnect such system to the dwelling unit.

(2) LEASED SYSTEMS.—In the case of a system that is leased, ''total cost'' means the principal recovery portion of all lease payments scheduled to be made during the full term of the lease, excluding interest charges and maintenance expenses.

(3) EXISTING SYSTEMS.—In the case of addition to or augmentation of an existing system, ''total cost'' shall include only those expenditures related to the incremental cost of the addition or augmentation, and not the full cost of the system.

(d) COST BUY-DOWN.—Grants provided under this section shall not exceed $3,000 per eligible residential renewable energy system, and shall be limited further as follows:

(1) For fiscal years 2002 and 2003, grants provided under this section shall be limited to the smaller of—

(A) 50 percent of the total cost of the energy system; or

(B) $3.00 per watt of system electricity output or equivalent.

(2) For fiscal years 2004 and 2005, grants provided under this section shall be limited to the smaller of—

(A) 40 percent of the total cost of the energy system; or

(B) $2.50 per watt of system electricity output.

(3) For fiscal years 2006 and 2007, grants provided under this section shall be limited to the smaller of—

(A) 30 percent of the total cost of the energy system; or

(B) $2.00 per watt of system electricity output.

(4) For fiscal years 2008 and 2009, grants provided under this section shall be limited to the smaller of—

(A) 20 percent of the total cost of the energy system; or

(B) $1.50 per watt of system electricity output.

(5) For fiscal years 2010 and 2011, grants provided under this section shall be limited to the smaller of—

(A) 10 percent of the total cost of the energy system; or

(B) $1.00 per watt of system electricity output.

(e) LIMITATIONS.—No grant shall be allowed under this section for an eligible residential renewable energy system unless—

(1) such expenditure is made for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence;

(2) in the case of solar water heating equipment, such equipment is certified for performance and safety by the nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed; and

(3) such system meets appropriate fire and electric code requirements.

(f) RENEWABLE ENERGY.—

(1) DEFINITIONS.—In this subsection:

(A) FORM OF RENEWABLE ENERGY.—The term ''form of renewable energy'' means energy produced through the use of—

(i) a solar thermal system;

(ii) a solar photovoltaic system;

(iii) wind;

(iv) biomass;

(v) a hydroelectric system; or

(vi) a source of geothermal energy.

(B) RENEWABLE ENERGY SYSTEM.—The term ''renewable energy system'' means property that uses a form of renewable energy to create electricity, heat, or any other form of useful energy.

(2) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) solely because it constitutes a structural component of the structure on which it is installed.

(3) ENERGY STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

(g) SPECIAL RULES.—For purposes of this section:

(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in 26 U.S.C. 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in 26 U.S.C. 216(b)(3)) of any expenditures of such corporation.

(2) CONDOMINIUMS.—

(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term ''condominium management association'' means an organization which meets the requirements of paragraph (1) of 26 U.S.C. 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(3) RENEWABLE ENERGY SYSTEMS FOR MULTIPLE DWELLINGS.—

(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the grant available under subsection (d) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.

(h) ANNUAL REPORT.—The Secretary shall submit to Congress and the President an annual report on grants distributed pursuant to this section. The report shall include, at minimum—

(1) a summary of the eligible residential renewable energy systems receiving grants in the year just concluded;

(2) an estimate of new renewable energy generation installed as a result of grants awarded, and its distribution by renewable energy source and geographic location;

(3) evidence that the program is contributing to declining costs for renewable energy technologies; and

(4) description of the methods used to award such grants.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated $30,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter, but not to exceed $150,000,000 in any fiscal year.

SEC. 4711. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) IN GENERAL.—Not later than twelve months after the date of enactment of this section, the Secretary of Energy shall submit to Congress an assessment of all renewable energy resources available within the United States.

(b) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy and water resources.

(c) AVAILABILITY.—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal years 2002 through 2006.

Subtitle C—Hydroelectric Licensing Reform

SEC. 4721. SHORT TITLE.

This subtitle may be cited as the ''Hydroelectric Licensing Process Improvement Act of 2001''.

SEC. 4722. FINDINGS.

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) while the alternative licensing procedures available to applicants for hydroelectric project licenses provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric licensing process.

SEC. 4723. PURPOSE.

The purpose of this subtitle is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

SEC. 4724. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

(a) IN GENERAL.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

"SEC. 33. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

''(a) DEFINITIONS.—In this section:

''(1) CONDITION.—The term 'condition' means—

''(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

''(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 18.

''(2) CONSULTING AGENCY.—The term 'consulting agency' means—

''(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

''(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

''(b) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In determining a condition, a consulting agency shall take into consideration—

''(A) the impacts of the condition on—

''(i) economic and power values;

''(ii) electric generation capacity and system reliability;

''(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

''(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

''(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

''(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

''(B) SUBMISSION TO THE COMMISSION.—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

''(c) SCIENTIFIC REVIEW.—

''(1) IN GENERAL.—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review.

''(2) DATA.—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

''(A) was based on current empirical data or field-tested data; and

''(B) was subjected to peer review.

''(d) RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a consulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

''(e) ADMINISTRATIVE REVIEW.—

''(1) OPPORTUNITY FOR REVIEW.—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body of—

''(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

''(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

''(2) COMPLETION OF REVIEW.—

''(A) IN GENERAL.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

''(B) FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.—If review of a proposed condition is not completed within the time specified by subparagraph (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

''(3) REMAND.—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

''(A) render a decision that—

''(i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

''(ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

''(B) remand the matter to the consulting agency for further action.

''(4) SUBMISSION TO THE COMMISSION.—Following administrative review under this subsection, a consulting agency shall—

''(A) take such action as is necessary to—

''(i) withdraw the condition;

''(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

''(iii) otherwise comply with this section; and

''(B) include with its submission to the Commission of a proposed condition—

''(i) the record on administrative review; and

''(ii) documentation of any action taken following administrative review.

''(f) SUBMISSION OF FINAL CONDITION.—

''(1) IN GENERAL.—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

''(2) LIMITATION.—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

''(3) DEFAULT.—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

''(A) the consulting agency shall not thereafter have authority to recommend or establish a condition to the license; and

''(B) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

''(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or establish a condition to the license; and

''(ii) conforms to the requirements of this Act.

''(4) EXTENSION.—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

''(g) ANALYSIS BY THE COMMISSION.—

''(1) ECONOMIC ANALYSIS.—The Commission shall conduct an economic analysis of each condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

''(2) CONSISTENCY WITH THIS SECTION.—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

''(h) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—When requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

''(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

''(2) was subjected to scientific review in accordance with subsection (c);

''(3) relates to direct project impacts within the reservation, in the case of a condition for the first proviso of section 4(e);

''(4) is reasonable;

''(5) is supported by substantial evidence; and

''(6) is consistent with this Act and other terms and conditions to be included in the license.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 4.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(A) in the first proviso of the first sentence, by inserting after ''conditions'' the following: '', determined in accordance with section 33,''; and

(B) in the last sentence, by striking the period and inserting ''(including consideration of the impacts on greenhouse gas emissions)''.

(2) SECTION 18.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended in the first sentence by striking ''prescribed by the Secretary of Commerce'' and inserting ''prescribed, in accordance with section 33, by the Secretary of the Interior or the Secretary of Commerce, as appropriate.''

SEC. 4725. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) (as amended by section 4724) is amended by adding at the end the following:

"SEC. 34. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

''(a) LEAD AGENCY RESPONSIBILITY.—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects licensed under this part, shall conduct a single consolidated environmental review—

''(1) for each such project; or

''(2) if appropriate, for multiple projects located in the same area.

''(b) CONSULTING AGENCIES.—In connection with the formulation of a condition in accordance with section 33, a consulting agency shall not perform any environmental review in addition to any environmental review performed by the Commission in connection with the action to which the condition relates.

''(c) DEADLINES.—

''(1) IN GENERAL.—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

''(2) CONSIDERATIONS.—In setting a deadline under paragraph (1), the Commission shall take into consideration—

''(A) the need of the license applicant for a prompt and reasonable decision;

''(B) the resources of interested Federal, State, and local government agencies; and

''(C) applicable statutory requirements.''.

SEC. 4726. STUDY OF SMALL HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a study of the feasibility of establishing a separate licensing procedure for small hydroelectric projects.

(b) DEFINITION OF SMALL HYDROELECTRIC PROJECT.—The Commission may by regulation define the term ''small hydroelectric project'' for the purpose of subsection (a), except that the term shall include at a minimum a hydroelectric project that has a generating capacity of 5 megawatts or less.

TITLE VIII—ELECTRIC SUPPLY RELIABILITY; PURPA REPEAL; PUHCA REPEAL

Subtitle A—Electric Energy Transmission Reliability

SEC. 4801. SHORT TITLE.

This subtitle may be cited as the ''National Electric Reliability Act''.

SEC. 4802. ELECTRIC ENERGY TRANSMISSION RELIABILITY.

(a) ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.—

(1) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.

''(a) DEFINITIONS.—In this section:

''(1) AFFILIATED REGIONAL RELIABILITY ENTITY.—The term 'affiliated regional reliability entity' means an entity delegated authority under the provisions of subsection (h).

''(2) BULK POWER SYSTEM.—The term 'bulk power system' means all facilities and control systems necessary for operating an interconnected transmission grid (or any portion thereof), including high-voltage transmission lines; substations; control centers; communications; data, and operations planning facilities; and the output of generating units necessary to maintain transmission system reliability.

''(3) ELECTRIC RELIABILITY ORGANIZATION, OR ORGANIZATION.—The term 'Electric Reliability Organization' or 'Organization' means the organization approved by the Commission under subsection (d)(4).

''(4) ENTITY RULE.—The term 'entity rule' means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more Organization Standards. An entity rule shall be approved by the organization and once approved, shall be treated as an Organization Standard.

''(5) INDUSTRY SECTOR.—The term 'industry sector' means a group of users of the bulk power system with substantially similar commercial interests, as determined by the Board of the Electric Reliability Organization.

''(6) INTERCONNECTION.—The term 'interconnection' means a geographic area in which the operation of bulk power system components is synchronized such that the failure of 1 or more such components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

''(7) ORGANIZATION STANDARD.—The term 'Organization Standard' means a policy or standard duly adopted by the Electric Reliability Organization to provide for the reliable operation of a bulk power system.

''(8) PUBLIC INTEREST GROUP.—The term 'public interest group' means any nonprofit private or public organization that has an interest in the activities of the Electric Reliability Organization, including, but not limited to, ratepayer advocates, environmental groups, and State and local government organizations that regulate market participants and promulgate government policy.

''(9) VARIANCE.—The term 'variance' means an exception or variance from the requirements of an Organization Standard (including a proposal for an Organization Standard where there is no Organization Standard) that is adopted by an affiliated regional reliability entity and applicable to all or a part of the region for which the affiliated regional reliability entity is responsible. A variance shall be approved by the organization and once approved, shall be treated as an Organization Standard.

''(10) SYSTEM OPERATOR.—The term 'system operator' means any entity that operates or is responsible for the operation of a bulk power system, including but not limited to a control area operator, an independent system operator, a regional transmission organization, a transmission company, a transmission system operator, or a regional security coordinator.

''(11) USER OF THE BULK POWER SYSTEM.—The term 'user of the bulk power system' means any entity that sells, purchases, or transmits electric power over a bulk power system, or that owns, operates, or maintains facilities or control systems that are part of a bulk power system, or that is a system operator.

''(b) COMMISSION AUTHORITY.—

''(1) Within the United States, the Commission shall have jurisdiction over the Electric Reliability Organization, all affiliated regional reliability entities, all system operators, and all users of the bulk-power system, for purposes of approving and enforcing compliance with the requirements of this section.

''(2) The Commission may, by rule, define any other term used in this section, provided such definition is consistent with the definitions in, and the purpose and intent of, this Act.

''(3) Not later than 90 days after the date of enactment of this section, the Commission shall issue a proposed rule for implementing the requirements of this section. The Commission shall provide notice and opportunity for comment on the proposed rule. The Commission shall issue a final rule under this subsection within 180 days after the date of enactment of this section.

''(4) Nothing in this section shall be construed as limiting or impairing any authority of the Commission under any other provision of this Act, including its exclusive authority to determine rates, terms, and conditions of transmission services subject to its jurisdiction.

''(c) EXISTING RELIABILITY STANDARDS.—After the date of enactment of this section, and prior to the approval of an organization under subsection (d), any entity, including the North American Electric Reliability Council and its member regional reliability councils, may file any reliability standard, guidance, or practice that such entity would propose to be made mandatory and enforceable. The Commission, after allowing an opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice, or any amendment thereto, if it finds that the standard, guidance, or practice, or amendment is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission may, without further proceeding or finding, grant its approval to any standard, guidance, or practice for which no substantive objections are filed in the comment period. Filed standards, guidances, or practices, including any amendments thereto, shall be mandatory and applicable according to their terms following approval by the Commission and shall remain in effect until—

''(1) withdrawn, disapproved, or superseded by an Organization Standard, issued or approved by the Electric Reliability Organization and made effective by the Commission under subsection (e); or

''(2) disapproved by the Commission if, upon complaint or upon its own motion and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice unjust, unreasonable, unduly discriminatory, or preferential or not in the public interest.

Standards, guidances, or practices in effect pursuant to the provisions of this subsection shall be enforceable by the Commission.

''(d) ORGANIZATION APPROVAL.—

''(1) Following the issuance of a final Commission rule under subsection (b)(3), an entity may submit an application to the Commission for approval as the Electric Reliability Organization. The applicant shall specify in its application its governance and procedures, as well as its funding mechanism and initial funding requirements.

''(2) The Commission shall provide public notice of the application and afford interested parties an opportunity to comment.

''(3) The Commission shall approve the application if the Commission determines that the applicant—

''(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of the bulk power system;

''(B) permits voluntary membership to any user of the bulk power system or public interest group;

''(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of Organization Standards and the exercise of oversight of bulk power system reliability;

''(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the Electric Reliability Organization's discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards);

''(E) provides for governance by a board wholly comprised of independent directors;

''(F) provides a funding mechanism and requirements that are just, reasonable, and not unduly discriminatory or preferential and are in the public interest, and which satisfy the requirements of subsection (l);

''(G) establishes procedures for development of Organization Standards that provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development

of Organization Standards, and which standards development process has—

''(i) openness;

''(ii) balance of interests; and

''(iii) due process, except that the procedures may include alternative procedures for emergencies;

''(H) establishes fair and impartial procedures for implementation and enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

''(I) establishes procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

''(J) provides for the consideration of recommendations of States and State commissions; and

''(K) addresses other matters that the Commission may deem necessary or appropriate to ensure that the procedures, governance, and funding of the Electric Reliability Organization are just, reasonable, not unduly discriminatory or preferential, and are in the public interest.

''(4) The Commission shall approve only 1 Electric Reliability Organization. If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

''(e) ESTABLISHMENT OF AND MODIFICATIONS TO ORGANIZATION STANDARDS.—

''(1) The Electric Reliability Organization shall file with the Commission any new or modified organization standards, including any variances or entity rules, and the Commission shall follow the procedures under paragraph (2) for review of that filing.

''(2) Submissions under paragraph (1) shall include—

''(A) a concise statement of the purpose of the proposal; and

''(B) a record of any proceedings conducted with respect to such proposal.

The Commission shall provide notice of the filing of such proposal and afford interested entities 30 days to submit comments. The Commission, after taking into consideration any submitted comments, shall approve or disapprove such proposal not later than 60 days after the deadline for the submission of comments, except that the Commission may extend the 60 day period for an additional 90 days for good cause, and except further that if the Commission does not act to approve or disapprove a proposal within the foregoing periods, the proposal shall go into effect subject to its terms, without prejudice to the authority of the Commission thereafter to modify the proposal in accordance with the standards and requirements of this section. Proposals approved by the Commission shall take effect according to their terms but not earlier than 30 days after the effective date of the Commission's order, except as provided in paragraph (3) of this subsection.

''(3)(A) In the exercise of its review responsibilities under this subsection, the Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a new or modified organization standard, but shall not defer to the organization with respect to the effect of the standard on competition. The Commission shall approve a proposed new or modified organization standard if it determines the proposal to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

''(B) An existing or proposed organization standard which is disapproved in whole or in part by the Commission shall be remanded to the Electric Reliability Organization for further consideration.

''(C) The Commission, on its own motion or upon complaint, may direct the Electric Reliability Organization to develop an organization standard, including modification to an existing organization standard, addressing a specific matter by a date certain if the Commission considers such new or modified organization standard necessary or appropriate to further the purposes of this section. The Electric Reliability Organization shall file any such new or modified organization standard in accordance with this subsection.

''(D) An affiliated regional reliability entity may propose a variance or entity rule to the Electric Reliability Organization. The affiliated regional reliability entity may request that the Electric Reliability Organization expedite consideration of the proposal, and may file a notice of such request with the Commission, if expedited consideration is necessary to provide for bulk-power system reliability. If the Electric Reliability Organization fails to adopt the variance or entity rule, either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, then the Commission may remand the proposed variance or entity rule for further consideration by the Electric Reliability Organization or may direct the Electric Reliability Organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity. Any such variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the Electric Reliability Organization for review and filing with the Commission in accordance with the procedures specified in this subsection.

''(E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms if the Electric Reliability Organization determines that an emergency exists requiring that such proposed organization standard or amendment take effect without notice or comment. The Electric Reliability Organization shall notify the Commission immediately following such determination and shall file such emergency organization standard or amendment with the Commission not later than 5 days following such determination and shall include in such filing an explanation of the need for such emergency standard. Subsequently, the Commission shall provide notice of the organization standard or amendment for comment, and shall follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard. Any such organization standard that has gone into effect shall remain in effect unless and until suspended or disapproved by the Commission. If the Commission determines at any time that the emergency organization standard or amendment is not necessary, the Commission may suspend such emergency organization standard or amendment.

''(4) All users of the bulk power system shall comply with any organization standard that takes effect under this section.

''(f) COORDINATION WITH CANADA AND MEXICO.—The Electric Reliability Organization shall take all appropriate steps to gain recognition in Canada and Mexico. The United States shall use its best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for effective compliance with organization standards and to provide for the effectiveness of the Electric Reliability Organization in carrying out its mission and responsibilities. All actions taken by the Electric Reliability Organization, any affiliated regional reliability entity, and the Commission shall be consistent with the provisions of such international agreements.

''(g) CHANGES IN PROCEDURES, GOVERNANCE, OR FUNDING.—

''(1) The Electric Reliability Organization shall file with the Commission any proposed change in its procedures, governance, or funding, or any changes in the affiliated regional reliability entity's procedures, governance, or funding relating to delegated functions, and shall include with the filing an explanation of the basis and purpose for the change.

''(2) A proposed procedural change may take effect 90 days after filing with the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of an existing procedure. Otherwise, a proposed procedural change shall take effect only upon a finding by the Commission, after notice and opportunity for comments, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

''(3) A change in governance or funding shall not take effect unless the Commission finds that the change is just, reasonable, not unduly discriminatory or preferential, in the public interest, and satisfies the requirements of subsection (d)(4).

''(4) The Commission, upon complaint or upon its own motion, may require the Electric Reliability Organization to amend the procedures, governance, or funding if the Commission determines that the amendment is necessary to meet the requirements of this section. The Electric Reliability Organization shall file the amendment in accordance with paragraph (1) of this subsection.

''(h) DELEGATIONS OF AUTHORITY.—

''(1) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except that the Electric Reliability Organization shall reserve the right to set and approve standards for bulk power system reliability.

''(2) The Electric Reliability Organization shall file with the Commission any agreement entered into under this subsection and any information the Commission requires with respect to the affiliated regional reliability entity to which authority is to be delegated. The Commission shall approve the agreement, following public notice and an opportunity for comment, if it finds that the

agreement meets the requirements of paragraph (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of bulk power system reliability. No delegation by the Electric Reliability Organization shall be valid unless approved by the Commission.

''(3)(A) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose entity rules or variances for review by the Electric Reliability Organization. With respect to any such proposal that would apply on an interconnection-wide basis, the Electric Reliability Organization shall presume such proposal valid if made by an interconnection-wide affiliated regional reliability entity unless the Electric Reliability Organization makes a written finding that the proposal—

''(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) has a significant adverse impact on reliability or commerce in other interconnections;

''(iii) fails to provide a level of reliability of the bulk-power system within the interconnection such that it would constitute a serious and substantial threat to public health, safety, welfare, or national security; or

''(iv) creates a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

''(B) With respect to any such proposal that would apply only to part of an interconnection, the Electric Reliability Organization shall find such proposal valid if the affiliated regional reliability entity or entities making the proposal demonstrate that it—

''(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

''(ii) would not have an adverse impact on commerce that is not necessary for reliability;

''(iii) provides a level of bulk power system reliability adequate to protect public health, safety, welfare, and national security, and would not have a significant adverse impact on reliability; and

''(iv) in the case of a variance, is based on legitimate differences between regions or between subregions within the affiliated regional reliability entity's geographic area.

The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed approved. Following approval of any such proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval pursuant to the procedures prescribed under subsection (e)(3). Affiliated regional reliability entities may not make requests for approval directly to the Commission except pursuant to subsection (e)(3)(D).

''(4) If an affiliated regional reliability entity requests, consistent with paragraph (1) of this subsection, that the Electric Reliability Organization delegate authority to it, but is unable within 180 days to reach agreement with the Electric Reliability Organization with respect to such requested delegation, such entity may seek relief from the Commission. If, following notice and opportunity for comment, the Commission determines that a delegation to the entity would meet the requirements of paragraph (1) above, and that the delegation would be just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably withheld such delegation, the Commission may, by order, direct the Electric Reliability Organization to make such delegation.

''(5)(A) The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

''(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively or efficiently its implementation or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of this section;

''(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its implementation or enforcement responsibilities under the agreement;

''(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

''(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

''(B) Following an order of the Commission issued under subparagraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. If the agreement is suspended, the Electric Reliability Organization shall assume the previously delegated responsibilities. The Commission shall allow the Electric Reliability Organization and the affiliated regional reliability entity an opportunity to appeal the suspension.

''(i) ORGANIZATION MEMBERSHIP.—Every system operator shall be required to be a member of the electric Reliability Organization and shall be required also to be a member of any affiliated regional reliability entity operating under an agreement effective pursuant to subsection (h) applicable to the region in which the system operator operates or is responsible for the operation of bulkpower system facilities.

''(j) INJUNCTIONS AND DISCIPLINARY ACTION.—

''(1) Consistent with the range of actions approved by the Commission under subsection (d)(4)(H), the Electric Reliability Organization may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization finds appropriate against a user of the bulk power system if the Electric Reliability Organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the user of the bulk-power system has violated an organization standard. The Electric Reliability Organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a user of the bulk-power system that affected or threatened to affect bulk power system facilities located in the United States, and the sanctioned party shall have the right to seek modification or rescission of such disciplinary action by the Commission. If the organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

''(2) A disciplinary action taken under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliability Organization files with the Commission its written finding and record of proceedings before the Electric Reliability Organization and the Commission posts its written finding, unless the Commission, on its own motion or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action shall remain in effect or remain suspended unless and until the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the action, but the Commission shall conduct such hearing under procedures established to ensure expedited consideration of the action taken.

''(3) The Commission, on its own motion or on complaint, may order compliance with an organization standard and may impose a penalty, limitation of activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a user of the bulk power system with respect to actions affecting or threatening to affect bulk power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the user of the bulk power system has violated or threatens to violate an organization standard.

''(4) The Commission may take such action as is necessary against the Electric Reliability Organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting the Electric Reliability Organization or an affiliated regional reliability entity.

''(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk power system in North America and shall report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

''(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation and enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the Electric Reliability Organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in this subsection and subsection (d)(4)(F).

''(m) SAVINGS PROVISIONS.—

''(1) The Electric Reliability Organization shall have authority to develop, implement and enforce compliance with standards for the reliable operation of only the bulk power system.

''(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

''(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, the Commission shall issue a final order determining whether a State action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration any recommendations of the Electric Reliability Organization.

''(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

''(n) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than one-half of their electric loan served within the region. A regional advisory body shall be composed of 1 member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States, upon execution of an international agreement or agreements described in subsection (f). A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding the governance of an existing or proposed affiliated regional reliability entity within the same region, whether an organization standard, entity rule, or variance proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, in the public interest, and consistent with the requirements of subsection (l). The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

''(o) COORDINATION WITH REGIONAL TRANSMISSION ORGANIZATIONS.—

''(1) Each regional transmission organization authorized by the Commission shall be responsible for maintaining the short-term reliability of the bulk power system that it operates, consistent with organization standards.

''(2) Except as provided in paragraph (5), in connection with a proceeding under subsection (e) to consider a proposed organization standard, each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding whether the proposed organization standard hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. Where such hindrance or conflict is identified, the Commission shall address such hindrance or conflict, and the need for any changes to such rule, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission in its order under subsection (e) regarding the proposed standard. Where such hindrance or conflict is identified between a proposed organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional transmission organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

''(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (c) or organization standard under subsection (e), each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. The Commission shall seek to ensure that such hindrances or conflicts are resolved promptly. Where a hindrance or conflict is identified between a reliability standard or an organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional reliability organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that an organization standard needs to be changed, it shall order the electric reliability organization to develop and submit a modified organization standard under subsection (e)(3)(C).

''(4) An affiliated regional reliability entity and a regional transmission organization operating in the same geographic area shall cooperate to avoid conflicts between implementation and enforcement of organization standards by the affiliated regional reliability entity and implementation and enforcement by the regional transmission organization of tariffs, rate schedules, and agreements accepted, approved or ordered by the Commission. In areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph.

''(5) Until 180 days after approval of applicable subsection (h)(3) procedures, any reliability standard, guidance, or practice contained in Commission-accepted tariffs, rate schedules, or agreements in effect of any Commission-authorized independent system operator or regional transmission organization shall continue to apply unless the Commission accepts an amendment thereto by the applicable operator or organization, or upon complaint finds them to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest. At the conclusion of such transition period, any such reliability standard, guidance, practice, or amendment thereto that the Commission determines is inconsistent with organization standards shall no longer apply.''.

(2) ENFORCEMENT.—Sections 316 and 316A of the Federal Power Act (16 U.S.C. 825o, 825o–1) are amended by striking ''or 214'' each place it appears and inserting ''214, or 215''.

(b) APPLICATION OF ANTITRUST LAWS.—Notwithstanding any other provision of law, each of the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

(1) Activities undertaken by the Electric Reliability Organization under section 215 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 215(h) of such Act.

(2) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 215 of the Federal Power Act undertaken in good faith under the rules of the organization.

Primary jurisdiction, and immunities and other affirmative defenses, shall be available to the extent otherwise applicable.

Subtitle B—PURPA Mandatory Purchase and Sale Requirements

SEC. 4803. PURPA MANDATORY PURCHASE AND SALE REQUIREMENTS.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

''(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

''(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from, or sell electric energy under this section.

''(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

''(A) the right to recover costs of purchasing such electric energy or capacity; and

''(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

''(3) RECOVERY OF COSTS.—

''(A) REGULATION.—To ensure recovery, by an electric utility that purchases electricity or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all costs associated with the purchases, the Commission shall issue and enforce such regulations as are required to ensure that no electric utility shall be required directly or indirectly to absorb the costs associated with such purchases.

''(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act.''.

Subtitle C—Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2001

SEC. 4810. SHORT TITLE.

This subtitle may be cited as the ''Public Utility Holding Company Act of 2001''.

SEC. 4811. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Public Utility Holding Company Act of 1935 was intended to facilitate the work of Federal and State regulators by placing certain constraints on the activities of holding company systems;

(2) developments since 1935, including changes in other regulation and in the electric and gas industries, have called into

question the continued relevance of the model of regulation established by that Act;

(3) there is a continuing need for State regulation in order to ensure the rate protection of utility customers; and

(4) limited Federal regulation is necessary to supplement the work of State commissions for the continued rate protection of electric and gas utility customers.

(b) PURPOSES.—The purposes of this title are—

(1) to eliminate unnecessary regulation, yet continue to provide for consumer protection by facilitating existing rate regulatory authority through improved Federal and State commission access to books and records of all companies in a holding company system, to the extent that such information is relevant to rates paid by utility customers, while affording companies the flexibility required to compete in the energy markets; and

(2) to address protection of electric and gas utility customers by providing for Federal and State access to books and records of all companies in a holding company system that are relevant to utility rates.

SEC. 4812. DEFINITIONS.

For the purposes of this subtitle—

(1) the term ''affiliate'' of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company;

(2) the term ''associate company'' of a company means any company in the same holding company system with such company;

(3) the term ''Commission'' means the Federal Energy Regulatory Commission;

(4) the term ''company'' means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing;

(5) the term ''electric utility company'' means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

(6) the terms ''exempt wholesale generator'' and ''foreign utility company'' have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935, as those sections existed on the day before the effective date of this Act;

(7) the term ''gas utility company'' means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power;

(8) the term ''holding company'' means—

(A) any company that directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon holding companies;

(9) the term ''holding company system'' means a holding company, together with its subsidiary companies;

(10) the term ''jurisdictional rates'' means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(11) the term ''natural gas company'' means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale;

(12) the term ''person'' means an individual or company;

(13) the term ''public utility'' means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce;

(14) the term ''public utility company'' means an electric utility company or a gas utility company;

(15) the term ''State commission'' means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies;

(16) the term ''subsidiary company'' of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon subsidiary companies of holding companies; and

(17) the term ''voting security'' means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 4813. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 1 year after the date of enactment of this Act.

SEC. 4814. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 4815. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 4816. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 4815 any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission

finds that the books, records, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company, the Commission shall exempt such person or transaction from the requirements of section 4815.

SEC. 4817. AFFILIATE TRANSACTION.

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 4818. APPLICABILITY.

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 4819. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4820. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d–825p) to enforce the provisions of this subtitle.

SEC. 4821. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 4822. IMPLEMENTATION.

Not later than 180 days after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title (other than section 4815); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 4823. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 4825. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

Subtitle D—Emission-Free Control Measures Under State Implementation Plans

SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

Actions taken by a State to support the continued operation of existing emission-free electricity sources, or the construction or operation of new emission-free electricity sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) and shall be included in a State Implementation Plan.

TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

SEC. 4901. SENSE OF CONGRESS REGARDING TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION.

It is the sense of Congress that certain Federal tax incentives including those contained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage energy production and conservation in the United States.

SA 1583. Mr. DORGAN (for Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the ''The 9/11 Heroes Stamp Act of 2001''.

SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (b).

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(2) by adding after the sentence following paragraph (3) the following: ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''.

(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this Act.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

''(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.''

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''emergency relief personnel'' means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term ''semipostal'' has the meaning given such term by section 416 of title 39, United States Code.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 36, line 7, after the semicolon insert the following: ''of which $2,500,000 shall be used for a newly designated HIDTA in the State of Utah.''

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 25, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior

Gale Norton and Secretary of Agriculture Ann Veneman.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 26, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 2, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the interaction of old-growth forest protection initiative and national forest policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Matt King, a legislative fellow on the subcommittee, be granted the privilege of the floor during consideration of H.R. 2590.

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

Mr. CAMPBELL. I ask unanimous consent that Patricia Raymond and Lula Edwards have unlimited floor privileges during the consideration of the Treasury and general government bill.

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

PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that on Friday, September 21, 2001, immediately following the convening of the Senate at 9 a.m., the Senate proceed to executive session to consider en bloc the Executive Calendar nominations numbered 360 and 361; Sharon Prost to be a U.S. circuit judge, and Reggie Walton to be U.S. district judge; that there be 20 minutes for debate on the two nominees, equally divided between the chairman and ranking member of the Judiciary Committee; that at the conclusion, or yielding back the time, the Senate vote on confirmation of each nominee; that upon the disposition of these nominations the President be immediately notified of the Senate's action, the Senate return to legislative session, and the Senate stand in recess subject to the call of the Chair.

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

Mr. REID. Mr. President, I ask unanimous consent that it be in order to ask, as in executive session, for the yeas and nays on both nominations now with one show of seconds.

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

Mr. REID. I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, so there is no misunderstanding, on the unanimous consent request that was just entered, the 20 minutes is total for both nominees, equally divided.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Finance Committee be discharged from further consideration of the nomination of Robert Bonner to be Commissioner of Customs, that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and that the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

Robert C. Bonner, of California, to be Commissioner of Customs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 231 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 231) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 231) was agreed to.

DISCHARGE AND REFERRAL—H.R. 768

Mr. REID. Mr. President, I ask unanimous consent that H.R. 768, the Need-Based Educational Aid Act of 2001, be discharged from the HELP Committee and then referred to the Committee on the Judiciary.

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

DESIGNATING A MEMBER TO SERVE ON THE JOINT COMMITTEE ON PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 67 submitted earlier by Senator DODD.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

Senate Concurrent Resolution (S. Con. Res. 67) permitting the Chairman of the

Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements and supporting documents be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 67) was agreed to.

(The text of the concurrent resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 68 submitted earlier by Senators DODD and MCCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

Senate concurrent resolution (S. Con. Res. 68) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

Mr. REID. 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, in regard to S. Con. Res. 68, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place.

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

The resolution (S. Con. Res. 68) was agreed to.

(The text of the resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

ORDERS FOR THURSDAY, SEPTEMBER 20, AND FRIDAY, SEPTEMBER 21, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today it adjourn until 8:30 p.m. tomorrow, Thursday, September 20. I further ask consent that on Thursday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 8:40 p.m., with Senators permitted to speak for up to 5 minutes each. Further, that the Senate adjourn upon the conclusion of the joint session until 9 a.m. Friday, September 21. I further ask unanimous consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. On Thursday, the Senate will convene at 8:30 p.m. and there will be a joint session beginning at 9 p.m. to hear from the President of the United States. The Senators should be in the Senate Chamber by 8:40 to proceed to the House Chamber. There will be no rollcall votes tomorrow.

The Senate will then convene Friday at 9 a.m. The next rollcall vote will begin at 9:20 a.m. on Friday.

ADJOURNMENT UNTIL 8:30 P.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Thursday, September 20, 2001, at 8:30 p.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2001:

TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011. (REAPPOINTMENT)

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002, VICE CRAVEN H. CROWELL, JR., RESIGNED.

DEPARTMENT OF STATE

JOHN PRICE, OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DEPARTMENT OF JUSTICE

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE SCOTT RICHARD LASSAR, RESIGNED.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE G. DOUGLAS JONES, RESIGNED.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE KATRINA CAMPBELL PFLAUMER, RESIGNED.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE REBECCA ALINE BETTS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. LE MOYNE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ROGER L ARMSTEAD, 0000 CH
GERALD K BEBBER, 0000 CH
FRANCIS M BELUE, 0000 CH
PAUL K BRADFORD, 0000 CH
RICHARD J CHAVARRIA, 0000 CH
RUBEN D COLON JR., 0000 CH
THOMAS L DUDLEY JR., 0000 CH
THOMAS M DURHAM, 0000 CH
JOHN W ELLIS III, 0000 CH
STEPHEN E FEEHAN, 0000 CH
JAMES R FOXWORTH, 0000 CH
DON E GERMAN, 0000 CH
JAMES L GRIFFIN, 0000 CH
CHARLES L HOWELL, 0000 CH
KARL O KUCKHAHN JR., 0000 CH
WILLIAM T LAIGAIE, 0000 CH
MICHAEL T LEMBKE, 0000 CH
SCOTTIE R LLOYD, 0000 CH
DONALD G MCCONNAUGHHAY, 0000 CH
DAN L PAYNE, 0000 CH
RICHARD G QUINN, 0000 CH
MICHAEL L RAYMO, 0000 CH
KENNETH L WERHO, 0000 CH
JAMES R WHITE JR., 0000 CH
THOMAS P WILD, 0000 CH
GREGORY K WILLIAMSON, 0000 CH
CHRISTOPHER H WISDOM, 0000 CH
CARL S YOUNG JR., 0000 CH

CONFIRMATION

Executive Nomination Confirmed by the Senate September 19, 2001:

DEPARTMENT OF THE TREASURY

ROBERT C. BONNER, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS.

EXTENSIONS OF REMARKS

TRIBUTE TO KENNETH AND JENNIFER LEWIS

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2001

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Jennifer and Kenneth Lewis.

On Tuesday, September 11, 2001, the lives of a husband and wife from Culpeper, Virginia, were tragically wrenched from us.

Jennifer and Kenneth Lewis, attendants on Flight 77, will be greatly missed by their family, their friends, and their community.

Rest assured that the people of Culpeper and across the Commonwealth mourn this great loss in unity.

Mr. and Mrs. Lewis are two of the courageous souls who paid the price on Tuesday for American's freedom.

America was chosen as a target because it is the brightest beacon for freedom and democracy this world has ever known.

Jennifer and Kenneth stood on the anvil of America's greatness and suffered as the representatives of our freedom and the values that have made America the strongest nation in the world.

Consequently, their memory will remain with us.

Their memory will guide us as America rebuilds and grows stronger in the wake of Tuesday's tragedy.

The great loss of Jennifer and Kenneth will serve as a reminder to us of the precious value of each life and will draw us closer together as a community.

America must not forget Jennifer and Kenneth and those who perished with them, for their memory will motivate us to protect our families, our communities, and our Nation from future tragedy.

It is fitting that the Lewises were together on their final day—a demonstration of their unity and their strength as a family.

They have helped America to unify. We will now care more for our neighbor and treasure every day more dearly, in their honor.

God bless America. Our loss is not in vain.

My prayers and those of my wife, Diana, remain with the family and friends of Jennifer and Kenneth Lewis and with the community of Culpeper.

INTRODUCTION OF THE VICTORY BONDS ACT OF 2001

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2001

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation that will provide Americans in every part of the Nation with an opportunity to contribute directly to our Nation's response to last week's tragic events. The ''Victory Bonds Act of 2001'' directs the United States Treasury to issue special bonds to help finance the Federal government's recovery and anti-terrorism efforts.

The American people have responded to last week's murderous attacks on the World Trade Center and the Pentagon with great courage, generosity, and determination. Thousands of volunteers have joined in the rescue efforts in New York City and tens of thousands more have donated blood and contributed money and supplies to aid both the rescuers and victims. These efforts represent the true spirit and finest traditions of our American republic.

Americans in my district and across the country have called Federal offices asking how they can also assist in relief and rebuilding efforts and how they can show support for possible military operations against terrorism. The legislation I am introducing responds to these requests by directing the Treasury Department to offer special ''Victory Bonds'' to fund recovery operations, victim relief and military operations responding to the terrorist attacks. By purchasing these special U.S. bonds, patriotic citizens will make a direct contribution that helps heal and rebuild our Nation and expresses a common determination to resist all future terrorist attacks on American soil.

The ''Victory Bonds Act of 2001'' also directs the Treasury to place the proceeds of the bond sales into a separate Treasury fund that would be earmarked for recovery and anti-terrorism expenses. Americans who purchase the bonds should have assurance that they are contributing directly to Federal relief for terrorist victims and specific programs to combat terrorism. The bill is similar in this approach to legislation introduced in the Senate by Sen. TIM JOHNSON (D–SD).

The issuance of special bonds in times of national emergency is one of our country's proudest traditions that dates back to the American Revolution. The war bond effort during World War II generated more than $200 billion as patriotic Americans sought to contribute to our Nation's struggle against international fascism. A similar outpouring of public support will be needed in what could be a long and arduous effort to defeat international terrorism.

Just as special war bonds enabled our parents and grandparents to contribute to our military victory in World War II, purchases of Victory Bonds will give millions of Americans a vital and continuing role in our new struggle against terrorism. The bonds will help mobilize and direct public resources for emergency spending while signifying that all Americans stand together in their resolve to root out terrorism once and for all.

I urge prompt consideration of this important and timely legislation.

HONORING THE NEW JERSEY URBAN SEARCH AND RESCUE TEAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2001

Mr. HOLT. Mr. Speaker, I rise to praise the members of the State of New Jersey Office of Emergency Management's Urban Search and Rescue Team (NJTF–1), who responded to the call for assistance in New York City after the terrorist attack on September 11, 2001.

I had the privilege of spending time with their members who have created a tent city at the Jacob Javitz Convention Center. They are among the best-trained rescue personnel anywhere, and no one works harder than they do. They, along with the Federal Emergency Management Agency and others, have risen to the challenge of last week's tragedy.

Within hours after the attack on the World Trade Center, the New Jersey Urban Search and Rescue Team were in New York City volunteering to assist in the immediate search for victims. The team stayed in New York City for nine days, away from their families, and in harm's way, in order to help those in need. Tomorrow, they return to their homes and jobs in New Jersey. First NJTF–1 will stop at their deployment center in Lakehurst where their families and friends will celebrate their service to their fellow citizens.

On behalf of all of New Jersey's residents, I am proud of these dedicated men and women and proud they serve not only the people of New Jersey, but all the people of the United States. They, like so many of New Jersey's fire, police, and emergency medical technicians, deserve our praise and our thanks for their efforts in Manhattan. They have served as a bright light of hope in our days of darkness and are a testament to the unyielding will of the American people and the strength of our democracy.

I urge all my colleagues in the House to join me in honoring them for their dedication and their heroism.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 20, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9:30 a.m.

Governmental Affairs

To hold hearings to examine the U.S. response to homeland attacks.

SD–342

12 p.m.

Foreign Relations

To hold hearings on the nomination of Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; the nomination of Mattie R. Sharpless, of North Carolina, to be Ambassador to the Central African Republic; the nomination of R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; the nomination of Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; the nomination of Kevin Joseph McGuire, of Maryland, to be Ambassador to the Republic of Namibia; the nomination of Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and the nomination of Robert W. Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

SD–419

SEPTEMBER 25

10 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine environmental health issues.

SD–430

Judiciary

To hold hearings to examine homeland defense matters.

SD–226

Armed Services

To hold hearings to examine the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. John W. Handy, to be General; the nomination of The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Adm. James O. Ellis Jr., to be Admiral; and the nomination of The following named officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152: Gen. Peter Pace, to be General.

SH–216

2 p.m.

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine workplace safety for immigrant workers.

SD–430

Commission on Security and Cooperation in Europe

To hold hearings to examine the situation in Moldova, focusing on developments in the Transdniestria region and the promised withdrawal of Russian military forces as well as armaments and ammunition from Moldova.

334 Cannon Building

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment.

SD–366

SEPTEMBER 26

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

Health, Education, Labor, and Pensions

To hold hearings to examine psychological trauma and terrorism, focusing on assurance that Americans receive the support they need.

SD–430

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

SD–366

OCTOBER 2

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the interaction of old-growth forest protection initiatives and national forest policy.

SD–366

Daily Digest

HIGHLIGHTS

Senate passed Treasury, Postal Service, and General Government Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S9467–S9549

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 1433–1440, and S. Con. Res. 66–68. **Page S9504**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002". (S. Rept. No. 107–65)

S. 952, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Page S9504**

Measures Passed:

Treasury, Postal Service, and General Government Appropriations: Committee on Appropriations was discharged from further consideration of H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and the Senate then passed the bill, after taking action on the following amendments proposed thereto:

Pages S9470–77, S9485–86, S9489–90, S9491–97

Adopted:

Dorgan/Campbell Amendment No. 1570, in the nature of a substitute. **Page S9477**

Dorgan/Campbell Amendment No. 1575, to make certain technical corrections and further improvements to the bill. **Pages S9489–90**

Bingaman/Domenici Amendment No. 1576, to authorize State, regional, or local transportation authorities that receive Federal Transit Administration assistance or grants, to purchase heavy-duty transit buses through the General Services Administration. **Page S9491**

Dorgan (for Kohl) Amendment No. 1578, to improve the collection of information relating to the introduction of foreign animal disease. **Pages S9491–92**

Dorgan (for Campbell) Amendment No. 1577, to provide that the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. **Pages S9491–92**

McConnell/Burns Amendment No. 1573, to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001, highjackings and attacks on the Pentagon and the World Trade Center. **Pages S9485–86, S9493**

Dorgan (for Johnson) Modified Amendment No. 1574, to authorize the Secretary of the Treasury to issue Unity Bonds in support of recovery and response efforts relating to the September 11, 2001, highjackings and attacks on the Pentagon and the World Trade Center. **Pages S9487–88, S9493**

Dorgan (for Hollings) Amendment No. 1579, designating the Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina as the "G. Ross Anderson, Jr. Federal Building and United States Courthouse". **Page S9493**

Dorgan (for Clinton) Amendment No. 1583, to provide that the Postal Service may issue a special commemorative postage stamp in order to provide financial assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001. **Pages S9494–95**

Dorgan (for Hatch) Amendment No. 1584, to designate the State of Utah as a High Intensity Drug Trafficking Area. **Page S9495**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Dorgan, Mikulski,

Landrieu, Reed, Byrd, Campbell, Shelby, DeWine, and Stevens. **Page S9497**

Joint Session of Congress: Senate agreed to H. Con. Res. 231, providing for a joint session of Congress to receive a message from the President. **Page S9548**

Committee Membership Designation: Senate agreed to S. Con. Res. 67, permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman. **Pages S9548–49**

Committee Membership Designation: Senate agreed to S. Con. Res. 68, providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library. **Page S9549**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nominations of Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, and Reggie B. Walton, to be United States District Judge for the District of Columbia, at 9 a.m., on Friday, September 21, 2001, with a vote on confirmation on the nominations to occur thereon.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Iran; to the Banking, Housing, and Urban Affairs. (PM–41) **Pages S9502–03**

Transmitting, pursuant to law, the Periodic Report on Telecommunications Payments Made to Cuba Pursuant to Treasury Department Specific Licenses; to the Foreign Relations. (PM–42) **Page S9503**

Nominations Confirmed: Senate confirmed the following nomination: Robert C. Bonner, of California, to be Commissioner of Customs. (Prior to this action, Committee on Finance was discharged from further consideration.) **Page S9548**

Nominations Received: Senate received the following nominations:

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011. (Reappointment)

William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

John Price, of Utah, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros and Ambassador to the Republic of Seychelles.

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

1 Army nomination in the rank of general.

A routine list in the Army. **Page S9549**

Executive Communications: **Page S9503**

Messages From the House: **Page S9503**

Measures Referred: **Page S9503**

Measures Read First Time: **Page S9494**

Statements on Introduced Bills: **Pages S9506–13**

Additional Cosponsors: **Pages S9504–06**

Amendments Submitted: **Pages S9514–47**

Additional Statements: **Page S9502**

Enrolled Bills Presented: **Page S9503**

Notices of Hearings/Meetings: **Pages S9547–48**

Privilege of the Floor: **Page S9548**

Adjournment: Senate met at 10 a.m. and adjourned at 7:41 p.m., until 8:30 p.m., on Thursday, September 20, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9549.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 3 public bills, H.R. 2900–2902; and 1 resolution, H. Con. Res. 231, were introduced. **Page H5736**

Reports Filed: Reports were filed today as follows:

H.R. 2541, to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities referred sequentially to the House Committee on the Judiciary for a period ending not later than Oct. 12, 2001 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 107–206, Pt. 1). **Page H5736**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Issa to act as Speaker pro tempore for today. **Page H5729**

Guest Chaplain: The prayer was offered by the Rev. Campbell Gillon, Georgetown Presbyterian Church of Washington, D.C. **Page H5729**

Recess: The House recessed at 12:05 p.m. and reconvened at 7:01 p.m. **Page H5729**

Joint Session of Congress—Thursday, Sept 20: The House agreed to H. Con. Res. 231, providing for a joint session of Congress to receive a message from the President. **Page H5734**

Consideration of DOD Authorization Bill for FY 2002: Agreed that it be in order at any time for the Speaker to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 2586, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2002; that all points of order against consideration of the bill be waived and that general debate not exceed one hour. After general debate, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill, H. Rept. 107–194. **Pages H5729–30**

The following amendments to the committee amendment in the nature of a substitute shall be in order (after disposition of amendments, the Committee of the Whole shall rise without motion, pending a subsequent order of the House):

Hall of Ohio, page 43 after line 9; Ose, page 64 beginning line 20; Bereuter, page 115 after line 18; Underwood, page 166 after line 5; Gilchrest, page 187 after line 12; Strickland, page 187 after line 12; Manzullo, page 248 after line 9; Velázquez, page 248 after line 9; Lantos, page 281 beginning line 6; Spratt, page 307 after line 20; Stearns No. 46, page 307 after line 20; Stearns No. 50, page 307 after line 20; Tauscher, page 307 after line 20; Weldon of Pennsylvania No. 70, page 307 after line 20; Weldon of Pennsylvania No. 78, page 307 after line 20; Weldon of Pennsylvania No. 81, page 307 after line 20; Ehrlich/Hansen, page 331 after line 15; Kirk, page 394 after line 20; Boyd, page 414 after line 7; Farr of California, page 427 after line 7; Kelly, page 427 after line 7; and Lewis of California, page 427 after line 7. **Pages H5730–34**

Consideration of Suspensions: Agreed that it be in order to consider motions to suspend the rules relating to the following measures on the legislative day of Thursday, September 20, 2001: H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act; H.R. 2657, District of Columbia Family Court Act; and H.R. 2061, Southeastern University of the District of Columbia Charter Amendment. **Page H5734**

Presidential Messages: Read the following messages from the President:

Telecommunications Services to Cuba: Message wherein he transmitted the semi-annual report concerning telecommunications services to Cuba—referred to the Committee on International Relations. **Page H5734**

National Emergency Re Iran: Message wherein he transmitted the six-month periodic report on the National Emergency with respect to Iran that was declared on March 15, 1995—referred to the Committee on International Relations and ordered printed (H. Doc. 107–121). **Page H5734**

Senate Message: Messages received from the Senate today appears on page H5729.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 12 noon and adjourned at 7:12 p.m.

Committee Meetings

AIRLINE INDUSTRY—FINANCIAL AID

Committee on Transportation and Infrastructure: Held a hearing on the following: H.R. 2891, to preserve the

continued viability of the United States air transportation system; and on the financial condition of the airline industry in the aftermath of the events which occurred on September 11, 2001. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 20, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, to hold joint hearings with the House

Appropriations' Subcommittee on Transportation to examine aviation security issues, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the condition of the financial markets, 10 a.m., SH–216.

Committee on Commerce, Science, and Transportation: business meeting to consider the nomination of Marion Blakey, of Mississippi, to be a Member and Chairman of the National Transportation Safety Board; the nomination of Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration, Department of Transportation; and the nomination of Read Van de Water, of North Carolina, to be an Assistant Secretary of Transportation; to be followed by hearings to examine federal aviation security standards, 9:30 a.m., SR–253.

Full Committee, to hold hearings to examine the financial state of the transportation industry, 2 p.m., SR–253.

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine the annual report of the Postmaster General and the impact of terrorist attacks on postal operations, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine certain pending nominations, 10:30 a.m., SD–226.

House

Committee on Appropriations, to consider the following: Revised Suballocation of Budget Allocations for Fiscal Year 2002; the Military Constructions Appropriations for Fiscal Year 2002; and the District of Columbia Appropriations for Fiscal Year 2002, 9:30 a.m., 2359 Rayburn.

Committee on Education and the Workforce, Subcommittee on the 21st Century, hearing on ''Welfare Reform: An Examination of Effects,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''National Electricity Policy: Federal Government Perspectives,'' 2 p.m., 2123 Rayburn.

Committee on Government Reform, hearing on ''Preparing for the War on Terrorism,'' 10 a.m., 2154 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 1370, to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, 2 p.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: H.R. 525, Preparedness Against Domestic Terrorism Act of 2001; GSA Fiscal Year 2002 Capital Investment and Leasing Program—Remaining Prospectuses; and other pending business, 2 p.m., 2253 Rayburn.

Subcommittee on Water Resources and Environment, hearing on H.R. 1474, American Wetland Restoration Act, 1 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the following bills: H.R. 2716, Homeless Veterans Assistance Act of 2001; and H.R. 936, Heather French Henry Homeless Veterans Assistance Act, 1:30 p.m., 334 Cannon.

Subcommittee on Oversight and Investigations, hearing to review the Department of Veterans Affairs Medical Care Collection Fund (MCCF), 10 a.m., 334 Cannon.

Joint Meetings

Joint Meetings: Senate Committee on Appropriations, Subcommittee on Transportation, to hold joint hearings with the House Appropriations' Subcommittee on Transportation to examine aviation security issues, 2 p.m., SD–106.

Next Meeting of the SENATE

8:30 p.m., Thursday, September 20

Senate Chamber

Program for Thursday: After a period of routine morning business (not to extend beyond 8:40 p.m.), Senate will meet in a joint session, with the House of Representatives, to receive a message from the President.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 20

House Chamber

Program for Thursday: Joint Session of Congress to Receive a Message from the President;

Consideration of H.R. 2586, DOD Authorization Act (unanimous consent order, one hour of general debate);

Consideration of Suspensions:

(1) H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act;

(2) H.R. 2657, District of Columbia Family Court Act; and

(3) H.R. 2061, Southeastern University of the District of Columbia Charter Amendment.

Consideration of motions to go to conference on various measures.

Extensions of Remarks, as inserted in this issue

HOUSE

Cantor, Eric, Va., E1669
Holt, Rush D., N.J., E1669
LaFalce, John J., N.Y., E1669

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