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Senate

The Senate met at 9 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Sovereign of our beloved Nation, we want to express our profound gratitude for citizenship in the United States of America.

After September 11 we no longer take for granted the privileges of being citizens of this land You have blessed so bountifully through the years. Now we gratefully think about our freedoms of worship, speech, assembly, and the liberty to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in government. Help the Senators and all of us who labor with and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to continue to make this good Nation great.

Thank You for the renewed spirit of patriotism sweeping across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to overcome terrorism and to assure opportunity and justice for all Americans and the world. So, today, as we pledge allegiance to our Flag, our hearts express joy: This is our own, our native land and You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the majority leader has asked me to remind everyone we are going to have a vote at approximately 9:25 this morning.

There will now be 20 minutes of concurrent debate on the nomination of Sharon Prost to be United States Circuit Judge and Reggie Walton to be United States District Judge.

Following these votes, the Senate will stand in recess subject to the call of the Chair, as both parties are having conferences.

This is an extremely important day for us. We have the Defense Appropriations Committee bill which we believe will be brought up and also some legislation dealing with the airlines.

So there will be rollcall votes today. There will be rollcall votes on Monday, earlier than usual—sometime probably midmorning or early afternoon. So we ask everyone's cooperation, which we usually get.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF SHARON PROST, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

NOMINATION OF REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Orders 360 and 361, which the clerk will report.

The legislative clerk read the nominations of Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit, and Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a total of 20 minutes for debate on the two nominations, with the time to be equally divided between the chairman and the ranking member.

The Senator from Utah.

Mr. HATCH. Mr. President, let me first thank the distinguished majority leader, Senator DASCHLE, and my dear friend the chairman of the Judiciary Committee, Senator LEAHY, for their support and efforts in moving this nomination and scheduling this vote

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

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today. The nominees before us are both great people, but I am going to first chat about the nominee Sharon Prost.

She is no ordinary nominee. She is an extraordinary woman of integrity and intellect who is the nominee to be an appellate judge on the U.S. Court of Appeals for the Federal Circuit. She also happens to serve as the Republican Chief Counsel to the Senate Judiciary Committee, my chief counsel, Sharon Prost.

Many of us who have worked with Sharon either on the Judiciary or the Labor Committees know her well. Sharon grew up in an Orthodox Jewish home, where the values of faith, family, and country were instilled in her. Simply put, Sharon embodies the American dream. Her parents were concentration camp survivors who arrived in this country from Poland in 1948. The pursuit of their own educations was derailed by the war, but they nonetheless emphasized to Sharon the importance of education and hard work in achieving success—advice Sharon has followed throughout her life. And, as Sharon noted at her hearing, her parents instilled in her the love of community, love of family, and love of God.

Tragically, Sharon's father died when she was only 13 years old. Upon his death, she had to support herself, and worked her way through high school and college. But despite the obstacles life placed before her, Sharon persevered. She and her sister Marlene became the first in their family to graduate from high school and go on to attend college. Perhaps one of the best-educated individuals ever to have worked in the Senate, Sharon holds four degrees, including a bachelor of science from an Ivy League university, a law degree, an LLM in tax, and an MBA. She got three of her degrees at night while working full-time.

A labor lawyer at heart, Sharon first came to work for me 12 years ago, after serving as acting solicitor of the NLRB. I sought Sharon out to work for me on the Senate Labor Committee because I learned of her intellect, her integrity, her exceptional legal skills, and her background in finance.

In her role as my chief counsel on the Judiciary Committee, she has been responsible for everything on the committee agenda, including matters of immigration, antitrust, and patent law.

I cannot stress enough how indebted I am to her for her service over all of these many years. She is one of the most loyal, decent, and intelligent people with whom I have had the privilege to serve.

Sharon truly is something of a modern renaissance woman, with a breadth and depth of knowledge in a variety of areas. Her background and education make her uniquely suited for service on the Federal Circuit, which, as you know, handles myriad issues ranging from veterans matters to patent cases to employment cases.

It has been said that ''[t]he value of government to the people it serves is in direct relationship to the interest citizens themselves display in the affairs of state.'' Sharon has proved herself to be a valuable asset to our Nation, having devoted much of her life to public service.

I know that Sharon holds the other Members of this body in the highest regard, and that those who have worked with her have the utmost respect for her as well—a fact reflected by the standing ovation that the Judiciary Committee members gave Sharon when they unanimously approved her nomination to be sent to the full Senate.

Sharon has been the primary counsel working for me on a number of bipartisan initiatives, including the Violence Against Women Act with Senator BIDEN and his staff, as well as the religious liberty bill that was passed last year. And Sharon has worked closely with Senator KENNEDY's staff over the years on Labor Committee and immigration issues.

I would be remiss in talking about Sharon Prost and her many accomplishments without mentioning the role she considers most important of all: that of being the mother of her terrific sons, Matthew and Jeffrey. She is one of the most noble and fine people I have ever known.

Let me close by noting that Sharon is not only an able counsel and wonderful mother, but she is a person with a good heart.

As Robert Traver wrote more than four decades ago,

> Judges, like people, may be divided roughly into four classes: judges with neither head nor heart—they are to be avoided at all costs; judges with head but no heart—they are almost as bad; then judges with heart but no head—risky but better than the first two; and finally, those rare judges who possess both head and a heart.

Sharon will serve this country as a judge with head and a heart. In fact, Matthew and Jeffrey will tell you that one of their mom's favorite things to say is, when you use both your head and your heart, you will do things right and do the right things.

These words are insufficient to express how much I respect and love her, and how much I will miss her and her skill and good counsel. I truly have mixed emotions, but I have no doubt that confirming her to the Federal Circuit will be the right thing for the country.

Let me also take a moment to express again my personal thanks to the distinguished chairman of the Judiciary Committee, Senator LEAHY for moving Sharon out of the committee and for the distinguished majority leader for scheduling this vote today. I also commend the President for recognizing Sharon's skills and talent and selecting her for the prestigious and noble position of being a circuit judge.

I urge and thank my colleagues' support for Sharon's nomination.

Mr. President, I wish to say a few words in support of Judge Reggie B. Walton who has been nominated to be a district court judge for the District of Columbia. Judge Walton is an excellent nominee for this position who brings a wealth of talent and experience to the job.

Judge Walton began his legal career as a staff attorney in the Defender Association of Philadelphia from 1974 to 1976. There he served as defense counsel for indigent criminal defendants. Next he became an assistant U.S. attorney for the District of Columbia from 1976 to 1981, and he served as the executive assistant U.S. attorney for that office from 1980 to 1981.

In 1981, President Ronald Reagan appointed Judge Walton to the Superior Court of the District of Columbia. He served as the deputy presiding judge of the Superior Court's Criminal Division from 1986 to 1989. In 1989, Judge Walton was appointed by President George H.W. Bush as the Associate Director of the Office of National Drug Control Policy, Executive Office of the President. Judge Walton served in this position until 1991, when he was named by President Bush as the Senior White House Advisor for Crime. Judge Walton was reappointed to the Superior Court bench by President Bush in 1991. Judge Walton served as the presiding judge of the Superior Court's Domestic Violence Unit in 2000. Since January 1, 2001, Judge Walton has served as the presiding judge of the Superior Court's Family Division.

Judge Walton has been active in legal education throughout his professional career. Currently, he serves as a faculty member at the National Judicial College in Reno, NV, as an instructor at the Harvard University Law School's Trial Advocacy Workshop, and as a faculty member with the National Institute of Trial Advocacy.

In short, Mr. President, Judge Walton is a highly capable person of demonstrated talent who deserves the vote of confirmation by this body.

I commend him to the Senate. And, above all, I commend Sharon Prost who has given this body, the U.S. Senate, tremendous service, dedicated service, good service, and intelligent service over the last number of years for whom I could not have any greater respect. She is a terrific human being.

I hope both of these two judges-to-be will enjoy their service for our country in these very important positions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering en bloc the nominations of Sharon Prost and Reggie Walton. There are 20 minutes evenly divided. The Senator controls 10 minutes.

Mr. LEAHY. I thank the Chair, my distinguished friend from New England.

To reiterate, I commend the President of the United States for his speech last night. I said to him after the speech that I thought, as most people

do, it was the finest speech of his public career. He spoke to us in accordance with constitutional provisions contained in article II, section 3 of our Constitution to report to the Congress on the state of the Union. But, more importantly, he spoke to all Americans.

I was there. My wife Marcelle was in the galleries. Millions upon millions of Americans across the country and people all around the world listened to the President. We knew America had been hit by murderous terrorist acts in New York and at the Pentagon in Virginia, and at the plane crash in Pennsylvania.

The President was right in saying there are no easy answers; that we face a long and terrible fight.

I could not help but think as I listened to him that we will know our defeats in the years ahead. Often we will not know our victories. That makes the fight even more difficult. It is easier when you face a well-known foe, as we have in other times. Here we will know when we lose some battles. We will not always know when we win some.

The President should know that we have a United States behind us—a United States of America united more than at any time since I have served in the Senate. We must use that unity to bring out what is the best in our country, both in protecting our own liberties and our own rights as Americans—and we will do that—but also in demonstrating to the rest of the world that we are not a defenseless giant.

I have served for many years with both the Majority Leader and the Republican leader. In fact, I have been in the Senate throughout all of their careers. I commend Senators DASCHLE and LOTT for their reinforcing reaction and response. I believe Senator DASCHLE and Senator LOTT showed the best of the Senate last night and in these difficult days.

The desk I sit in was once used by Senator George Vandenberg. Senator Vandenberg said ''politics stops at the water's edge.'' And we showed that last night.

I have been working with the President and the Attorney General to bring together a package of legislative proposals to aid in this effort, laws that can help without sacrificing the freedoms and constitutional protections that define what is best in America. I want publicly to thank Attorney General Ashcroft for his cooperation. He and I have probably spoken more times in the past week and a half than we might have in months when we served side by side in the Senate.

Since the terrorist attacks of September 11, the Judiciary Committee has been devoting virtually undivided attention to the aftermath, the investigation and the proper legislative response. The exceptions have been the confirmation hearings we have conducted since the attacks for high-ranking law enforcement officials at the Department of Justice and for judicial nominees. All will hopefully help. Today we are going to confirm Sharon Prost and Judge Walton.

I spoke of the pride I had and all Senators had—both Democrat and Republican—when Ms. Prost appeared before our committee, at our extraordinary hearings during the August recess.

I spoke about her not just as a person and as a lawyer and not just because I feel she will be a superb judge on this very important court, but I also spoke of her as the mother of two wonderful young men. I was gratified in seeing the looks in the faces of those two young men as they watched their mother testify but also the love that she showed to them.

As we were reporting the Prost nomination from the Committee, she received a spontaneous standing ovation from all those assembled.

This morning the Senate will confirm Sharon Prost to be a Judge of the United States Court of Appeals for the Federal Circuit. At that moment, the Senate will have confirmed as many judges to our Courts of Appeals, since July of this year, as were confirmed in the entire first year of the Clinton administration. We are moving forward very quickly. In the first year of the Clinton administration, where they did not have all the disruptions and distractions and shifts we have had here, the first Court of Appeals judge was not confirmed until September 30 and the third was not confirmed until November. We have moved a lot faster. Actually, we have moved a lot faster than the Senate did during the first year of the first Bush administration, as well. That year, 1989, the third Court of Appeals nominee was not confirmed until October 24.

With the reporting of the Prost nomination to the Senate earlier this month, we had reported as many Court of Appeals nominees as were reported all last year. Since then we have had a hearing on an outstanding nomination to the Second Circuit and I expect to be scheduling more hearings including Court of Appeals nominees in the days ahead.

I recall the predictions when I was becoming Chairman in June that all the President's judicial nominations would be blocked and the Senate would not confirm a single nominee. By mid-July we had held hearings, the Committee had reported and the Senate had acted to confirm Judge Roger Gregory to the Fourth Circuit and we have continued to work at a brisk pace throughout the summer and into the fall.

I recall published reports that the White House had predicted that the Senate would be confirming only five judges all year. With the confirmation of Judge Walton, we will confirm the sixth Federal judge since July. A fair assessment of the circumstances of this year would lead to the conclusion that we have done what we said we would do and what the Senate should do, proceed to consider and confirm those qualified, consensus nominees that the President is nominating to help fill the vacancies on our federal courts.

We will also have the Attorney General before us on Tuesday morning. I intend to work with the Attorney General and the administration all day today, this evening, all day Saturday, all day Sunday, and all day Monday to try to bring together all the things necessary to get needed legislation enacted. I noted a coalition of more than 150 organizations, ranging from the most conservative to the most liberal, that have joined together to ask the Senate and our committee not to trample on civil liberties as we do this. These groups range from the Eagle Forum to the ACLU, all united, taking the same position. I can assure them that trampling the rights of Americans is not the intention of our committee. We will be very careful.

As the Attorney General said, we can operate within our Constitution. The Constitution has been our greatest shield throughout our democracy. We must honor it and operate within its confines and protections. We will also protect ourselves against terrorism, both domestic and foreign.

I thank those Senators who stayed here with me last weekend, have worked with me evening after evening, and are committed to working with me this weekend, and their staffs. It is a great effort pulling all this legislation together.

I hope that we can continue to show unanimity both for the American people and for this Senate. For example, I want my colleagues to know that early this morning, when most of us could barely keep our eyes open, we reached agreement with the White House and with the House of Representatives on a victims' compensation program for the victims of the terrorist attacks of September 11, 2001. When we met with the White House and with the House leadership and, in particular, when I met with the heads of the various airline companies, I said that we must have a victims' compensation program.

I thank the majority leader, Senator DASCHLE; Senator LOTT, the Republican leader; Speaker HASTERT; Leader GEPHARDT; Senator HATCH; Senator KOHL; Senator DEWINE; Senator SCHUMER; and Senator CLINTON for their bipartisan efforts. We have created a victims' compensation fund. Payments to these victims will be tax free. We will move forward quickly.

I thank Ed Pagano, John Dowd and Greg Cota of my staff for being willing to work around the clock and Makan Delrahaim of Senator HATCH's staff. I commend Mark Childress and Andrea LaRue of the Majority Leader's staff and Dave Hoppe of the Republican Leader's office, as well as Victoria Bassetti, Pete Levitas, Jeff Berman and Leecia Eve. This is extremely important. There is no higher priority. Again, this has been an occasion where in a bipartisan effort working for long hours in good faith and with common

resolve, we have been able to forge a good agreement.

I see the time has arrived for the votes. I ask unanimous consent to print in the RECORD the following relating to establishment of a victims' compensation fund.

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

SENATE BIPARTISAN COMPROMISE: ESTABLISHMENT OF A SEPTEMBER 11 VICTIMS' COMPENSATION FUND

CREATION OF THE SEPTEMBER 11 VICTIMS' COMPENSATION PROGRAM

Congress shall authorize and appropriate such funds as may be necessary to compensate any victims or their families with physical injury or wrongful death claims arising out of the terrorist-related airline crashes in the United States on September 11, 2001.

To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist-related airline crashes on September 11, 2001. Applicants will not be required to prove negligence or any other theory of liability.

The Department of Justice shall supervise the program and the Senate shall confirm a Special Master to administer the program to determine victim compensation.

QUICK REVIEW AND PAYMENT OF CLAIMS FOR COMPENSATION

The Special Master shall make a final determination of the applicant's eligibility for compensation and appropriate level of compensation within 100 days of having received the application.

In all cases, the compensation shall be paid within 20 days of the final determination.

Filing of a claim under the program will preempt all other civil remedies available under federal or state law for the same physical injury or wrongful death suffered as a result of the September 11, 2001 terrorist acts.

Payments to victims will be tax free.

Mr. LEAHY. I ask for the yeas and nays on the nominees.

The ACTING PRESIDENT pro tempore. The yeas and nays have been previously ordered.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. HATCH. I thank the chairman of the Judiciary Committee for his solid support of Sharon Prost and Reggie Walton and for the work he has done. I also have enjoyed working with him as we have worked to fashion, along with all the people whose names he mentioned, and certainly in the House of Representatives, the law enforcement changes and terrorism laws that really need to occur. I hope we can get that done. I hope we can do it on a completely bipartisan basis. It has to be done.

We have also worked very hard on the airline bill which he has described adequately. I thank him for the efforts he is putting forth, and his staff and, of course, my staff. A number of these staff people worked all night long on some of this legislation. They deserve an awful lot of credit, along with the White House staff, staffs of both Houses, and the staff of both sides on this issue. I am very grateful that we were able to move ahead on these matters. I hope we can move ahead in a way to protect, preserve, and defend our country as it deserves to be protected, defended, and preserved.

Let's proceed to the vote.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Sharon Prost, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Wyoming (Mr. THOMAS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—97

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

NOT VOTING—3

Gramm	McCain	Thomas

The nomination was confirmed.

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

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

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF REGGIE B. WALTON

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Reggie B. Walton to be a U.S. District Judge for the District of Columbia? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 283 Ex.]

YEAS—97

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

NOT VOTING—3

Gramm	McCain	Thomas

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President is notified of these actions taken by the Senate.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. The Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:17 a.m., recessed subject to the call of the Chair and reassembled at 11:54 a.m. when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

DEFENSE AUTHORIZATION

Mr. REID. Mr. President, the majority and minority leaders have agreed that in the near future, the two managers, Senators WARNER and LEVIN, will move forward with the Defense authorization bill. The opening statements will take some time because this

is such an important piece of legislation.

At some point later in the day, when the House, we hope, completes their work on the airlines legislation, which they have worked on during the night, and we worked on during the night, we will move to that. The managers understand that.

I hope that people will understand how hard these two veteran legislators—Senator LEVIN and Senator WARNER—have worked on this legislation. I personally know of the time they have spent on this bill in the past week, and prior to that they spent much more time on it. This is a very crucial time in the history of this country, and although it is always important, it is even more so now.

I hope Members will be very cautious in trying to make a Christmas tree out of this piece of legislation. The two leaders want as little controversy with this legislation as possible. We understand the Senate rules, that any person can do anything they want with this legislation. But we certainly ask that they be very cautious with this legislation. We have a timeframe within which we very badly need to complete this bill—as soon as possible. By next Wednesday at 2 o'clock, we not only have to complete this legislation but also do the continuing resolution to get us past the fiscal year. So there is really a lot to do.

I repeat for the third time, I hope that Members will be very discrete in what they do with this legislation as it relates to these two managers.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank the Senator from Nevada for his very kind words and for his efforts and the leadership on both sides of the aisle in helping to bring this bill forward. Senator WARNER and I have indeed worked very hard on it and, as always, we have worked together to bring a bill forward that hopefully the Senate can pass and pass quickly. But without the support of our leadership, that would not have been possible. As hard as we and our staffs work, it takes leadership support to make it happen. We are grateful that Senator REID is on the floor, and we thank all leaders not on the floor.

Mr. WARNER. If the Senator will yield, I join that with respect to the leadership provided by our distinguished majority whip. Yesterday on the train, as we were going to New York, we had Senator DASCHLE, Senator LOTT, Senator REID, Senator LEVIN, and I, and I think we finished up basically the procedural and, to some degree, the substantive points that remain, under the circumstances on which we concluded on the eve of visiting ground zero.

That is an example of how, throughout the last six or seven days, Senator LEVIN and I have collaborated on bringing together a closure of the differences that were experienced in the committee, when the committee for the first time in living memory had a partisan division on reporting out a bill.

I commend our chairman and the leadership. I think we are prepared today to present to the Senate a very fine bill on behalf of the men and women of the Armed Forces, their families, and those who are dependent and work with our Armed Forces. It would be my hope that in the course of the day, we can address such items as Members wish. But I think on our side, having participated in our caucus this morning, there is a feeling that we would like to move forward on this bill; and depending on the number of hours today, quite possibly we can bring to closure a number of issues and possibly begin to focus on when final passage could be achieved, subject to the leadership's desire for the time of the vote.

I thank my colleague.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 163, S. 1438, the Department of Defense authorization bill; that once the bill is reported, I be recognized to offer a managers' amendment; that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object—and I certainly will not object—I have joined with my distinguished chairman in preparation of the managers' amendment and will be a cosponsor of it.

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

The clerk will report the bill.

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.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1598

Mr. LEVIN. Mr. President, the managers' amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 1598.

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

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

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 1598) was agreed to.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

(1) research, development, test and evaluation for ballistic missile defense; and

(2) activities for combating terrorism.

Mr. LEVIN. Mr. President, this is no ordinary time in our country. In New York and just across the Potomac in Virginia, our fellow citizens continue to sift through the ruins left by the most deadly attack ever against the United States. Our fury at those who attack innocents is matched by our determination to protect our citizens from more terror and by our resolve to track down, root out, and relentlessly pursue the terrorists and those who would shelter or harbor them. The President spoke eloquently and forcefully last night setting out those goals.

Against this background, we bring the National Defense Authorization Act for Fiscal Year 2002 to the floor of the Senate. The bill authorizes the full amount requested by the administration for national defense, including the $18.4 billion requested by the President in his amended budget request. The bill also addresses a number of important priorities identified by the Armed Services Committee.

I am pleased we were able to add a significant amount of money, over $700 million, to the budget request for compensation and quality of life.

We added more than $1 billion to improve the readiness of the military services to carry out their assigned missions.

We added a large amount of money to advance the transformation of the military services and to improve the capability of the armed forces to meet nontraditional threats, including terrorism.

Even in advance of the terrorist attack on the World Trade Center and the Pentagon, we gave particular attention to the problem of terrorism as reflected in our bill and in the report that accompanies it. Not only did the committee fully fund the President's proposal for combating terrorism, we were able to add funds for a new combating terrorism initiative to improve the ability of the U.S. forces to deter and defend against terrorism, including additional funds for research by the Department of Defense and the Department of Energy on the detection, identification, and measurement of chemical and biological weapons, and funds to upgrade Army installations and make them less vulnerable to terrorism. Much more remains to be done in this area, and that has surely been dramatized by the events of September 11.

We have already passed a $40 billion emergency supplemental for our war on terrorism. I understand the Department of Defense will be coming forward

with an additional supplemental budget request in the next several weeks, and our committee will review any such request.

The U.S. military is by far the most capable fighting force in the world. From Europe to the Persian Gulf to the Korean peninsula, the presence of U.S. military forces and their contributions to regional peace and security reassure our allies and deter adversaries.

U.S. forces have excelled in every mission assigned to them, including the 1999 NATO air campaign over Kosovo and ongoing enforcement of the no-fly zones over Iraq, humanitarian operations from Central America to Africa, and peacekeeping operations from the Balkans to East Timor.

The U.S. armed forces remain the standard against which all militaries are measured. Our armed forces are without peer today, and this bill will help ensure they remain so for the foreseeable future. At his confirmation hearing before the Armed Services Committee last week, Gen. Richard Myers, the next Chairman of the Joint Chiefs of Staff, testified that we have military forces and capability that we need to respond to the terrorist attack on the World Trade Center and the Pentagon.

We identified five priorities to guide our consideration of the bill: Continuing the improvements in the compensation and quality of life of the men and women of the armed forces and their families; improving the capability of the armed forces to meet nontraditional threats, including terrorism and unconventional means of delivery of weapons of mass destruction; sustaining the readiness of the military services to carry out their assigned missions; encouraging the transformation of the military services to lighter, more lethal, and more capable forces; and improving the efficiency of Department of Defense programs and operations.

Let me briefly address each of those areas.

One of our top priorities was to continue the improvements in the compensation and quality of life for our men and women in uniform. In this regard, we approved a pay raise of at least 5 percent for all military personnel and targeted pay raises of between 6 and 10 percent for enlisted personnel and junior officers, and we provided $17.9 billion requested by the Department to fully fund the Defense Health Program, including the significant new benefits we authorized last year.

The committee approved a number of other important initiatives to improve the quality of life for our military, and, in particular, the bill before us would authorize $30 million to improve retention efforts by allowing personnel with critical skills to transfer up to 18 months of unused benefits under the Montgomery GI bill to family members in return for a commitment to serve 4 additional years.

Senator CLELAND has been fighting for that initiative since he came to the Senate, and I am delighted we were able to include it in our bill this year.

We added more than $450 million for family housing and other military construction to improve the facilities in which our military personnel work and housing in which they and their families live.

We added more than $230 million to increase the basic allowance for housing and eliminate all out-of-pocket housing costs for service members and their families by the year 2003, which is 2 years earlier than the Department of Defense plan.

Finally, the bill includes a set of provisions offered by 18 members of the committee, led by Senators LANDRIEU, ALLARD, CLELAND, and NELSON, to ensure overseas voters and absent military voters have a meaningful opportunity to exercise their voting rights as citizens of the United States.

Another top priority of our committee was to improve the ability of the United States and U.S. forces to deal effectively with nontraditional threats, including terrorism, unconventional means of delivering weapons of mass destruction, and the proliferation of nuclear, biological, and chemical weapons. The Emerging Threats Subcommittee, under the leadership of Senator MARY LANDRIEU and Senator PAT ROBERTS, took the lead in this effort.

Our committee added funds to the budget request to help address nontraditional threats. First, the bill adds funds for a combating terrorism initiative to improve the ability of U.S. forces to deter and defend against terrorism, including almost $100 million for research by the Department of Defense and the Department of Energy to detect and identify chemical and biological weapons in advance of their use, and more than $75 million to upgrade Army installations and make them less vulnerable to terrorism.

I am particularly pleased that we were able to add $13 million to the budget for standoff explosive detection research and development, a proof-of-concept system for predetonation of explosive devices and hand held explosive detectors for the U.S. Navy, all fulfilling the requirements which were so urgently identified in the aftermath of the October 2000 attack on the U.S.S. *Cole*.

If we can develop that standoff explosive detection, if we can come up with the technology to do that, learning the lesson which we learned to our great expense, cost, and horror with the attack on the U.S.S. *Cole*, we will make a very significant gain in the war against terrorism.

The bill would authorize the full $400 million requested by the administration for cooperative threat reduction programs, to continue destroying and dismantling nuclear warheads and missiles in the former Soviet Union, and we added more than $50 million to Department of Energy programs to prevent the proliferation of weapons of mass destruction and related expertise.

Earlier this year, a bipartisan task force, chaired by former Senator Howard Baker and former White House counsel Lloyd Cutler, concluded the following: The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable materiel in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

With this funding, the committee has placed itself firmly on record in support of the continuing effort to reduce the threats posed by offensive nuclear weapons, their delivery systems, and related material.

Another priority of the committee was to sustain the readiness of the U.S. military. Toward that end, we added approximately $1 billion to the budget request to fund critical priorities of the military services. These additions included the following: Almost $250 million to improve the readiness of Army aviation, including additional Black Hawk helicopters, upgrades to Apache helicopters, and additional TH–67 training helicopters.

We added $125 million for upgrades to the B–2 and B–52 bombers and an additional $100 million to maintain B–1 bombers to ensure we will continue to have a ready, capable bomber fleet.

We added more than $120 million to upgrade engines and reduce maintenance costs for the F–15 and F–16 aircraft, and we added almost $100 million for the maintenance of surface ships and Navy and Marine Corps equipment.

The committee also added money to increase full-time manning in the Army National Guard, to upgrade the Navy's electronic warfare aircraft, to improve the operational safety and capabilities of the test ranges and space launch facilities, and to continue modernizing the training aircraft used by the Air Force and Navy for the training of new pilots.

Again, I emphasize these additions to the President's budget request were all made before the events of September 11. There will be additional ones I will list in a moment, but we will be receiving in the next few days an amended budget request from the administration, or a supplemental budget request, to add additional funds to those I am outlining.

We do not have that request before us yet, so we are unable to respond to it. Of course, it will be mainly an appropriations request, but we also hope as authorizers to have an opportunity to take a look at that request in the days ahead.

The committee also gave priority to continued support for transformation of the U.S. military forces. To do this, we added more than $800 million to the budget request to advance the transformation efforts of the military to a lighter, more lethal, and a more flexible force. These additions included the

following: Nearly $400 million to support Navy transformation, including more than $300 million to support conversion of four excess Trident missile submarines to carry Tomahawk cruise missiles; more than $200 million to increase the defense science and technology budget, including substantial increases for advanced materials and manufacturing technologies, nanotechnologies, and cutting-edge communication technologies. We added almost $200 million for Army transformation programs, including full funding for all of the objective force priorities on the Army's list of unfunded requirements in fiscal year 2002, and more than $80 million to fund continued efforts to develop and field unmanned vehicles.

I want to give special credit to our ranking member, Senator WARNER. He has been an active advocate, for as long as I can remember, for putting additional funds in for our unmanned aerial vehicles and other unmanned vehicles. He has had a great deal of foresight in focusing on the importance of doing that, and I have supported those efforts, but the credit for the leadership really belongs to Senator WARNER. The Nation is in his debt for that and so many other actions on his part. In future years and future decades, we will see the payoff for these kinds of investments now in these unmanned vehicles.

The money that is needed to fund these priorities was obtained through management and other efficiencies identified by the committee. In particular, we determined the Department should be able to achieve significant savings through improved management of its purchases of services, including—I emphasize this—the increased use of performance-based service contracting, competition for orders under service contract, program review spending analyses, and other best practices commonly used in the commercial sector.

In fact, the final report on an OMB pilot program 3 years ago concluded Federal agencies should be able to save as much as 15 to 30 percent on their service contracts through the use of performance-based service contracting alone. There has not been much done in that area. There is a lot we can do, and we will harvest significant savings when we do so, as this bill provides.

We are also able to achieve efficiencies by identifying programs in which the Department requested more money than it could wisely spend in fiscal year 2002. We approved a reduction of $592 million to the V–22 tilt rotor Osprey aircraft program because of continuing concerns about the program and the recommendation of the V–22 review panel that production should be kept to a minimum sustaining rate in order to minimize the number of aircraft requiring retrofit after these programs have been addressed.

Similarly, we approved a net reduction of about $250 million to the Joint Strike Fighter Program because of the likely delay of the launch of the engineering and manufacturing development phase of the JSF Program.

The bill before us authorizes a new round of base alignments and closures for the year 2003, and that will produce a significant increase in the Department of Defense's savings that it has achieved the four previous rounds. The civilian and military leadership of the Department of Defense has told us for years, through two administrations, that the Department of Defense has excess infrastructure and needs a new round of base closings to free up funds for higher priority defense needs and to support the successful transformation of our military and implementation of the Quadrennial Defense Review.

Senator MCCAIN and I have been fighting for a new BRAC, as we call it, for more than 4 years. I am glad the committee endorsed by a 17–8 vote the proposal the administration sent to us.

Now we are asking the Department of Defense whether or not, in light of recent circumstances, there is any change in their position that they want the tool of reducing excess infrastructure in order to make savings so they can apply those savings in the years ahead to other vital needs of the Defense Department. That request has been sent to the Department of Defense to see what their current position is in light of the events of September 11. We will have discussions with our colleagues relative to this matter in the hours and days ahead, and with the Defense Department, because we do want to make sure the Defense Department position is still the same and that is still a tool they consider to be essential for them in waging a war efficiently and in having resources needed to wage future efforts, such as the long effort that is going to be needed in the war against terrorism.

In short, we believe this is a strong and balanced bill that fully funds the amount requested by the administration for national defense, and it goes a long way to meet the urgent needs of our military. In light of recent events, we are obviously going to do more, as we have with the enactment of $40 billion emergency supplemental appropriations bill last week. On top of that, in the next few days we will be receiving a request for additional funds given the circumstances that have unfolded.

As important as the funding that we provide is, there is something else that is critically important. That is the unity of purpose that we show as we enter into the current struggle. Debate on a bill such as this is an inherent part of our democracy. While our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We set aside those differences that we cannot bridge. We try to resolve differences that we previously were unable to resolve. But in cases of other differences, we put them off for another day, where the effort or attempt to resolve them now would create dissent where we need unity.

There are a number of these issues that were in this bill. One had to do with the question of national missile defense. We were able, by one vote in committee, to put into the original bill which came before this Senate a provision which would have required Presidential certification in the event that it was decided or determined there were activities that were going to be funded that were in conflict with the arms reduction and arms control treaty that we entered into. It was a matter of major seriousness, regardless of what position people took on that issue, to just about every Member of this body. Rather than to have the effort made to resolve that issue now, we decided we would withhold those provisions. That is why a few days ago I withdrew those provisions from this bill and introduced under rule XIV a separate bill which contained those provisions.

Under that rule, today, that separate bill which contains these provisions relative to national missile defense is on the calendar of the Senate. It is available for the majority leader to call up, should he choose to do so, for debate by this body. If and when—and I emphasize the ''if,'' not just the ''when''—the administration determines that an activity for which it is using funds from this bill conflicts with the arms control treaty, the ABM Treaty, it would then be an option for the majority leader to call up the bill that is now on the calendar which would then provide the opportunity for us to debate whether or not we wanted to fund such activity. That was the way in which we preserved that option, delayed that debate that preserved the rights of people who feel strongly about that issue, including myself, to have such a debate should it be appropriate to do so.

To summarize what we have done relative to those provisions, relative to national missile defense, the specific provisions relative to activities for which funds might be used from this bill in conflict with the ABM Treaty, the provision which is now on a separate bill would not have prohibited such activities but, rather, would have deferred a congressional decision on funding them until we had a determination from the administration as to whether the activities would be in conflict with the treaty.

For some Members, that is very important information. As the author of that provision, I believe very strongly that we have a responsibility to determine whether or not a testing activity or funding conflicts with an arms control agreement. Some might vote to approve the funding without regard to that arms control agreement. Others would want additional information and the nature of the conflict between the treaty and the requested activity. Some Members would want to know the significance of the testing effort, to weigh whether or not the value of the test which is in conflict with that arms

control agreement outweighs some of the negative circumstances which might be created by the unilateral withdrawal which would have to take place before such a testing activity occurred.

It seemed to me, regardless of one's position relative to the issue of whether or not we should proceed with such activities in conflict with the treaty, that was important information for all Members to have. We don't have that information now. The Department has been unable to tell us whether or not any of the activities which funds are being asked for in this bill, and to be authorized in the bill, are in conflict with the Anti-Ballistic Missile Treaty. They have been unable to tell us. The thought behind the language was that if and when the time comes when they do determine there is such a conflict, at that time Congress should have an opportunity to vote.

Again, I emphasize that language, subject of much debate and much dissent, has now been withdrawn from this bill by myself and put into a separate bill which is now on the Senate calendar. This was a very difficult decision, I tell my good friend from New Jersey.

While the Senator is presiding, I must say how extraordinarily moving he and Senator TORRICELLI were in New Jersey yesterday, as many Senators visited New Jersey after our visit to ground zero in New York City. It helped Members get a full picture by our visit to New Jersey with the presentations which were made to us by Senator CORZINE, Senator TORRICELLI, by the Governor of New Jersey, and by so many mayors who helped to round out exactly what the effect was of that attack upon us on September 11. I know I speak for all who were present yesterday in New Jersey when our Presiding Officer, Senator CORZINE, and Senator TORRICELLI made such an effective presentation. Many of us were not aware that perhaps half of the people killed in that terrorist attack were residents of New Jersey. While New York City was ground zero, and we had severe losses at the Pentagon, New Jersey and also many from Connecticut and I believe from as many as 40 or 50 other countries were attacked by those terrorists. There were many, many countries symbolized on that attack on the World Trade Center when citizens from so many countries were killed in that attack. I think Britain lost literally hundreds of its citizens.

What was so dramatically presented to us yesterday was the fact that New Jersey's families are suffering in as great a number as any other place, including New York, as a result of that attack. I just wanted to thank Senator CORZINE for his role in bringing us to New Jersey, along with Senator TORRICELLI. It makes a difference.

Just as important as it is that we stand together in these days, coming together where we can on a bill which is so important to the defense of this Nation and to our security—and where we cannot agree, trying to defer those other issues to a different time and place—it is also important that our colleagues join us in trying to focus on issues that directly relate to this bill as this bill comes before the Senate.

Obviously, amendments are appropriate. They always are appropriate. But there are some amendments currently being filed that really cannot be appropriately considered on this bill. It is going to require all the efforts of all of us to focus on the material in this bill and the subject matter of this bill if we are going to get a bill passed as it should be passed urgently; if not today, and that is unlikely—by Monday or Tuesday.

(Mr. CORZINE assumed the chair.)

Mr. WARNER. Today may be possible.

Mr. LEVIN. Today may be possible, I am told by my good friend, Senator WARNER. We should not even eliminate that possibility. But if we all cooperate in the kind of spirit which we have in bringing this bill to the committee and trying to avoid amendments which are not related to the subject matter of this bill, we have a chance of passing this bill as it should be passed, with great urgency and with great unity and with one voice.

Senator WARNER and I have spent a lot of time in the last few days working to do just that—to be able to bring a bill to the floor where we can say together that we, the members of the committee, all support this bill now.

We hope other Members of the Senate will join in this debate, offer amendments as they must, which relate to the subject matter, but help us to pass this bill with the urgency which is required and the unity which, God knows, is appropriated in circumstances such as this.

I want to say one other thing to my friend from Virginia before I yield; that is, how grateful this Nation is to him for his leadership in bringing to our attention the losses, the personal losses and the tragedies that were involved in the attack on the Pentagon. I was able to personally join with Senator WARNER on a number of these visits that he has made. I know how many hours he has spent with, not only the families of those who have lost loved ones at the Pentagon but with the leadership at the Pentagon focusing on how to restore the Pentagon, to let the terrorists know we are going to restore New York, we are going to restore the Pentagon, and we are going to restore any other places they were able to damage.

But I thank Senator WARNER because he has played the leadership role in bringing to the attention of the Nation that the losses in New York are the largest losses numerically, assuredly, but that we had almost 200 people between the people working in the Pentagon and the people on the airplane that hit the Pentagon, lost in Virginia. I know how his heart goes out to those families.

I can only tell him—I know he already knows every Member of this Senate is with you and with your colleague from Virginia in your efforts to bring some peace and closure and then some restoration to those families and to your State. I thank you for that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. The morning of September 11 was a moving moment in the life of every American. Senator LEVIN and I, within a very short time after learning of the attacks both in New York and in Virginia, and of course the devastation that occurred in Pennsylvania and the peripheral tragic consequences that came upon the States of New Jersey, Connecticut, Maryland and the District of Columbia, in close proximity to these attacks—I called my friend and I said I think you and I should show our support at this point in time for the men and women of the Armed Forces and for the President and for the Secretary of Defense.

I made a call to the Pentagon which resulted in the Secretary of Defense saying, ''Your participation this day of the attack would be welcome and helpful.''

The two of us met and went to the Department of Defense. Just a few hours after that attack, Senator LEVIN, the Secretary of Defense, and I stood right there, about 100 yards or so from where that plane crashed into that edifice, the Pentagon, which represents, to our men and women in uniform, the epicenter of the command and control of their destiny.

I thank my colleague for joining me that morning in going to the Department. I think every time I have had the opportunity to address the Senate since that period, I begin by saying that all of us in the Senate have in our minds, in our prayers, the victims who were lost in these attacks and their families, no matter where they are, around the nation and around the world. Yes, we have them in our prayers. But, those prayers are combined with prayers for literally thousands of men and women: firefighters, policemen, rescue squads, hospital and Red Cross workers, construction workers—that realm of individuals that shun recognition but who selflessly responded to those sites, first in New York and then in a fraction of time in Virginia, to try to help at those sites where the attacks were inflicted.

That band of brothers and sisters, as one fireman said to me, whether they are in Virginia or New York or Pennsylvania, or from any of the many States and localities that sent help, represent the finest traditions of this great Nation about how we respond and help each other in time of need, all of us.

Now the Nation is arm in arm united behind our President, moving forward—steadily, carefully, thoughtfully—to address the needs of the Nation and the means by which we, seeking justice, will bring about a redress

of these criminal acts, perhaps with the use of force, which is likely to be necessary. Of course, last night, as our President spoke, I and others had in mind the men and women in the uniform of the United States Armed Forces and their families who will bear the brunt if and when that force is used.

Mr. President, I thank my chairman. We have worked together in this chamber for 23 years and now we face another challenge. We are fortunate to have on our committee men and women who are absolutely committed to do what is necessary and proper to help this country in this hour of challenge and need.

I think it is appropriate, following the President's magnificent address last night—and I know of no President in the history of the United States of America who has ever been faced with a more challenging, a more complex framework of international security issues, economic issues, and threats to the United States than has our President, President Bush—that we now take up and swiftly pass this Defense Authorization Bill for Fiscal Year 2002 that provides the President the resources he has asked for and that our armed forces need.

The President not only rose to the occasion last night, but I think, if I may say, he exceeded in every way our hopes and prayers that he would take command—as he did—and deliver a very clear message.

Today, as the Senate turns to the consideration of our national defense authorization bill for the year 2002, in this time of national emergency, it is time we provide our President and the men and women of the Armed Forces, and the thousands of civilians who support those men and women, the requirements that they have for the coming fiscal year as best we can judge them.

The chairman indicated that the President would be forthcoming any day now with an amendment to the 2002 bill. Our committee and other committees of the Senate will immediately turn to that, upon receipt. It is my expectation that it can be incorporated in this legislation during the course of the conference between the House and the Senate.

The events of September 11 have forever changed this world, and forever changed the United States. The one change that is clear is that we are a stronger nation today. That inherent strength emerged not a second after the infliction of these grave attacks. The 11th, when we saw the smoke billowing from our homeland, is a day forever etched into everyone's memory.

The initial shock was followed by a surging sense of new purpose and strength and, a word that all of us understand—''patriotism''—love of country for the freedoms that we have.

Now a responsibility and a challenge fall upon the Congress—a coequal branch our Government—to work with our President and to serve our citizens. It is vital that we very carefully—as we have done—and expeditiously address this bill and, hopefully, act on it. The leadership has been tremendously supportive of Senator LEVIN, myself, and other members of the committee throughout the course of the past few days as we have worked to bridge our differences and bring this bill to the floor.

I hope we can pass this bill, for this bill will communicate a message to our citizens and to the world that the U.S. resolves to do whatever is necessary to protect our homeland and our forces abroad, to work with our allies for their mutual protection, and to address the full spectrum of threats that confront our Nation, the entire Western World, and, indeed, all of civilization. As we have all heard and felt, this was not just an attack on America, but an attack on the world and the fundamental principles of civilization.

All of us in this Chamber have recognized the fact that this is an increasingly dangerous world. There will be a time to look back on events and how well we were prepared, and how we were not prepared, to deal with this crisis. But those debates are yet to come. Now is the time for unity. We have it here today in the Senate.

I addressed my caucus this morning outlining what Senator LEVIN and I have agreed upon. He addressed his caucus. We bridged the one remaining difference early this morning between the hours of 8 and 9. This managers' amendment, which we have just adopted by unanimous consent, in my judgment, satisfactorily addresses the remaining differences we had.

When the authorization bill was reported out by the Armed Services Committee almost 2 weeks ago, there was a division among its members. That was understandable because our side—the Republican side—was unified behind what we saw were clear and justified requests by our President. The bill, at that time, contained certain provisions which we believed might impede his ability under the Constitution as the chief architect of foreign policy to continue and, hopefully, conclude certain negotiations he has undertaken with Russia with regard to the Anti-Ballistic Missile Treaty.

Further, we thought the dollar amounts which our President requested of the Congress for the purpose of initiating new research, development and testing with regard to our Nation's absolute necessity to prepare ourselves today, and most especially for future generations, against the threat of a limited attack on us, were inconsistent with what I believe are the President's justifiable requests. For that reason, we were not able to report out, as is the tradition of our committee, a bipartisan bill.

But in the aftermath of the tragic events of September 11, the distinguished chairman and I, working with our Members on both sides, have now bridged these differences in large measure. We agree at this time, for reasons I have stated, that we feel that, in the aftermath of these attacks, the justification for moving forward with new ways to prepare this Nation against a limited attack of missiles is enhanced by what we saw on the 11th. It brought to us the realization that, yes, while there was some thought it was remote that a missile could attack this Nation someday, now we cannot ignore or eliminate any part of that full spectrum of threats that may be directed towards this country.

So, as never before, we are strongly committed to support our President.

In my own many years on this committee, I have worked as ranking member with Chairman Nunn, Chairman Stennis, and others. There were rare times when the chairman and the ranking member of the Armed Services Committee recognized, for whatever reason, that they could no longer have bipartisanship. I am reminded of two instances between Senator Nunn and myself. One was when we had a difference of view on the Tower nomination, and the other was the Gulf War resolution giving President George H. W. Bush the authority to utilize force in 1991.

History reflects the outcome of those two events. But I remember that Senator Nunn and I shook hands. We recognized we had to go our different ways, and we did it. In the aftermath of both events, we rejoined as the chairman and ranking of the committee to work together. Senator LEVIN and I have likewise done so.

There came a point in the course of our deliberations—it was actually last weekend following a joint appearance—when we were on a national television show that I told him I felt I had to go my separate way and introduce legislation which reflected very clearly what we Republicans perceived as the essentials that the Commander in Chief, the President, desired and needed. This included preserving his ability to continue negotiations regarding the ABM Treaty and to prepare for a future, limited missile attack. Hopefully, God will never let that happen. Regardless, we must make preparations.

For a while we went our separate ways. But then in due course, Senator LEVIN introduced this bill we are acting on today. I say to my colleagues that I believe, along with the managers' amendment, this bill satisfies the concerns we had with the bill originally reported to the Senate by the committee, with regards to the ABM Treaty and equitable funding for ballistic missile defense. After careful consultation with the Secretary of Defense, the Deputy Secretary, and many others—consultations I have had at length every day this past week—I can represent to our chairman and to all members that the administration now supports this bill as it is drawn.

Proceeding on, we have, as managers of this bill, introduced legislation

which we believe should meet the expectations of the Senate and that the Senate, hopefully, will act swiftly upon this bill. I did not realize we would have the opportunity to consider this bill today, and I thank our leaders for recognizing the importance and timeliness of this important legislation.

I hope Members, having heard the deliberations in our caucuses this morning regarding this bill, know those areas in which they are interested. If they have amendments, they should bring them to the floor. Hopefully they will be germane to the provisions of this bill and respectful of the spirit of discretion our leaders have asked for so that we can move expeditiously on this bill.

I urge my colleagues to join us in sending our President and our fellow citizens in the world a message of this resolve by passing this bill. I remember also Governor Bush, when he was a candidate, reminded us almost prophetically in the Citadel in the fall of 1999 that: ''The protection of America itself will assume a high priority in a new century. Once a strategic afterthought, homeland defense has become an urgent duty.'' In that same Citadel speech, he called for ''anti-ballistic missile systems, both theater and national, to guard against attack and blackmail.'' He also called for strengthening our intelligence community and developing the technologies to detect chemical, biological, and nuclear weapons threatening our shores. The threat, as he perceived it then, required greater emphasis on homeland defense.

Our committee, when I was privileged to be chairman several years ago, with the help of my now chairman, Senator LEVIN, established a subcommittee entitled ''Emerging Threats.'' The responsibility of that subcommittee was to provide the full committee with the wide spectrum of issues as they saw it with regard to known, anticipated, and unanticipated threats. This subcommittee examines whether the current elements of the national defense we have in place need to be strengthened or, indeed, new initiatives taken to strengthen, to hopefully deter, and, if necessary, to respond to these threats. This subcommittee has done a lot of valuable work. Senator ROBERTS was chairman; now Senator LANDRIEU is chairman. They have continued to provide very helpful assistance to the full committee, and the full committee has acted in many ways to protect our country from the growing threat of terrorism.

When the bill was adopted by the committee this year—and I commend the chairman—the chairman actually, with his initiative, added another $200 million towards antiterrorist activities. As he mentioned earlier, part of that increase was expanding the scope of research and development of unmanned military vehicles. I thank the chairman for his recognition of my modest role in that. I assure you, I could not have achieved those initiatives as chairman without his support and that of the other members of the committee.

The President of the United States has committed significant resources to deal with the types of terrorists threats we witnessed a week ago. For fiscal year 2002, President Bush requested $5.6 billion for the Department of Defense for activities to combat terrorism. This is a $1 billion increase over last year's level of funding. Again, the chairman added another $215 million, for which I commend him. With the committee's support, we clearly have a bill that addresses homeland defense, and supports this highest priority concern our President brought to the attention of the Nation in the fall of 1999 at the Citadel.

Missile defense, in my judgment, is a critical component of that homeland defense. The President stands by his vision to prepare America and begin now to look at new options by which to prepare us to hopefully deter and then defend against a limited attack. This is clearly the time to stand by our President.

I remember when the Director of the Central Intelligence Agency, George Tenet, came before our committee. He has repeatedly warned us that ''America's superpower status does not bestow invulnerability upon us but in fact makes us a target for the angry and disaffected of the world.''

That was in his testimony. We as a Nation have grown accustomed to being safe within our borders. While many of us recognized the growing vulnerability, this vicious attack on our homeland removed all doubts about the full spectrum of the capabilities, military and otherwise, that the terrorists can use to inflict damage upon us.

We have heard incredible stories of courage and heroism amidst the tragedy of the past week and a half. Our Nation today, as the President said last night, remains in danger. All American citizens should understand that. I remember so clearly in my past experience with the military, there was occasionally that sign—the all clear, sound the all clear bell aboard ships. And at my airbase in Korea, the cold winter of 1951–1952: The all clear siren had blown—We could rest easy.

Today, that siren has not blown. I don't know, nor does anyone else know, when that siren can be blown across this Nation. We are in danger at this moment. We remain in danger. But the world should know that we are a much stronger Nation, and we are prepared, with the men and women of the Armed Forces today and the other many resources that we have, to deter and hopefully not let another attack hit this Nation.

I hope those Members who have amendments will come to the floor. I see other Members seeking recognition. I hope our members of the committee will likewise come and express their views about this bill and their active participation on the committee.

Again, I thank our chairman. I thank all members of our committee and our magnificent staff, on both sides. We have produced a commendable piece of legislation which is deserving of prompt consideration and enactment by the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank both the chairman of the Armed Services Committee and the ranking Republican, Senator WARNER, for their diligent efforts in reaching this compromise. It means a lot to me, to the State of Colorado, and particularly to the Nation. When you consider the events that happened just 10 days ago, those tragic events, it is imperative that we get a Defense authorization bill to move forward.

The way the issue of missile defense started out in the subcommittee on which I am the ranking Republican, it was a rocky road. The chairman of that strategic subcommittee, Senator JACK REED of Rhode Island, is a tremendous chairman. I like working with him. There are a couple of committees on which I serve with him, where he is the chairman and I am the head Republican. Our working relationship I describe as superb. He listens, tries to work with the minority side. I try and do everything I can to work with him. We have a very good relationship.

It was with a heavy heart, when reporting out of that subcommittee our portion of the armed services bill, we had it reported out in a divided mode. We had a strict partisan vote, Republicans voting against it, Democrats were for it, the chairman. It was over the issue of missile defense. Then the issue went to the full Armed Services Committee and that debate continued.

I know when it got to that point in the debate, people began to lock in their positions, and we would still be tied up today if it would not have been for the tremendous leadership of our chairman of the Armed Services Committee, Senator LEVIN, as well as the ranking Republican working together on this most important issue.

There are many other important issues in this bill. I am particularly pleased that we have moved forward with missile defense. I am pleased the restrictive language in missile defense was taken out and the funding is there with the flexibility to either use for missile defense or for terrorism. The President, in light of the recent changes in the last 10 days, needed that flexibility. I, for one, was more than willing to give it to him.

I appreciate the efforts in the area of defense environmental management of my chairman, what has been in the committee; in particular, the support in the bill for closure sites which would benefit the sites' surrounding communities and the Nation as a whole. This

would provide a clean and safe environment at the sites of former defense nuclear weapons facilities. It would free up scarce resources as these sites are cleaned up and closed down to help advance environmental cleanup and restoration at other environmental management sites.

In my subcommittee, we had basically two functions.

We have the armed services function, and then also we have the Energy Department function. So we deal with many of the nuclear programs, as well as the bombing programs and missile defense and defense intelligence. So I think this was important to the country as well as the State of Colorado.

I also appreciate the efforts for the National Nuclear Security Administration. The National Nuclear Security Administration appears to be making important strides. There are still enormous challenges ahead, but I think the NNSA seems to be moving in the right direction. In intelligence matters, I was encouraged by the support for unmanned aerial vehicles, sensor capabilities, and commercial satellite imagery. I am still concerned, however, that other critical components of the intelligence architecture did not receive similar support.

Processing and dissemination of intelligence products remains a weakness in the overall system. Current programs in intelligence are underfunded and would greatly benefit from increased support. Hopefully, we have taken care of much of that with some of the funding approved by the Senate in the past week.

I was pleased with the support for greater Department of Defense involvement in the development of reusable launch vehicles. However, I should note that I was disappointed that the committee had opted not to implement any of the reforms of the Space Commission. This is an area of particular interest to me and to another former member of the subcommittee, Senator BOB SMITH.

There was a lot of hard work put into the Space Commission report. So I was very disappointed that there wasn't more consideration taken on those recommendations.

I was also a member of another commission, the NRO Commission. Many of the provisions we recommended in our commission were adopted in the Intelligence Committee and then subsequently adopted in my subcommittee and the full Armed Services Committee.

So I think we have set the stage for us to move forward at this point in time. I am supportive of the bill and am pleased the chairman and the ranking member could work out our differences and move forward. I look forward to the debate, and I thank the ranking Republican for his tremendous statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado yields the floor. Who seeks recognition?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I have been listening intently to our chairman, our ranking member, as well as the Senator from Colorado. I find myself in agreement with virtually everything that has been said. I think it is important for us to realize something that really has not been said, which is that on Friday, September 7, we met—the Senate Armed Services Committee. We passed out of the Armed Services Committee our Defense authorization bill. Four days later, we find ourselves at war. So there are some things that have changed; the dynamics have changed—those things which we know are urgent to our Nation's defense and to our national security. They weren't there back on September 7 when we passed our authorization bill.

I have around 14 amendments at the desk. It is not my intention to offer any of them now or call for a resolution to those. But I will be doing it when we get into the bill on Monday.

One is to give the President the authority to waive sanctions against allies in our war on global terrorism. This was something we didn't really anticipate on September 7. It was just a matter of weeks ago that we passed sanctions against both India and Pakistan, which receive both military and economic aid. There are some conditions under which the President can waive these sanctions, but they are not too well defined. They put him in a position, when negotiating with countries, where he doesn't have that authority firmly planted within his powers to do it. So I am going to propose in an amendment, No. 1593, that we provide for notification in a 30-day period of time to Congress. But the President can say, if you do this, we are going to lift sanctions.

You might argue that there are vehicles in place to lift sanctions right now. But if it happens that we are in recess at that time, if it happens that there is some ambiguity as to whether or not Congress would go along with it, this way he can say, yes, we are going to lift these sanctions or waive these sanctions. I don't think there will be a lot of opposition to this. It is something that would give power to the President, who last night, I believe, gave the defining speech of his career.

Second, it deals with something more technical, but I think we need to look at it differently now, and that is depot maintenance. Depot maintenance refers to the type of maintenance of our military fighting equipment that has to be done in a publicly owned depot. The idea behind it, which has always been our policy, was we should have the capability of doing core maintenance—maintenance that would help us in times of war—so that we don't take the risk of being held hostage by a single supplier or contractor. So what I am going to be suggesting is to change our waiver policy. What we have done over the past several years is say, well, we do want the depots to have the capability of maintaining our vehicles.

Take, for example, aircraft, the air logistics centers; there are three. There used to be five; now there are three. They are operating with equipment put in place back during World War II. It is outdated. We still have on the books a law that says 50 percent of the core maintenance has to be done in a public depot. So we have been operating on waivers now for several years. The waivers are put in there by the Secretary of the Air Force, in this case, or the Secretaries.

This power should be changed so that there is a new accountability. We have gone waiver after waiver after waiver, with no hope that in the following year we would be able to do it without a national security waiver. I will suggest it be written into the bill that we give the President of the United States the authority to waive the performance of depot level maintenance instead of the Secretary of the Air Force. If the President signs the waiver, he must deliver a report that lists why the waiver is necessary and what will be done to prevent the waiver from being required in the future.

The President, under the amendment I will be offering, may delegate this to another party. The President has that responsibility. This is what is missing because right now it goes from administration to administration without any interest in really resolving the problem or saying what we are doing to increase the capability of our public depots in order to make the maintenance that is prescribed by law.

There are several others. I want to say that even though I am hoping that the amendment I have filed—I have two, 1597 and 1596, that would attach to the Defense authorization bill an energy policy for America. Let me be critical not of Democrats, not of Republicans, but of both, going all the way back to the early eighties because then, when President Reagan was President of the United States, we tried to get him to have an energy policy. In fact, Don Hodel was Secretary of the Interior at that time, or in that timeframe.

Mr. President, we had this dog and pony show where we went all around the United States—to the consumption States, not the production States—demonstrating clearly that the outcome of every war, back to and including the First World War, has been determined by who has control of the energy. That is still true today.

Nobody believed it then. Since then we have gone through the Persian Gulf war. We realize we have enemies in the Middle East, and yet to a great extent we are reliant on the Middle East for our ability to fight a war. It is insane we should continue that policy.

I know there are a lot of Members who are asking why it is an issue right now. It is an issue now because this is a readiness issue. I spent 5 years as

chairman of the Readiness Subcommittee. It is now chaired by my distinguished colleague from Hawaii, Senator AKAKA, and I am his ranking member.

I can tell you right now that we are not ready in many areas to fight the war we are looking at right now. One of those areas is our dependency on foreign oil.

Let me put up a chart. My amendment is not a partisan attack. I hope my colleagues do not take it as such. I have been urging Democrats and Republicans to deal with this for years, and they have refused to do it. Even George Sr., coming from an oil patch, said: Yes, we have to have an energy policy, the cornerstone of which would be the maximum percentage of the energy we need to fight a war.

In the year 2000, 19.6 million barrels a day was used for the consumers of America. I guess what I am trying to say is, our need for petroleum consumption has been going up for a long time. From the year 2000 to 2001, it is up to 19.7 million barrels of oil a day. That is on the rise.

The second chart shows our domestic oil production has sharply decreased over the last 10 years. We have produced less domestic oil since World War II. In January of 1991, we produced 17.6 million barrels a day, and that has dropped down to 6 million barrels a day during this timeframe.

On chart No. 3, we can see that our domestic oil production continues to decrease while our consumption continues to increase. This was not true in the days when we started calling this to the public's attention, but it is true today.

That means we are getting oil from foreign sources, and that is what this chart shows. It shows our imports in that same year, January of 1991, were 4.6 million barrels a day, and they went up to 8 million barrels a day. It has almost doubled since that period of time.

Our dependence on foreign oil has dramatically increased since 1973 and is projected to increase in the future. Currently, 56.6 percent of U.S. oil needs are met by foreign sources. This presents a real energy and national security problem. The military is equally dependent on foreign oil, as is the general public. We must seek to drastically increase a domestically produced, diverse energy supply, including nuclear, coal, oil, gas, and renewables.

All these sources of energy are addressed in the House bill, and I have one amendment that would merely adopt the language in the House bill and also the language in the bill from the Senate Energy Committee.

Looking at our dependence on foreign oil imports and how it has escalated, we are today at 56 percent. We were at 36 percent when I talked about going around the country alerting people to the seriousness of the problem. In the same progression, we are going to be up to 66-percent dependent upon foreign sources in our ability to fight a war.

What is most startling is that we depend on nations in the Middle East, such as Iraq, to supply our oil needs. The Middle East supplies about 25 percent of our oil needs. What shocks an awful lot of people is that of that amount, we are importing 862,000 barrels a day from Iraq, a country we just defeated in a war 10 years ago, a country whose President made the statement that: If we had waited 10 years to march into Kuwait, the Americans would not have come to their aid because we would have the capability of lobbing a missile at them. That is the dilemma in which we find ourselves today. That is why I say this is a national defense issue.

Iraq is the fastest growing source of United States oil imports. That is the same nation that we took military action against seven times last month, the same nation we know has links to bin Laden, who is the prime suspect in the horrible attacks in New York and Washington, as well as the U.S.S. Cole and both Embassy bombings in East Africa.

This is a major national security problem. Energy will be critical if and when America engages in military action.

Operating a modern war machine requires a lot more oil than it used to. A contemporary 17,500-soldier U.S. Army division uses twice as much oil daily than did an entire 200,000-soldier field army during World War II.

The 450,000 barrels of petroleum products consumed daily by the 582,000 soldiers in the Persian Gulf was four times the daily amount used by the 2 million allied soldiers who liberated Europe from the Nazis. Today it takes eight times as much oil to meet the needs of each soldier as it did during World War II, and the Department of Defense accounts for nearly 80 percent of all U.S. Government energy use.

What I am saying is this is a very serious issue, and this is an issue that directly relates to our readiness, relates to our ability to defend America, and relates to our ability to carry on the war which we are in right now. It is very important that we pass an energy package. I don't care if it is the House wording, I don't care if it is the wording that came out of the Senate Energy Committee, but it directly relates to our ability to fight a war.

It will be perfectly acceptable to me if we make an arrangement whereby we agree to passing a comprehensive energy policy by the end of this year and not having it as a part of the Defense authorization bill because it would complicate things. It is very important we pass our Defense authorization bill and get it into conference and signed into law in a very short period of time.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to support the Armed Services Committee actions on the fiscal year 2002 Defense authorization bill. I also commend the chairman, Mr. LEVIN, and ranking member, Mr. WARNER, for their part in leading the committee, as well as guiding the committee, in their efforts to bring about a bill that will give confidence to the people of our country.

My friend and partner, Senator INHOFE, and I have worked closely to ensure that the Readiness Subcommittee's actions support the full committee's five goals for this bill. As Chairman LEVIN has described, these goals are: One, to continue improvements in the quality of life; two, to sustain readiness; three, to encourage transformation; four, to improve the capability of the Department of Defense to meet nontraditional threats; and five, to increase the efficiency of Department of Defense operations.

Our subcommittee worked together to make contributions in all five areas, and these actions are reflected in the bill we present to you today.

In the area of improving quality of life, the bill takes strong steps to improve the facilities in which our military personnel work and the housing in which they and their families live. This bill supports the $10.0 billion administration request for military construction and family housing for fiscal year 2002, which is a 10-percent increase over fiscal year 2001 levels. This funding will, according to Department of Defense calculations, reduce the current 192-year replacement cycle for military facilities to 101 years. While this is a significant improvement, this figure is still nearly double the standard of approximately 57 years accepted in the private sector.

The bill invests an additional $451 million from savings and efficiencies achieved elsewhere in the budget to make further improvements in military facilities, including projects to enhance mission performance, build additional unaccompanied housing and family housing, purchase key tracts of land at military installations to prevent future encroachment problems, and adequately fund legally binding cleanup requirements at facilities closed by previous base closure rounds.

The bill also includes an increase of $40.0 million for personal gear for military members to improve their safety and comfort in the field.

The committee's second theme was one that I and the whole committee care deeply about: sustaining the readiness of our Armed Forces.

This bill supports the funding increases contained in the administration's budget request to more accurately reflect the increased use of spare parts and the higher prices for spare parts associated with older weapons systems. In addition to the requested increases, the bill provides almost $100 million in additional funding for maintenance work on surface ships and other Marine Corps and Navy equipment. These funds will increase the

availability of equipment to units and allow them to spend more time training.

The bill also supports the budget request for an increase of seven percent in real terms for facilities sustainment, restoration and modernization over fiscal year 2001 levels. I believe that these additional funds will provide critical improvements to service members' places of work, allowing for greater productivity and increased job satisfaction.

I also believe that further advances in sustainment, restoration and equipment maintenance are possible, in particular by increasing attention to corrosion prevention technologies and products. As I know from the military facilities in Hawaii and elsewhere in the Pacific, maintaining military equipment and facilities in wet, salty, and hot environments is a significant challenge. I believe progress can be made on this critical issue that will both improve the service life of our property and the lives of our service members who have to maintain this property.

This bill includes a $7.4 million increase for anti-corrosion product testing and treatments, and directs the Department of Defense to coordinate anti-corrosion research and testing across the military services. The bill also supports small increases in a limited number of ammunition programs to reduce training and war reserve shortfalls and enhance troop safety.

The committee's third goal was encouraging transformation. This bill includes small increases to support necessary training for the Army's new Interim Brigade Combat Teams (IBCTs), a critical step in the Army's transformation to a lighter, more rapidly-deployable force. Other actions taken by the Readiness Subcommittee to improve efficiency should also result in savings in both the current and future budgets, savings that can be redirected to the necessary process of transforming our armed forces.

The committee's fourth priority was to improve the Department of Defense's capability to meet non-traditional threats, the importance of which was made painfully and sorrowfully clear to us all last week. Many of my colleagues will speak forcefully on this issue, and I share their sentiments of outrage and extreme sadness as we cope with this horrendous attack. The committee looks forward to bringing further recommendations to our colleagues on this critical issue in the near future. Until this occurs, the bill before us will provide funding for the requested improvements to bases and installations that will increase the safety of our forces at home and abroad.

The fifth theme of our bill this year was to improve the efficiency of DOD programs and operations. This is a goal the committee shares with Secretary of Defense Donald Rumsfeld, and we look forward to working with him closely to make further progress on this in the future. The bill presented here today takes important steps to help us along the path.

In the area of acquisition reform, the bill includes a number of provisions to improve the acquisition of equipment and services. One provision would require the Department to set up a management structure, management information system, and program review structure for the Department's contracts for services. A related provision would establish savings goals for services contracts and goals that would be achieved through the application of best commercial practices, including competition, performance-based contracting, and spending analyses.

Another provision strengthens requirements for competition for multiple-award contracts to purchase products and services, and would require approval for sole-source awards. The bill also includes provisions enabling DOD to shorten the acquisition cycle for weapons systems by codifying a technological maturity requirement for key technologies to be incorporated into new systems.

Other provisions of the bill address acquisition workforce issues and aim to ensure that the defense components have sufficient staff to manage requirements in a cost effective manner. I was impressed by the work of the Acquisition 2005 Task Force's recent report, ''Shaping the Civilian Acquisition Work Force of the Future.'' I intend to confer with the Task Force to further define the extent of the problem. As the chairman of the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services as well as the Senate Armed Services Subcommittee on Readiness, the issues raised by the Task Force are of great interest to me.

This bill also takes steps to improve financial management within DOD. Specifically, it includes a provision that would refocus comptroller and auditor resources on addressing systemic problems in DOD financial systems rather than wasting resources on reviews of financial statements. Another provision codifies the Department's Senior Financial Management Oversight Council and financial feeder systems compliance process to provide top-level guidance in addressing financial management problems.

Though the committee finished its work just days prior to last week's terrible attacks in New York and at the Pentagon, I believe that the bill we produced is just as relevant today as it was then. This bill lays a firm foundation to fortify our armed forces, takes many important actions to sustain and improve their readiness in both the short- and the long-term, and represents a product which I commend to my colleagues. I urge your support for this bill.

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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mrs. HUTCHISON. Mr. President, I was going to make a statement on an amendment I had filed. I did not know the Senator from Georgia was about to speak now. I will be happy to yield to him.

Mr. CLELAND. Mr. President, I am glad to work with the distinguished Senator from Texas, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to speak briefly on an amendment I offered to the armed services bill. It relates to survivor benefits for people in the military who are killed in the line of duty. I had offered this amendment with Senator INOUYE actually before September 11, the day that changed all of our lives, because I thought there was an injustice in the law as it deals with our military personnel; that is, if someone died in a training accident or in the line of duty but had not yet retired, he or she would not be entitled to any retirement benefits, even the benefits already earned. So if someone died after 10 years of service and had not had the opportunity to serve the full 20 years, the survivors would have no benefits.

I do not think that is the way to treat our military families, so I have been working on a piece of legislation that would allow those people who die in the line of service while on active duty to have the retirement benefits for their survivors—just what they have already accumulated. It would not give them the full 20 years, but it would give them the 5 years they served or the 10 years they served. This is something that now takes on an even bigger, more important role as we are dealing with the issues of September 11 because, as we know, over 100 of our military personnel were in the Pentagon and were killed in the line of service while on active duty.

So I am offering this amendment, once again, to the armed services bill. I hope it will be accepted. I hope both sides will agree that all those who were in the Pentagon at the time should have the survivor benefits to which they are entitled by their years of service.

The interesting thing about this is that the very parts of the Pentagon where this particular issue was being worked is the part that was hit.

I want to specifically mention a couple of the people who were in the Pentagon and who are now missing who were really pushing for my legislation to go forward—not for themselves because they were already retired. But they knew about the dangers of not taking care of our people. They were in the Pentagon talking to the personnel

about the necessity of this particular piece of legislation. COL Gary F. Smith, who was the Chief of Army Retirement Services, and Army MSG Max Beilke were working on this legislation. Those two men were in the Pentagon and are now missing as of September 11, 2001. LTC Smith wrote to my staff about this legislation on June 15 saying:

> Those of us who work on these issues daily know how important this will be. We'll keep our fingers crossed and hope it will get into law.

That was written to Jimmie Keenan, who is an Army nurse on my staff detailed to me as an Army fellow. She is an expert in this area and has worked tirelessly on this issue. She has worked long hours. It was because of her experience in working with her fellow members of the military medical corps that she realized there was something wrong. Many times in a training accident, for instance, we go through an elaborate procedure to medically retire someone who is already dead. That is what we have been doing—where we could—if someone died in a training accident. Before we declare a military person dead, we go through a process that medically retires that person.

My staff says this isn't right; why would we go through this process when the family is already in trauma and the people around the person who has died are in trauma? Why do we have to go through that? Why don't we just say when someone dies in the line of duty, for heaven's sake, they should have the benefits to which they are entitled by the number of years they serve?

She went to work. It is a great idea. Another fellow knew what was needed. And they worked on this for almost a year.

It just happens that the people who were working on it with her in the Pentagon will not be able to see this bill pass. But what they will get is the comfort of knowing that their families are going to be taken care of in a much better way than before.

I am asking the managers of the bill to put this provision in the managers' amendment. I think it is a very important part of taking care of all members of the military—not only the ones who have died before and not only the ones who died on September 11.

I think this is an important message to the members of our military who are getting ready to be called up. Many are already called up. Many are waiting for those orders. That is what our military does. They wait until they are called up to serve their country. They are waiting to be called to service today as we speak and as we are seeing the preparations to enact the war against terrorism that our President so eloquently laid out for the people of America.

As we know, the brunt of carrying out the President's orders is going to be on the men and women of our military. I want them to answer the call knowing that if anything does happen to them, their survivors will be entitled to the benefits of their retirement for whatever number of years prorated they would be entitled to under the preretirement laws.

I thank Jimmie Keenan and Ray Ivie in my office, along with Michael Ralsky and David Davis who have also helped on this issue.

In memory of LTC Gary Smith and MSG Max Beilke, I ask that this amendment be accepted.

Thank you, Mr. President. I yield floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, it has been an incredible 10 days.

I was reading in the New York Times today a marvelous quote of John Kennedy that I think is appropriate for where this country stands as we face our future.

> Only in winter can you tell which trees are truly green. Only when the winds of adversity blow can you tell whether an individual or a country has steadfastness.

In so many ways over the last week and a half, it has been my honor and personal privilege to be a part of this great body, to see its steadfastness in the face of adversity, and to see the wonderful staff people come back to work even though they knew they were at least for a moment in time a target of the terrorists.

It has been encouraging to see the steadfastness of my own people in my own home State of Georgia as they rally for the cause.

It has been a marvelous thing to experience, watching television and seeing the experience of New Yorkers who rose to the occasion to honor their firefighters, and to honor their policemen, and who did what it was difficult to do in dealing with that terrifying situation which still goes on this day.

But one element of steadfastness we are showing is that this legislative process continues. The Senate Armed Services Committee was busy buttressing the defense of America before the attack. We are busy today buttressing the defense of America after the attack.

I would like to discuss today this pending legislation—the Defense authorization bill for fiscal year 2002.

Just 2 short weeks ago, the Senate Armed Services Committee completed its markup of this authorization bill, which I heavily support. After the tragic events of last week, in a very timely fashion, we bring this measure to the floor to begin the process of providing our military men and women with the resources they will need to respond in this crisis.

As all of us are aware, last week people and property of the United States were attacked in a vicious, deliberate, cowardly, and inhumane fashion. The full cost of this attack is only now becoming clearer.

In the days that followed the attack, I was often asked what I thought was the historical meaning of this moment. I have often quoted Admiral Yamamoto who planned and executed the attack against Pearl Harbor. Afterwards, he was quoted as saying he feared he had only ''awakened a sleeping giant.'' In so many ways I think that is exactly what has happened to our country. We have become awakened. This sleeping giant called America is now awakened.

What is also clear to the perpetrators of this crime, while being unified against our country, is that we are now unified against them. The President spoke eloquently and with great strength last night in that regard. But I will say that the U.S. military will not be alone in this fight. Indeed, I have spent some time this morning listening to testimony before the Governmental Affairs Committee regarding how we ought best to support the President's establishment of a National Office for Homeland Security. In that hearing, it was the unanimous consent of the witnesses that the current effort of the myriad agencies involved in the fight against terrorism, including the Department of Defense, must be better coordinated.

The Government Accounting Office report recently released—actually released yesterday—sums up the issue succinctly. ''Current Federal efforts,'' the GAO says, ''to combat terrorism are inherently difficult to lead and manage because the policies, strategies, programs, budgets, and activities are spread across more than 40 different Federal agencies.''

Since the problem appears to be one of coordination—and the GAO has fingered that—I believe the President's Office of Homeland Security is an excellent solution. It promises to adapt our Government to accomplish more effective counterterrorism coordination and assign responsibility for measurable results.

It is simple enough to be rapidly implemented—and that is important—without disrupting the operations of the agencies which are affected.

I join the distinguished chairman of the Governmental Affairs Committee, Senator LIEBERMAN, in his desire to move quickly to support the President's action with appropriate legislation.

Notwithstanding the fact that our response to terrorism will involve many agencies, it will be our military that will be on the cutting edge—the tip of the spear, so to speak. It will be our military, our young men and women, that will wage one of the most visible and dangerous attacks that we have seen in many, many years. They are on the cutting edge of this war on terrorism. For many around the world, the performance of our military will characterize our success or failure in the war on terrorism.

As the military carries out its critical part in the war, we must also continue to provide for our military men and women in terms of their security as they protect our national security. This bill does that.

Prior to the recent terrorist attacks, the Senate Armed Services Committee increased the original budget request for combating terrorism by well over $200 million. This increase includes over $100 million to support research and development aimed at detecting, defending against, and responding to the use of weapons of mass destruction. The other half of this increase—over $100 million—would increase the ability of U.S. forces to deter and U.S. installations to defend against a terrorist attack.

Within this latter total, the committee determined that the Army had an unfunded mandate for installation security, and we provided an additional $778 million to address this need.

The committee also added funding of almost $14 million for U.S. special operations for the special operations command. Though we expect additional requests and will identify future needs, the measure pending before the Senate continues this committee's bipartisan efforts to provide a solid foundation for combating terrorism.

Just one anecdote: On the last day of consideration of this massive bill, authorizing over $300 billion to be spent for our defense, one of the questions I asked my fellow committee members was: Defense against what? What is the threat? This was 2 weeks ago.

Senator PAT ROBERTS, the distinguished Senator from Kansas, for the last couple years has been the chairman of the Subcommittee on Emerging Threats. Senator MARY LANDRIEU from Louisiana is now the chairman of that subcommittee. I asked both of them in their research, in their hearings, in their study of the real threat against America: What is it? What are we defending against?

Both agreed the most likely threat to the country was a terrorist attack, a stealthy attack, with no known address, no return to sender address, especially biological or chemical attack. That was the threat No. 1. Threat No. 2 was cyber-warfare against our Internet, against our computers to, in effect, shut us down in terms of our communications and our data processing.

I thought about that last Tuesday when we had the terrifying attack on this country. We were zeroing in on the fact that the real honest to goodness threat against this Nation was going to be a terrorist attack.

Today I had the pleasure of visiting with two former Members, Senator Warren Rudman and Senator Gary Hart, part of the Hart-Rudman commission, who months ago identified the chilling fact that it wasn't a question of whether this country was going to get hit by a terrorist attack but when. Lord knows, we have learned that lesson.

As we proceed in the days and weeks and months ahead to consider additional counterterrorist efforts, I cite an editorial that appeared in Monday's Atlanta Journal Constitution.

In that editorial, former U.S. Senator Sam Nunn, in whose seat I now sit, whose position I now have in the Senate and position I have on the Senate Armed Services Committee, coauthor of the Nunn-Lugar Cooperative Threat Reduction Act, who currently serves as cochairman of the Nuclear Threat Initiative, clearly summarized the threat we face and outlined some key elements that should be included in our response.

Senator Nunn points out that the terrorists' murderous deeds are limited only by the weapons they are able to employ—limited only by the weapons they are able to employ. He notes that the disintegration of the former Soviet Union left many thousands of tons of nuclear, biological, and chemical weapons, along with the scientists who worked with those weapons, adrift in an eroding infrastructure of inadequate controls and depressed economies.

We must prevent terrorist groups from exploiting this situation to obtain weapons of mass destruction, weapons materials and know-how. As we have only narrowly averted some attempts by terrorists to purchase these materials in recent years, I call on my colleagues to act on the recommendation of the bipartisan task force that called for a fourfold increase in the funding of programs aimed at reducing the threat of inadequately safeguarding weapons, materials, and know-how in Russia.

As Senator Nunn correctly states:

> We must develop a comprehensive defense against the full range of threats based on relative risk and supported by strong alliances around the world so that the pain of today will not be known by the children of tomorrow.

In the trials to come, we must remember our military might springs from the willingness of our people to serve. I have always thought, since I was a young serviceman in Vietnam, 35 years ago, the key to our defense is our defenders. They are the military and civilian personnel who make up the Department of Defense. They are our defenders.

As chairman of the Personnel Subcommittee of the Armed Services Committee, I am pleased to inform the Senate that this authorization measure is a good bill and the provisions that address the needs of our military men and women and their families enjoy the full and bipartisan support of all members of our committee.

Some of the personnel provisions in this legislation include: total funding for personnel-related items at a level of $106 billion, about $7 million over the original budget request; and support for the recommended active duty end strength requested by the administration. This includes an increase of over 3,000 personnel in the Navy and almost an increase of 2,000 in the Air Force. This bill provides an increase in the full-time manning end strength by almost 2,000 personnel. This is the first installment of an 11-year plan to increase full-time manning, which is one of the top readiness priorities for the Reserves.

As we now know, some 50,000 reservists have already been called up. All of our State adjutant generals have said to us that they need help with the shortage in full-time support that they receive from the active duty force.

This bill also provides a significant pay raise—well above the rate of inflation—for all military personnel.

Mr. President, again, for our troops in the field, military personnel, there is a significant pay raise in this bill, well above the rate of inflation. We recommend a targeted pay raise that ranges from 5 percent to 10 percent, beginning in January of 2002. It is between 5 and 10 percent. Enlisted personnel and junior officers will receive a pay raise of at least 6 percent or more.

We also extend the special pays and bonuses that are so important for recruiting and retention. As someone who has served on the Personnel Subcommittee over the last 5, 5½ years, and now chairs that subcommittee, as you know, we have been struggling with recruitment and retention. I am pleased to report the military services have seen a burst of recruitment around the country. That is another sign that the steadfastness of this country is sound, particularly when we are threatened.

Acceleration by 2 years of the existing plan to gradually increase the basic allowance for quarters to eliminate average out-of-pocket expenditures for off-post housing by 2005—accelerate that by 2 years—the BAH will cover median housing costs by 2003. We have capped the average out-of-pocket expenditures for 2002 at 7.5 years.

The bill authorizes a significant increase in funding for the defense health program, which includes full funding for TRICARE for Life. That is for the military retirees over 65. This is the retiree benefit that this committee initiated. The bill includes an authorization of an expanded benefit for disabled dependents of active duty personnel. This benefit includes comprehensive health care, home health care, and case management services for the disabled family member and respite care for the primary caregiver to the disabled family member. We recognize that providing for the special needs of disabled family members increases the capability of service members to perform their military mission.

The bill also includes two new initiatives to help retain service members with critical skills. As a matter of fact, I was surprised to actually learn that part of the report recommended a focus on terrorist attacks and an emphasis on homeland defense. This report by Senator Rudman and Senator Hart also included recommendations to dramatically upgrade the Montgomery GI bill. Some of those recommendations were already in this authorization bill.

These initiatives include my own initiative, which I worked on for 3 years with my staff, to allow service members to transfer up to 18 months of unused Montgomery GI bill benefits to

family members and Senator HUTCHINSON's education savings bond initiative. Both of these help the educational package now available to service men and women.

The bill also authorizes retired service members with a service-connected disability to receive both military retired pay and veterans disability compensation, contingent upon the President proposing and Congress authorizing an offset.

The bill also authorizes pilot programs with the VA for a joint program of graduate medical education, and for the VA to conduct separation and retirement physicals.

Finally, the bill authorizes $35 million for impact aid and $5 million for impact aid for children with severe disabilities. Not only is this bill good for our service members, but this year's Defense authorization bill provides critical resources to sustain and improve the strength of America's Armed Forces, from funding initial production of the world's most advanced fighters, such as the F–22, to addressing infrastructure concerns, to adding to our airlift capabilities, and providing extra C–130s—shortfalls that DOD identified, and it guarantees that we as a nation are continuing the strong tradition of supporting our military, as well as preparing for the threats of the future.

In conclusion, I thank Chairman LEVIN for his leadership and hard work on this bill and the ranking Republican, Senator WARNER—he and his staff. They have made a strong contribution to this year's authorization bill.

I think we should all commend these two gentlemen for their tremendous dedication to our Nation's military and their continued example of true bipartisan cooperation and accomplishment.

Mr. President, I will conclude with a line that I came across when I was going through Reserve Officer Training Corps school as a young cadet, written by one of Wellington's troops after the Battle of Waterloo, after the glory of the battle had long since faded. He wrote once that:

In time of war and not before,
God and the soldier men adore,
But in time of peace, with all things righted,
God is forgotten and the soldier slighted.

Mr. President, over the last 10 days, this country has in many ways rediscovered our God and certainly has rediscovered our soldiers, our service men and women. This bill is in their interest. I urge my colleagues to adopt it.

I yield the floor.

Mr. DASCHLE. Mr. President, a number of our colleagues have been calling both leaders asking for some update on the schedule for the day. I wanted to notify Senators that the negotiations on the airline legislation have just been concluded. So it is my expectation that we will take the bill up within the next hour and a half.

All Senators should be on notice that we will attempt to get a unanimous consent agreement to move to the bill shortly after the legislation has been drafted, and it would be my expectation to take the bill up immediately. There would be most likely a rollcall vote before the end of the day. I guess, in the 3:30 to 4 o'clock range we will take the bill up. I am not sure about the length of the debate. We will have a rollcall vote on that legislation before the end of the day.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I associate myself with the remarks of the chairman and the ranking member, as well as the eloquent statement that my colleague, Senator CLELAND, has just made.

This is a good bill. It is one that strengthens our military and enhances the quality of life for our Armed Forces and prepares our Nation to confront terrorism.

One group of Americans will be on the front line of the new war on terrorism: our reservists and National Guard members. President Bush has authorized a callup of 50,000 of these citizen soldiers. They may soon leave their families and civilian jobs and, at a great personal sacrifice, report to active duty. They will be among those who will confront our enemies, defending our freedoms in a shadowy and potentially brutal war.

Our Nation must do all we can to support these brave men and women and their families. There are many things we need to do to address the issues for reservists' quality of life. One of those is to ensure that those who are called to duty and their families have access to uninterrupted health care coverage.

Currently, when reservists are called up, they are temporarily considered active duty components. While they are in harm's way, members of the Reserves and National Guard and their dependents are entitled to the same military health care coverage as other military personnel, with what is called TRICARE. Reservists who have deployed for more than 30 days during a major contingency may extend their military health care coverage for 30 days after they return.

I have discussed this issue at length with several reservists and the leadership of the Missouri National Guard, and I can tell you 30 days simply is not enough. Oftentimes, civilian employers are unable to restore the reservists' health care benefits immediately. In other cases, Reserve members have quit their jobs before deploying and have no source of insurance when they return home.

On Monday I will offer an amendment on behalf of myself and Senators DEWINE, LEAHY, LANDRIEU, JOHNSON, BREAUX, BINGAMAN, DODD, and THURMOND. The amendment is based on legislation I introduced with Senator DEWINE earlier this year with seven cosponsors. Our amendment will allow reservists returning from deployments without health care, to extend their TRICARE coverage for up to 180 days or until their civilian health insurers return their coverage to them.

This legislation would address the circumstances faced by reservists like Capt. Terri McGranahan. She volunteered to be a part of our peacekeeping mission in Kosovo. During her service, she worked in a health clinic that had been newly painted with a toxic sealant. Working in this clinic had made her very ill, resulting in pneumonia. Eventually, she developed a spot on her lung. She did not detect this condition right away. When she finally sought medical treatment, the 30 days of TRICARE coverage had already expired.

When she returned home, her private health insurance company refused to cover her. She asked the Army for help, but was turned down. Captain McGranahan has fallen through the cracks of two health care bureaucracies.

We have to do better than this.

Mr. President, my amendment will provide comfort to thousands of reserve families whose loved ones risk their lives defending our Nation. But more important it would be part of our national effort to unite behind our troops during this time of national crisis.

The bill on which the amendment is based has been endorsed by 28 organizations across the country, including the Reserve Officers Association, National Guard Association, Enlisted Association of the National Guard, the Air Force Association, the Association of the U.S. Army, and several other organizations promoting quality of life for our service men and women.

Over 50,000 reservists may soon be called into service. As President Bush himself has said, ''We're talking about somebody's mom, or somebody's dad, somebody's employee, somebody's friend, or somebody's neighbor.''

Our initial cost estimate for our original bill was just 5 million dollars a year. This proposal is not extravagant in a $343 billion defense budget. It is the right thing to do, and it is needed right now. This is not a permanent solution. We need a full health care program for these service men and women. The Defense authorization bill requires the Pentagon to study this issue, and I look forward to reviewing it. But in the meantime, I am pleased to offer this amendment in the name of our Missouri's National Guard and Reservists, as well as our country's other citizen soldiers.

General Eisenhower once said:

Leadership cannot be exercised by the weak. It demands strength—the strength of this great nation when its people are united in purpose, united in a common fundamental faith, united in their readiness to work for human freedom and peace.

Mr. President, let us assure our citizen soldiers that when they return home, they will not be denied health care because of their military's service.

They deserve no less. I thank the Chair.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 2:45 p.m. the Senate recessed, subject to the call of the Chair, and reassembled at 3:07 p.m., when called to order by the Presiding Officer (Mrs. FEINSTEIN).

Ms. LANDRIEU. Madam President, I come to the floor this afternoon to speak on the subject of our Defense authorization bill.

First, let me say how appreciative I am of the leadership of Senator LEVIN and Senator WARNER. These are two Senators who trust one another and who work beautifully together. I have personally witnessed the work they have done both publicly and during many hours of private negotiations. I cannot thank them enough for their extraordinary leadership at this very important time in our Nation. I truly think that God has blessed us at this time to have these two fine men helping lead the negotiations at this particular time on a very important bill for our country.

President Kennedy reminded us during the height of the cold war that to ensure the peace we must prepare for war. September 11 seems to many of us literally years ago. It was just last week that our preparations for 21st century warfare were cut dramatically short. We had just reached the point where the American public was beginning to comprehend that future wars would, indeed, be very different; We would need a different sort of military to combat them. However, national security infrastructure is a large, lumbering ship. It takes time, focus, patience, and determination to turn its direction.

On September 11, early in the morning, the attention of our Pentagon turned on a dime to this new threat. As all of us are now beginning to understand, 21st century warfare is very different.

I have referred to the current attack on the United States as a silent war. People have asked me what I mean by that. I mean that the resources we employ to fight this war may not be visible on CNN. We will fight electronically, with our special forces, with our intelligence operatives, with psychological operations. It will be a war in which our greatest victories may never be fully appreciated and in which our full vulnerabilities are perceived by only a few.

It is also a silent war because silence is the only real asset of our enemies. When we can identify our foes, they will be eliminated. For that reason, we must be relentless and patient. We are in a chess match with killers. A great deal rides upon its outcome.

My confidence in our victory comes from one simple fact: Our opponents rely on a few pathological minds to win this war. Our Nation can call upon the minds of free-thinking, freedom-loving people around the world to ensure our victory. And ultimately we will prevail.

We have a long journey in front of us. Today we take another step. I commend our chairman, Senator LEVIN of Michigan, and Senator WARNER of Virginia for their outstanding leadership at this time.

As the chairperson of the Emerging Threats Subcommittee, I am clear about the work our committee must undertake over the next few months and perhaps years until the successful conclusion of this conflict. I also sincerely thank the Senator from Kansas, Mr. ROBERTS, our ranking member of this important committee, for his cooperation, his insight, his vision, and his passion on this subject. His advice and counsel and our excellent working relationship have made a difficult task more bearable.

It should be noted that I have determined a new policy for our subcommittee. From now on, all meetings of the Emerging Threats Subcommittee will be bipartisan in nature. We have neither the time, nor do the American people have the patience, for partisan squabbling and bickering because the stakes are so high.

In formulating the Department of Defense budget for the next fiscal year, we considered five priorities. Sadly, recent events have brought three of those priorities to the forefront. We have done very good work recently in ensuring that our military is ready to meet nontraditional threats and to ensure that our Armed Forces are ready to defend our Nation on a moment's notice. Now is the time to enact all of our plans and defend America and its values against this unprecedented challenge to our Nation.

In addition, we have sought to improve the quality of life for our service men and women and their families. It is the service family who will keep the hearth warm while our fighting men and women are deployed. We must provide them with the quality of life they deserve.

In almost every war of which we are aware and have studied—and many have actually participated in—it was always hard on the family. I imagine and predict that in this war, in some ways it will be harder on families because the intelligence, the secrecy of what we have to do, while it was always important in past wars, is going to be more so. There will be families separated from loved ones for long periods of time and children who will never be able to receive a letter from a father or a mother or to hear their voice for long periods of time. I urge that our Nation give some extraordinary and new thinking to what we might do to support the families who are going to be called to the front lines and, in addition, to recognize while my committee only supervises and oversees the military operations, as our President and as our leaders have so eloquently stated recently, it is not just men and women in uniform who are on the front line, but our firefighters, our local elected officials, our National Guard, business people, in many instances, are on the front line, depending on what their business is. Their families need special consideration.

We have also done important work in improving the efficiencies of the Department of Defense. This will become more crucial in the coming days as our Nation commits its treasury to the present struggle. We must ensure that we invest wisely in the best possible means toward ensuring absolute victory.

There are a few aspects of this legislation of which I am particularly proud. We have made a significant investment in upgrading and sustaining our fighters and our bombers. Any student of modern history cannot overlook how important these are to conducting modern war and how vital they will be to achieving victory in this new type of war.

In this bill, we have authorized a 5-percent pay raise for all of our service personnel. Perhaps it can be more. Perhaps 5 percent is not enough. We can revisit that issue. It is another step along with an 8-percent pay raise that was done the year before and raises the year before to make the paycheck begin to match—which it can never quite do, obviously—the sacrifices our men and women are called on to perform.

As we contemplate the tasks that our men and women in uniform face, we are made aware of our duty to properly compensate them and their families and to support them financially, psychologically, emotionally and, in many ways, spiritually.

We have provided a guarantee that our fighting men and women will be able to fully participate in democracy while being deployed abroad. We included language in this bill to ensure that their right to vote will be uninhibited, barriers taken down, and that valid votes will be counted.

This Nation set a precedent in 1864, when we conducted a Presidential election in the midst of a paralyzing war. This bill ensures that we will not allow the current crisis to disrupt our democratic process.

I now focus, briefly, and in conclusion, on the work done by the Emerging Threats Subcommittee in the last

few months. Our committee is charged with the task of concentrating on the efforts of the Department of Defense to counter new and emerging threats to our national security interests. Our jurisdiction includes terrorism, the subject that is absorbing the attention of the entire world at this time.

I stress that as the threat of terrorism has emerged in a most horrific way, we must not overlook our other jurisdiction of counterproliferation and chemical warfare. Those responsible for the tragic events of last Tuesday know they must find new ways to threaten our security, and we must be ready for them.

I will concentrate on the subcommittee's work on counterterrorism initiatives just for a moment.

The threat of terrorism can no longer be described as emerging. It has, unfortunately, emerged. The subcommittee has done substantial work in protecting our Nation from the terrorist threat, but it is obvious that we must do more.

There is no doubt in my mind that in the coming days we will see the work of this committee increase and our efforts redouble to stem the tide of terrorism here on our homeland. We have sought to meet the immediate needs of the services and commanders for counterterrorism initiatives and force protection. These initiatives include $14.3 million to fund enhanced counterterrorism training for the special operations command—a very special command now in this new war with this emerged threat —which has a mission of defeating terrorist actions. This is a crucial investment. There will be more to be made in the future, and I call on all Members of Congress and the President to understand the critical importance of significant investment in this particular area.

In our bill, we have $10 million to increase and formalize the Chairman of the Joint Chiefs of Staff combating terrorism readiness initiative fund, which allows commanders in the field to fund emergent, high-priority requirements. Again, this was the amount of money put in prior to 9/11. I am certain, as we have time to confer with each other and revisit the budget allocations again, there can be additional funding authorization so that our commanders in the field have no barrier to protect their forces and to protect Americans wherever they may be in the world.

We also devoted $107 million to the Departments of Defense and Energy for detecting, defending against, and responding to the use of weapons of mass destruction. This includes funds allocated for chemical and biological detection and prevention.

The attack initiated against the United States last week was committed with a rather crude weapon of mass destruction. It is important that we keep our guard up against other more sophisticated weapons.

Additionally, we have devoted over $77 million to establish minimum access and entry controls at military installations abroad. As security is increased on installations both domestically and abroad, these funds are needed now more than ever.

But while we focus on the threat that has emerged, it is important that we also address the proliferation of nuclear weapons. As our enemy searches for new and innovative and very destructive ways to attack us, it is important that we deny him access to the most destructive weapons. The markup package fully funds—and I am very proud that this decision was made last week—the Cooperative Threat Reduction Program at the DOD budget request level of $403 million. Included in the $403 million is $50 million for destruction of Russian chemical munitions. Before the program can spend the money to destroy the Russian chemical munitions, however, DOD must meet certain prerequisites. These prerequisites include a Russian commitment to contribute $25 million to the program per year. These prerequisites are based on those originated by Senator ROBERTS last year.

We also cannot overlook chemical and biological weapons that can inflict unthinkable, unbearable harm on our civilian population and our men and women in the field. That is why our committee devoted over $1.2 billion for demilitarization. Additionally, we have acquired vaccines to combat the threat of chemical and biological weapons and are in the process of making that entire system much more robust, and that work is well underway.

Let me close by proclaiming my extreme confidence and admiration for the men and women of our Armed Forces. They have trained day in and day out for their ultimate mission. And now we must all call on them to fulfill that mission. I am confident they are up to the task because, as I said in my opening, this war that we fight does not necessarily rely on the genius and strength of our President, although he showed great strength and genius last night. It doesn't just rely on the great strength of the 100 of us in this Chamber, but it rests squarely and stably and securely on the shoulders of every American everywhere, our allies, and of free-thinking people who have been inspired by God over the centuries to fight this war. That is why I know we will win and we will all do our part.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, at this tragic time in our Nation's history, it is time for the Senate to lay aside politics and focus on the needs of our country, especially those of the men and women of our military services. The National Defense Authorization Bill for Fiscal Year 2002 is the key legislation that this Senate will consider this year to provide critical funding and legislative authority to the Department of Defense so it can carry out its national security role. The bill also includes important provisions to improve the quality of life for our soldiers, sailors, airmen and Marines. These men and women will be the spears in the fight to rid this world of the terrorist that threaten not only this great Nation, but all peace loving people throughout the world.

The fact that we are considering this important legislation at this time is a reflection of the bipartisan effort to support this nation. I joined my Republican colleagues on the Armed Services Committee in voting against reporting out the Defense Authorization Bill for Fiscal Year 2002. I would have joined my colleagues in voting against final passage of this bill if the onerous provision on the future course of the deployment of ballistic missile defenses had not been not struck from the bill. By removing the provisions that would have hindered the President's ability to deploy an effective National Missile Defense System, Chairman LEVIN has come a long way toward assuring passage of this important legislation and laid aside partisanship in favor of unity.

I will support this important legislation in its current form, although I have significant reservations regarding the section 821 which severely restricts Federal Prison Industries' ability to sell to the Department of Defense. Since the Department is FPI's largest customer, my concern is that this provision would severely harm FPI and its essential mission in keeping inmates safely and productively occupied.

FPI is an essential program that maintains prison safety and security. It keeps thousands of prisoners working and productively occupied, which helps prevent mischief and violence. Also, it is the most successful government program for teaching inmates job skills that they can use in the private sector when they are released. It does all of this without any cost to the taxpayers. Because of these concerns and the fact that this matter is under the jurisdiction of the Judiciary Committee, I will join any effort to strike this provision and am optimistic that it will not survive to see the light of day.

Under the leadership of our new Chairman Senator LEVIN and the Ranking Member, Senator WARNER, the Armed Services Committee included many provisions and funding items that the administration supports and will have a significant impact on readiness and quality of life. The bill provides $10.5 billion for military construction and family housing construction. It adds more than $232.0 million to increase the Basic Allowance for Housing to further reduce the out-of-pocket expenses housing costs for service members and their families. It adds more than $1.0 billion to the budget request to improve the readiness of U.S. forces.

The bill also includes significant funding to improve the capability of our forces to meet the nontraditional threats that we will face in the coming

years. These threats, as so tragically evidenced on September 11, are not only focused on our Armed Forces, but the heart and soul of our nation, its citizens.

I am especially pleased that this bill contains significant funding levels to support the operations, especially environmental clean-up, at the Savannah River Site in my home State. Additionally, the bill includes the bill makes a strong statement, which was inserted at my request, regarding plutonium disposition. I believe that now more than ever we must eliminate the threat that this material pose. I strongly urge the Department of Energy to follow the RECORD of Decision on plutonium disposition and build the MOX fuel fabrication plant otherwise the Savannah River Site may be forced to store plutonium indefinitely, which is an unacceptable situation.

Although this bill came to the floor under a shadow, I urge the Senate to unite and put aside the partisan interest for the sake of the Nation and, more importantly, for the sake of the men and women who may soon be thrust into harms way.

Mrs. CARNAHAN. Mr. President, I would like to associate myself with remarks of the chairman and ranking member on the pending legislation.

Several months ago, I called for a new national commitment to our armed forces. I said that we need to reassess who the enemy is, redesign our military for a new century, and rededicate ourselves to our men and women in uniform and their families.

I am pleased to report that the Defense Authorization bill does all of those things. As our armed forces prepare for a long struggle against terrorism, they count on full support from this Congress.

This legislation authorizes $343.5 billion for national defense programs, the full amount requested by the administration. And it goes beyond what the administration requested in pay increases and quality of life improvements for the men and women of the armed forces.

The bill also provides additional investments to redesign our military capabilities. It will enhance our airlift capabilities, which will allow US forces to mobilize quickly and respond to crises and terrorist threats around the globe. A centerpiece of this effort is the C–17, produced in my home State of Missouri. I am proud to have worked closely with Senators LEVIN, WARNER, KENNEDY, and SESSIONS, to authorize an additional multi-year contract for this versatile aircraft.

In addition, the committee worked to improve the country's defenses against emerging threats. It adds $600 million to the administration's budget proposal to combat terrorism and weapons of mass destruction attacks.

The bill will help us shape a new force structure to respond quickly, forcefully, and effectively against terrorists. Senators LANDRIEU and ROBERTS, in particular, helped develop an important framework for responses to threats against our homeland. We have recommended that the Pentagon review its antiterrorism defenses. It should ascertain how various parts of the Defense Department can better coordinate preventative measures and responses to such attacks.

I have the honor of being my State's first Senate Armed Services Committee member in nearly 25 years. I have enjoyed working with my colleagues, Senators LEVIN and WARNER, to help craft this bill. This legislation is good for Missouri, but far more importantly, it is good for America. It will strengthen our military, enhance quality of life for our armed forces, and prepare our Nation to confront the terrorists head-on.

In every generation, Americans have risen to threats against our freedom. Now we must do so again. We must make a new national commitment to our armed forces.

By passing this bill, let us send a message to the terrorists and those who harbor them: America is ready. Your days are numbered.

Mr. President, I thank the Chairman and the Ranking Member for their leadership, and I enthusiastically support this bill.

MUKILTEO LAND TRANSFER

Mrs. MURRAY. Mr. President, today I am pleased to offer an amendment to the fiscal year 2002 Defense Authorizations bill improving upon a land transfer included in the fiscal year 2001 Defense Authorizations bill. Last year, I worked to include language transferring the 22 acre Mukilteo Tank Farm from the United States Air Force to the Port of Everett, Washington. The Port, in cooperation with the City of Everett, the City of Mukilteo, the Washington State Department of Transportation, Sound Transit, and the Washington State Ferry System, plans to redevelop the site to include a new ferry terminal, commuter rail, a marina and enhanced shoreline access. This redevelopment will revitalize Mukilteo and Everett while improving transportation in this area. An important first step in implementing these development plans is for the Air Force to convey this property to the Port of Everett.

For almost 30 years, the 22 acre parcel of land has also been home to the National Marine Fisheries Service's, NMFS', Mukilteo Field Research Facility. Its laboratories are currently housed in old, run-down military barracks. Last year's land transfer legislation did not convey any of the property to NMFS. The agency was concerned that it had lost its chance to own a portion of the 22 acres, and thus to make significant improvements to the site. The facility conducts valuable marine research, which will lead to improved long-term success in protecting and restoring salmon, groundfish and other species in Puget Sound.

I directed the parties involved to reach a mutually agreeable solution. I am very pleased to announce that today's amendment reflects an agreement between the National Oceanic and Atmospheric Administration, NOAA, NMFS and the Port of Everett. Upon transfer of the 22 aces, the Air Force will convey 1.1 acres to NOAA. After 12 years, any portion of the 1.1 acres not being used by NOAA shall automatically revert to the Port of Everett. In addition, the Secretary of Commerce will have the authority to exchange portions of the 1.1 acres with the Port of Everett should such an exchange be deemed mutually agreeable.

This amendment reflects almost a year of negotiations and hard work on the part of many people within each organization. I would like to thank John Mohr, Executive Director for the Port of Everett, and Donna Darm, Acting Regional Administrator for NMFS in the Northwest Region. I appreciate their outstanding leadership in crafting this agreement. I look forward to continuing to work with the Port of Everett, NMFS and NOAA on this and any other issue that may arise in the future. Congratulations on working out an agreement which, I believe, is in the long-term interest of the community, the state of Washington and the nation.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I ask unanimous consent that I may proceed as in morning business for 20 minutes.

Mr. WARNER. Mr. President, reserving the right to object, I wish to ask the Senator if he will forbear for a moment.

In my capacity as ranking member of the committee, I thank our committee member from the great State of Louisiana for all of her hard work and for her taking over the chairmanship of the Emerging Threats Subcommittee. I don't know of any other task facing the Senate today that is greater than what faces her in trying to work for the administration now that the President has made some very significant announcements in restructuring efforts of the Federal Government toward addressing the emerging and, indeed, regrettably existing threats now poised at our country. So I commend the Senator from Louisiana and wish her well in the weeks and months to come in her new capacity as chairman.

Ms. LANDRIEU. I thank the Senator. Let me respond briefly. To assure the Senator from Virginia that we are up to the task and that our members are ready to go, we look forward to working with him, and I appreciate his guidance, support, and direction.

Mr. WARNER. I thank the Senator from Louisiana.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina to speak as in morning business?

Mr. REID. Madam President, what was the request?

The PRESIDING OFFICER. The request is from the Senator from South Carolina to speak as in morning business.

Mr. REID. Reserving the right to object, before we move off the Defense bill—if it is within the rules, 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate enter into a period for morning business, with Senators not to speak for more than 15 minutes each.

Mr. WARNER. Madam President, I will not object. That will mean we will now go off the Defense bill, which we discussed. In consultation with our chairman, I hope by Monday we will be ready to proceed with some amendments as soon as the leadership establishes the parameters as to when the votes will be taken. We will be ready.

Mr. DASCHLE. Madam President, I appreciate very much the report from the ranking member. The ranking member and the chairman have done a good job getting us to this point. We ought to be ready with amendments. We are going to have votes as early as 12 o'clock on Monday. I would like to entertain amendments as early as 10 o'clock on Monday morning and be prepared for votes as early as 12 o'clock on Monday.

We will certainly work with the ranking member, the chairman, and accommodate those Senators who wish to offer amendments. We need to get started. I would like to get into a very complete debate on Monday. We will be in throughout the day and maybe into the evening on Monday in order to continue our work on the Defense authorization bill.

Mr. WARNER. Madam President, I thank our distinguished leader.

Mr. DASCHLE. Madam President, I will also say for the interest of colleagues, we will be propounding the unanimous consent request with regard to the consideration of the aviation legislation sometime shortly, but it was in the interest of accommodating Senators who wish to speak that I thought it would be appropriate for us now to enter into a period for morning business. We will do that and be back on the floor with the request in the not too distant future.

I yield the floor.

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

Who seeks recognition? The Senator from South Carolina.

MEASURE READ THE FIRST TIME—S. 1447

Mr. HOLLINGS. Madam President, I understand that a settlement has been reached between the leadership of the House and Senate relative to the airline assistance measure. This measure, an attempt to propound a bare bones solution, does not encompass all the main considerations that came out at the hearing we had in the Commerce Committee yesterday.

It is more or less a gentlemen's agreement that safety is just as important, or this particular Senator was trying to get safety and security ahead of money. Be that as it may, the money has prevailed and the bill will pass, perhaps this weekend or perhaps this afternoon. I want to save time by speaking now so that when the bill is under consideration, I will not be holding up my colleagues who are trying to catch transportation to get home for the weekend.

In that light, I have at the desk a bill by myself, Senator MCCAIN, Senator KERRY, Senator ROCKEFELLER, Senator HUTCHISON, Senator BREAUX, Senator CLELAND, Senator NELSON, Senator EDWARDS, Senator BURNS, Senator SMITH, and Senator REID. I ask it be given its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security, and for other purposes.

Mr. HOLLINGS. I thank the distinguished Chair. Madam President, there is not any question when we are talking about financing that we can give the airline industry billions upon billions of dollars in the next 10 minutes, but the sustenance, success, and the full resumption of airline travel will never occur until the traveling public is confident of safety and security at the airports and on planes in America.

First and foremost, of course, is the matter of the cockpit. Pilots do not want to get into the position of those pilots on 9–11. So they are not only asking for a secure door that can only be opened from the inside, going along with the rule that it not be opened in flight, but that they also be equipped with stun guns. That is going to be taken care of.

We have Federal marshals. We need to extend that program, there is no question about it. But the main kick in the arm of security at all airports of America is the reliance upon the industry itself to provide for that security. It has been going to the lowest bidder, to temporary workers paid minimum wage, their average stay not exceeding 5 months. So there is no professionalism, there is no experience and, as a result, there is no security. Everyone knows this. This was not just revealed at the hearing.

The bill establishes a Deputy Administrator at the Federal Aviation Administration for Aviation Security. We need a central command with fixed responsibility for this security.

The bill also establishes an Aviation Security Council comprised of representatives from the FAA, the Department of Justice, the Department of Defense, and the CIA to coordinate national security, intelligence, and aviation security information and make recommendations.

There was a question about curbside check-in. Employees stationed there look at their computers. They are well trained to look for certain persons that Interpol, other countries, or the FBI in this country have given as known security risks.

With those that they may have some suspicion about, they check that baggage. Obviously, if the distinguished Senator from California was going through, and she comes through every other week or so, going back and forth to the west coast, she is a discernible public figure, no security risk whatsoever and there is no reason to open the bag. That facilitates airline travel and that is understood.

Even at curbside when they use the computer and bring up the name ''Hollings'' on the computer, they can see exactly what his travel practices are and other important information to the security of air travel, and either give a double-check through his luggage or maybe a personal check.

El Al Airlines requires that in Tel Aviv. The truth is, we invited El Al's safety executive, and due to the holidays he could not make it, but he will be here the first of the week and is going to brief our committee.

We know there is required security in the country of Israel, and as a result we want to try to emulate their success in that regard. First, put in a deputy administrator with a coordinated council and strengthen the cockpit doors and locks.

We have heard from the distinguished Senator from Massachusetts of his constituent who manufactures such a door. He will be momentarily addressing that.

There is no question in this Senator's mind that once the door is locked securely with a substance such as Kevlar that it cannot be penetrated. Once that is secured and you get the security personnel at Reagan National Airport, you can open up Reagan National. There is no difference between opening up Dulles Airport or Baltimore-Washington Airport and not Reagan with respect to the proximity because, after all, it was the Dulles flight that hit the Pentagon.

Once a flight takes off, to turn around and come back into Washington, it is just as easy to turn from, say, Baltimore or Dulles before anything can really be done to stop its course and come right into the Pentagon again.

I understand what the Secret Service and the National Security Council are saying, but this is no time for debate. As the President said, this is a time for action. So let us start with action, get

in the security personnel in a studied, incremental fashion. Start with the shuttle flights to New York and Boston and immediately have enough security personnel in those particular planes already equipped with the secured cockpit.

This particular measure also increases the number of Federal air marshals. In the interim, the FAA can use personnel from other Federal agencies to serve as those air marshals. It federalizes airport security operations. I heard a while ago at a conference that the Secretary of Transportation said we did not have the money to do this. We do have the money, and we have voted the money. That is why this Senator voted the $20 billion. Someone has said it is $3 billion, and that $3 billion is enough. Put some 23,000, 24,000 security personnel in the airports around the country as Federal service employees, civil service Government employees, skilled, with training, with adequate pay and retirement and health care benefits. That is when you are going to get the competent personnel.

I have had this struggle for the past several years about privatizing the comptrollers. I do not see anybody in the Chamber this afternoon talking about privatize, privatize, privatize. We can see what privatization has done to security.

Europe affords government workers in its airports. If Europe can afford it, we can. In fact, after 9–11, we must afford it. We cannot play games with the number of employees and everything else of that kind when it comes to security, and this is just as important or more so to this particular Senator than the money.

I am going to explain the money in a little while. You can give airlines all the money in the world, but if nobody comes to fly on their planes, if the airports and the planes themselves are not secure, then they are going to suffer badly financially and there is not enough money in the Government Treasury to keep them alive unless we do this No. 1 thing; namely, provide for airport security, which is on everybody's mind.

The bill also improves screening procedures for passengers. It checks the passenger's name against a coordinated list comprised of criminal, national security intelligence, and INS information.

I heard the previous administrator of the Immigration and Naturalization Service, Doris Meissner, on TV the other evening. She was talking about checking names off as they come in. The INS gets this information. The FBI gets this information. It ought to be absolutely certain that it also goes to all of the airports and is disseminated, because there is some question that they had some information about the 9–11 attack ahead of time but it was not properly dispensed among those responsible.

The bill provides for hijack training for the flight crew. It calls for background checks on students at flight schools for large planes and increases perimeter security at airports and air traffic facilities. It assesses a dollar-per-passenger security charge and authorizes funds to carry out the security initiatives.

This bill is totally bipartisan, but there was a concern amongst several of the Senators about assessing a charge. I think all members of our committee more or less will cosponsor the bill, once we can check this afternoon, in a bipartisan fashion.

Now, that charge will bring in $250 million. Assuming the security responsibility at airports is federalized, it relieves the private airline industry of $1 billion. So $250 million for passengers to start contributing toward taking care of some of these expenses is definitely in order, in this Senator's mind.

I want to cover one particular thing with respect to the bill itself. The bill might have to be repaired if there is not a cap on claims. We are establishing a Federal claims procedure so the injured are not further damaged and do not have to chase around several jurisdictions and file all kinds of legal motions. So the Federal claims provision will be included in the bill this afternoon.

My understanding, because I was trying to get it on as a cap, if you do not have a cap on these particular claims, there will not be enough money in the Federal til. That will have to be repaired.

I could give the example of this high paid group on the top of the World Trade Towers, and they are very deserving people, but if they make $8 million or $10 million a year, if I were a lawyer I know I could get a $200 million to $300 million verdict of some kind, and while I am getting the $200 million to $300 million verdict, the poor fireman's lawyer comes in and says, ''Wait a minute. You are paying that high paid individual a couple of hundred million dollars, but this is a poor fireman who rushed in and saved his life, I want $200 million,'' and up and away it goes. Or the insurance company takes a traveling passenger who was on one of those planes and the lawyer goes to the insurance company and says, ''Go ahead, give us the $50 million, give us whatever million you want because you are subrogated, you can go against the Government claims, no limit on the government claims, and you can be reimbursed.'' They say I am out here shilling for the trial lawyers, but right is right. I am confident most of my trial lawyer friends would understand, in an act of war of this kind, there have to be some limits. If there are not limits, we will not sustain.

I hold the bill up with an amendment. I was prepared, but I have been talked out of it by the leadership, to have the airline security measure that could be passed this afternoon in the House and Senate.

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

Mr. HOLLINGS. I ask unanimous consent for 5 minutes.

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

Mr. HOLLINGS. Madam President, since others are prepared now, let me read the most significant testimony of Harry Pinson of Credit Suisse First Boston, in Texas, and the head of the southwest regional investment banking group based in Houston that handles all of these industrial accounts. I ask unanimous consent it be printed in the RECORD.

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

TESTIMONY OF HARRY PINSON, HEARINGS ON AIRLINE INDUSTRY FINANCES, SENATE COMMITTEE ON COMMERCE, SEPTEMBER 20, 2001

Good afternoon Mr. Chairman. I want to thank you for holding these hearings today and allowing me to appear before the Committee.

My name is Harry Pinson and I am a Managing Director of Credit Suisse First Boston (''CSFB''), and Head of the Southwest Regional Investment Banking Group, based in Houston. I joined CSFB in 1984, and moved to Houston in the summer of 1995 from New York. I am responsible for coordinating the coverage of industrial accounts in the Southwest, including the airline industry. While in New York, I was Head of the Transportation Group in the Investment Banking Department from 1990 through 1995.

I began my business career as an Associate in the public finance department of Merrill Lynch, where I specialized in the transportation industry, prior to joining CSFB. I have managed a variety of financing and strategic advisory assignments for major U.S. industrial companies including the acquisition of McDonnell Douglas by The Boeing Company, the strategic alliance between Continental Airlines and Northwest Airlines, the sale of United Airlines to its employees, advising the creditors of Continental Airlines in the reorganization of the Company, the privatization of Quantas Airways and the acquisition of TWA by AMR.

The U.S. air transportation system, for all its faults, is the envy of the world. Its cheapness and ease of use means that more Americans fly more often than the citizens of any other major country. Whole industries are built around this unquestioned principal of mobility: hotels, resorts, car rental agencies. It binds us together as a nation, and connects us to the world.

The events of last Tuesday and their ramifications are threatening that principal of mobility in a number of ways.

First, the cash losses suffered while the industry was grounded and as it rebuilds this week are weakening an industry already made vulnerable by a weakening economy.

Second, the reduction in demand caused by the loss of passenger confidence and the impact on travel times caused by the security guidelines necessary to restore that confidence, coupled with the increased operating costs and lower fleet utilization that those same safety guidelines are likely to require, means that the profit model for the industry will change, perhaps permanently. For the first time ever, an industry conditioned to growth will have to find a way to shrink to profitability. It will take a lot of Yankee ingenuity to find that path, and many will not succeed.

Third, the catastrophe last week and our government's response to it have served to raise the perceived potential liabilities of operating an airline while simultaneously reducing the availability of insurance for that

risk. This means that airline shareholders, creditors, and potentially even the officers and directors of these carriers are being asked to bear the risk of potentially catastrophic losses: an unprecedented and highly disruptive situation.

Finance, the industry I participate in, has always had a big role to play in this industry because its persistent growth, capital intensity, fierce competition and low profit margins mean lots of external capital needs to be raised: about $10 billion so far this year. Because the airplanes can be deployed anywhere in the world, have long useful lives and a long history of holding their value, the vast proportion of the capital raised is in the form of long-term debt secured by these aircraft. This form of financing keeps annual ownership costs low and has generally been available in large amounts in virtually all operating environments, allowing airlines to fulfill purchase commitments even when business is bad. It also means that the airlines have accumulated enormous debt service and lease payment burdens which will not diminish soon.

We, in our industry, are eager to get back to the business of financing this industry, as we are eager to get back to business generally. It is our livelihood. The rebuilding of this industry will generate terrific investment opportunities which will attract the capital necessary to fund the future of this industry and eventually supplant the aid you are considering.

The fact that these investments will be risky does not necessarily diminish their appeal. The assessment of risk and speculation about an uncertain future are at the core of the investing process. There are, however, some types of risks that financial markets find hard to deal with which the current situation contains, and act as barriers to restarting the investing process.

For example, the more stringent security procedures which are essential to attracting passengers back to the airlines will be costly and disruptive, but we don't know how much because we don't understand them yet nor do we know who will bear the costs. Clarity on the ''rules of the game'' will be essential for the investment community to begin to assess rationally the future of the industry and its various participants. Until the rules are clear, investors will put their brains to work elsewhere. Since this issue also affects the likely size of the fleet for the foreseeable future, it makes the value of aircraft the bedrock collateral for much of the industry's financing, also hard to determine.

Second, investors are conditioned to assessing management turnaround plans and placing their bets, but liquidity concerns will make analysis again difficult. ''Shrinking to profitability'' is a new concept in the airline industry. Given the rigidity of airline cost structures in both capital and labor, it will take a long time, years for a turnaround to take place. No airline has anything like the resources necessary to fund this turnaround and investors in the current poor general investment climate are not likely to bet on a company's ability to raise money in the future to fund its plan. Therefore another, necessary condition to getting private capital moving back into this industry is to give the airlines access to sufficient liquidity to fund a turnaround, so that investors can focus on the business risks they understand.

It is in the nature of these support arrangements that, if the process goes as intended, much of this support will not be used because it will act as a catalyst for private capital to flow to the industry and take back from the government the role of financing the industry.

Third, new kinds of liability issues have arisen because of the catastrophe itself and the state of war resulting from it. The industry's insurance arrangements are not adequate to deal with this situation, and the war risk is effectively uninsurable at present. This has the potential to paralyze the industry as investors and creditors are faced with the potential of catastrophic loss. This is an impossible situation for investors to grapple with.

Clarity, liquidity, liability. Address these issues and we're in business.

Mr. HOLLINGS. I will start on page 3:

First, the cash losses suffered while the industry was grounded and as it rebuilds this week are weakening an industry already made vulnerable by a weakened economy.

This measure is not going to save a couple of airlines, in this Senator's opinion.

Continuing:

Second, the reduction in demand caused by the loss of passenger confidence impact on travel times caused by the security guidelines necessary to restore that confidence, coupled with the increased operating costs and lower fleet utilization that those same safety guidelines are likely to require, means that the profit model for the industry will change, perhaps permanently. For the first time ever an industry conditioned to growth will have to find a way to shrink to profitability. It will take a lot of Yankee ingenuity to find that path, and many will not succeed.

Third, the catastrophe last week and our government's response to it have served to raise the perceived potential liabilities of operating an airline while simultaneously reducing the availability of insurance for that risk. This means that airline shareholders, creditors, and potentially even the officers and directors of these carriers are being asked to bear the risk of potentially catastrophic losses; an unprecedented and highly disruptive situation.

Finance, the industry I participate in, has always had a big role to play in this industry because its persistent growth, capital intensity, fierce competition and low profit margins mean lots of external capital needs to be raised: About $10 billion so far this year. Because the airplanes can be deployed anywhere in the world, have long useful lives and a long history of holding their value, the vast proportion of the capital raised is in the form of long-term debt secured by these aircraft.

Madam President, jumping forward:

Second, investors are conditioned to assessing management turnaround plans and placing their bets, but liquidity concerns will make analysis again difficult. ''Shrinking to profitability'' is a new concept in the airline industry. Given the rigidity of airline cost structures in both capital and labor, it will take a long time, years, for a turnaround to take place. No airline has anything like the resources necessary to fund this turnaround.

Madam President, we are going to do our best at the Washington level to reinstill confidence in airlines, their operation, and, more particularly, the airline traveling public. We have been watching it day by day, and incrementally we have to address the insurance problem, we have to address the warrant problem with respect to payments to dividend.

I am not worried about the pay of the airline executives right now; I am worried about more substantial things for the moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WELLSTONE. Could I ask for 10 seconds? I ask unanimous consent, following the Senator from Illinois, I be allowed to speak.

The PRESIDING OFFICER. Are you propounding a unanimous consent request?

Mr. WELLSTONE. Yes, that after the Senator from Illinois, I be allowed to speak.

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

The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I thank the distinguished chairman of the Senate Commerce Committee for his leadership on this issue over a number of years. It has been almost 10 years that the Senate in committee has been advocating at many levels the notion of the federalizing of airport security. I guess it is part of the nature of all Members not to mention just the nature of our politics, that sometimes things of good common sense don't happen for inertia, for indifference, for other interests that weigh in, until there is a tragedy such as we experienced a week ago.

The Senator from South Carolina has talked for a moment about the issue of the finances of our airlines. I emphasize that we obviously need to do something and do it fast. But that something has to be smart. That something has to recognize the distinction between the airline industry that existed on September 10 and the airline industry that was impacted on September 11 and what happens as a consequence there of. It is clear that prior to September 11, the airline industry was already experiencing a significant downturn in passengers and ridership because of the state of the economy. That has now been exacerbated a hundredfold.

I say to my fellow Americans today as forcefully as I can, there is no reason not to fly in an airplane in the continental United States or to fly out of the United States in today's system. There really isn't. That system is safer than the air system has been in years. The scrutiny level already in our airports today is significantly higher than it has ever been. The level of safety today as a result of the redundancy of checks and the level of concern by air marshals and State police, local police, and others is raised to the highest level it has ever been in our country. It is safe to fly in aircraft in the United States today. It may be that some people in this country would deem most of those in Washington expendable anyway, but if it is any consolation, Senators, Congressmen, and others are flying those planes now, and the American public should not hesitate to do so.

Here is also a truth, a reality. We can do things that create almost a fail-safe capacity, that raise the scrutiny level

often further in order to establish an even greater level of confidence notwithstanding that what we are doing today is the greatest level of scrutiny we have ever had. That is what brings the Senator from South Carolina, Mr. HOLLINGS, Mr. MCCAIN, myself, and others to the floor today to introduce an airport security bill that will, in fact, raise the level to the point where there is no excuse for anybody having any fear or any sense of dread about flying.

How do we do that? Let me remind people that what happened last Tuesday was not high technology, nor was it even force at the end of a gun barrel or a bomb that had somehow gone through and evaded security. In fact, everything that was used as a weapon was used within the permissiveness of the system as it existed then. It wasn't as if somebody walked through security and had a weapon that wasn't detected. What these terrorists evidently did was use terror in a low-tech way as effectively and as deviously, as hideously, as any of us could ever have imagined; using a box cutter, using a minimalist kind of weapon, they managed to terrorize flight attendants and terrorize passengers who, up until that point in time, had an understanding of hijacking that you sort of behave. You try not to unsettle the hijackers. In fact, the tapes that were used by the flight attendants were 1970 tapes, a 1-hour tape that taught them to try to calm the hijackers and perhaps persuade them to seek political asylum, or at least not to harm the passengers while they took them to Cuba or took them to some other country.

What we learned on September 11 was that now there is a completely different strategy that we now know people are willing to employ. Someone is willing to commit suicide and try to take over an airplane and use it as a weapon.

The task now is to make certain that no one can again use an airplane as a weapon. I again point out that, in an act of absolutely extraordinary heroism, three American citizens who were informed of the change in tactic, who were told by loved ones on the ground that the planes prior to them had been used as weapons, understood the new equation. They understood that they were faced with the potential of imminent death and, if that was true, they were going to take matters into their own hands.

I think that forever changes the equation with respect to the potential of an aircraft again being used as a directable weapon by someone moving into the cockpit, taking over and actually flying the aircraft, using it as an instrument with specific targeting.

It may well be that through some extraordinary lapse, even after all the security measures, although it is hard to imagine how that might be if we do our jobs properly, someone might be able to terrorize passengers. But they could walk into any restaurant anytime, anywhere and do that. They could walk into any mosque, any church, any synagogue—they could walk into any place where crowds gather and, if they were willing to die, tragically they would have the ability to wreak havoc and chaos and mayhem in the area of their choice.

But we have the ability to do something to make it safe to fly, beyond any doubts whatsoever, beyond what I think is the extraordinary level of safety that exists today. One of the things that would give greater confidence to our fellow citizens is the awareness that all across this country there is a standardized, uniform system by which people are being screened as they come to an airport, not some individual company in Boston and a different company in New York and a different company in another city with different supervisors and no accountability across the board except to those particular airports and to some Federal standard which is not applied in a Federal way.

It seems to me we could guarantee that safety. A lot of people in America are not aware of it, but the turnover rate of the current employment of those security operators is simply unacceptable: in some places 100-percent turnover, 200-percent, 300-percent turnover within the span of a year. And that is even among supervisors.

If we federalize the process we not only have the opportunity to hire people at a decent wage, to guarantee the continuity, to guarantee the level of supervision, but we also will have an ability to do one of the most critical things now. We recognize that airport security is also a matter of national security. If it is a matter of national security, then those airport personnel have to work within a system that has the ability to share information that comes from law enforcement, information that comes from national security—the CIA, NSA, FBI, Defense Department.

If someone is on a watch list or if someone is a frequent flier with patterns that raise suspicion because of those prior trips and travels—which, incidentally, do show up in your passport check when you come through INS, and you can begin to make those determinations but there is no such similar kind of cross-tabulation or verification in the processing of passengers' manifests and flights—in a virtual world where we have computers at our fingertips with instantaneous communication of the Internet, shame on us for not having a system that has that kind of cross-pollination between our law enforcement agencies and security agencies across the Nation.

This is now a matter of law enforcement and national security. The only way to raise the airport security issue to that level is to federalize the process.

We are here to talk about how we are going to bail out or help the airlines. The airlines pay $1 billion a year for their security costs. So if the Federal Government indeed takes over those security costs, we are automatically reducing the burden of $1 billion a year or more, under increased status, from the airlines. Given that the airlines are working, hopefully, for profit and this affects the profit line, and therefore affects the kind of bids and expenses they are willing to put out in it, we should guarantee to Americans that security at our airports is not going to be subject to the bottom line of an industry that is already in difficulties. It is going to be subject only to the judgment of our public officials about what offers the greatest level of security.

In the legislation that Chairman HOLLINGS and Ranking Member MCCAIN and I and others on the committee are offering today, we are suggesting the establishment of a Deputy Administrator at the FAA for airport security. We establish an Aviation Security Council with the FAA, the Department of Justice, the Department of Defense, and the CIA, to coordinate national security intelligence and aviation security information and make recommendations.

We require the strengthening of cockpit doors and locks with limited access to the cockpit so every passenger who boards an aircraft will know that unless it is at the choice of the pilots, no person will enter that cockpit from the time they leave the gate until the time they arrive at their destination.

We increase the number of Federal air marshals so people will know that while riding an aircraft, particularly those with the greatest potential of diversion, they would be protected by the use of Federal air marshals riding in the air with them.

We federalize the overall airport security operations, providing improved training and testing for screening personnel.

We improve the screening procedures for passengers, checking passengers' names against a coordinated list comprised of criminal, national security, intelligence, and INS information. I might add, the INS component is a critical component in the context of security.

We will provide new and modern hijack training for flight crews based on what we now understand to be the threat. We perform background checks on students at flight schools. We increase perimeter security at airports and air traffic facilities, and we authorize the funds to carry out these initiatives.

Let me echo what has been said here previously. We can pass a bill that provides funding for the airlines through these next weeks. But we need the passengers of this country to come back to those airlines. I reiterate, I am convinced—I know the Senator from Florida is; he has flown commercially in the last days, as have others—this airline system is safe to fly today. But to whatever degree our fellow citizens doubt that, we need to guarantee they

will come back to those airports to ride the aircraft that we empower to fly.

Nothing is more important to revitalize the car rental industry, the restaurants, the hotels, the entertainment industry, the travel industry—all those ancillary spinoff industries that depend on people flying the aircraft of our various entities in this country.

I believe this legislation, while we will not vote on it today, is imperative to move on as rapidly as the legislation that we are moving on today with the hopes that we will be able to guarantee to every one of our citizens the full assurance of every level of safety that they expect. I hope we will do that as rapidly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). Under the previous order, the Senator from Illinois is to be recognized.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I would like to ask if the Senator from Illinois would allow me to speak for 5 minutes on the aviation security bill on which I am a cosponsor with Senators HOLLINGS, KERRY, and MCCAIN, if the Senator from Minnesota will agree.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I ask unanimous consent to follow the Senator from Texas.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota.

I rise to speak on behalf of the aviation security bill that has been introduced by the distinguished Senator from South Carolina, Mr. HOLLINGS; Senator MCCAIN, the distinguished ranking Member of the Commerce Committee, the Senator from Massachusetts, and myself. This is very much a part of the overall program that we are putting forward.

The bill we will probably vote on today is the finance part of the package. I think most Americans agree we cannot allow our aviation industry to fall. So we are going to pass, I hope very shortly, a measure that will help our airlines get over the hump until the people have the security to come back and fly.

The aviation security bill that we are introducing today, that I hope we will be able to pass early next week or the following week, is very much a part of airlines getting back to normal. I think the flying public wants to come back. Aviation is an important part of our economy and our way of life and our commerce.

The way we are going to draw them back is to have the security in place so they know they will be safe when they get to the airport and board an airplane. But in the interim, until we are able to put all of these things in place, we need the financial aid package that is before us today.

I am very pleased that under the chairmanship of Senator HOLLINGS we had a hearing yesterday to talk about the security need. We talked to the Secretary of Transportation. We talked to the FAA Administrator. We talked to pilots and people who know what needs to be done to close the vulnerabilities that we saw on September 11. In fact, the bill that is being introduced today, of which I am a cosponsor, has many of the items I have proposed in the past and certainly think we must pass today. We must have sky marshals in the air. In fact, I applaud the Attorney General for putting sky marshals on many of our flights around the country. They are in plain clothes. Most people would not know they are on a flight. But we do indeed have armed sky marshals on many of the flights that are in the air as we speak. But we want to make them permanent. We want to make sure we have sky marshals on virtually every flight, and possibly every flight later down the road.

We need to assure the passengers that there is a certified peace officer onboard who is trained to do what is necessary to deal with the crime that is committed in the air.

The second major provision in this bill that I think we must do is upgrade the screening. We will upgrade the equipment, and we will upgrade personnel education and training. We all know the screeners have been hired by contractors. They have high turnover rates. They do not have the experience that we would expect in screening. We have seen pictures of things that have gone through the screens and gotten onto an airplane that are just not appropriate. We want to stop that from happening.

That is why upgrading the screeners is important. I think they should be a part of a Federal system of security.

We are going to put some kind of barrier between the pilots and the rest of the airplane so that someone would not be able to penetrate a cockpit, as so sadly happened on September 11. We will have a Deputy FAA Administrator in charge of aviation security so that we will have one person in charge of all of aviation security.

It is my hope that we would start with entry-level screeners, and that it would be a career path for the aviation security department which would include graduating to become a sky marshal, staying in the system with a career in the system so we could have more trained and experienced people.

Those are some of the important points that are in this bill. I know some people disagree with certain parts of this bill. But it is a great start. It is an important start for rehabilitating our airline industry.

If we have the security, people will fly. People love to fly. We had 600 million people fly last year. We can build back to that number if we have the security for passengers. The convenience will be there. It is going to take a little longer going through the airport, but I think people are willing to wait a little longer and go earlier in order to feel safe. The flying public will come back.

I support this bill. I will continue to work on it with the chairman. But mainly I want the people of America to know we are addressing security in the air and we will do something very shortly, as we are also trying to shore up our airlines. We will not let our transportation system fail. If we do, the terrorists will have won. The terrorists are not going to beat the United States of America.

Thank you, Mr. President.

UNANIMOUS CONSENT REQUEST—S. 1450

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1450, the aviation assistance and security bill; that no amendments or motions be in order to the bill; that there be 1 hour for debate equally divided between the two leaders or their designees, with an additional 15 minutes under the control of Senator BYRD, with 10 minutes for Senator KENNEDY; that at the conclusion or yielding back of the time, the bill be read a third time and the Senate vote without intervening action or debate on final passage of the bill.

I further ask unanimous consent that when the Senate receives from the House its companion bill, it be immediately considered, read a third time, and passed, provided it is identical to the Senate-passed bill.

I further ask unanimous consent that once the House bill has been enacted into law, provided it is identical to the Senate measure, then action on the Senate bill be vitiated and the measure then be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

AVIATION SAFETY

Mr. WELLSTONE. Mr. President, I believe this Transportation Safety Act, which I know Senator HOLLINGS and others are going to introduce very soon, will certainly pass with strong support.

First of all, I ask unanimous consent to be added as an original cosponsor of this piece of legislation.

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

Mr. WELLSTONE. Mr. President, the Senator from South Carolina is absolutely right. Not only does safety have to be there with the money, but the fact is, without the safety, people aren't going to fly. If they don't fly, we are never going to have this industry financially viable. It is that simple. You can see it traveling around the country right now. There are very few people at the airports. People are quite frightened. We have to absolutely pass this bill. I think it should be in this

package right here. But we will be coming back to this very soon, and I think the sooner the better.

There were some provisions that I desperately wanted to see in this bill. I know the Senator from South Carolina and others tried with all their might. I know Senator DASCHLE did. There were negotiations late into the evening.

From my point of view, this language is essential to air service. I want to make sure that gets lived up to.

A good part of our State is rural. We don't want our smaller airports left out.

On the question of general aviation and VFR, there are a lot of people hurting right now. I traveled in a small plane this last weekend. They are having to lay off people. We don't have any protections for them. We will get back to that next week.

But the final point I want to make is that we had, I think, about a $3.7 billion package that dealt with all the people who are being laid off. Northwest Airlines just announced that 10,000 people will be laid off. Half of them are in the State of Minnesota. Frankly, look at the economy.

There are an awful lot of people in a world of economic pain. I believe what should have been in this package—I know there were Representatives on the House side who resisted this, talking about the companies, yes—is the extending of unemployment benefits and making sure people have access to job training, that there is a dislocated worker focus.

The most frightening thing of all, next to losing your job, is that you then lose your health care coverage. COBRA is too expensive. I wish we had something better. For so many of these employees, this is going to be critically important.

These are going to be some really hard times for people. As one Senator from the State of Minnesota, I am really disappointed we did not get this included. I know the Senate majority leader, Mr. DASCHLE, said this would be a first priority. I know Senator HOLLINGS has said that. We have to come back next week and we have to focus on these employees. We have to make sure we provide the help to them and to their families. That has to be part of a relief package. We have to move fast now. We couldn't get it in today. It will be in next week or it will be in as soon as possible. It must be.

Last point: We have all these huge issues staring us in the face. When I flew out here, I was talking to some of the employees of Northwest. I said: How are you doing? They said: We are holding on. They meant about the world they live in. Everybody is very worried. Everybody is very resolute. Everybody is very worried. But they also meant: We are afraid we are going to lose our jobs. I am sure a number of those people now have lost their jobs. We have to provide help for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be recognized for 5 minutes. It is my understanding, under a previous order, that the Senator from Illinois has time. If he is not ready, then I ask unanimous consent that I be recognized for 5 minutes prior to him.

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

Mr. NELSON of Florida. Mr. President, as we consider a major component of America's economic engine and what to do about it, clearly there are two things that stand out and that came out of our Commerce Committee hearing yesterday chaired by Senator HOLLINGS.

For the airlines to be able to fly again financially solvent, the security measures must be put into place so that the American public has confidence to fly again.

I personally think it is safe to fly. I flew Monday night to Orlando, and there were only 10 people on the plane. Happily, when I flew back from Florida, from Tampa to Washington on Tuesday night, there were 40 people on the plane. My recommendation on the basis of going to two major airports in Florida, checking all of their security arrangements, is that the security apparatus is beginning to work. It didn't work on September 11.

The first part of restoring this industry to health is security, so that we can get people back in the airplanes and the American public flying again. That, of course, has been amply demonstrated by our discussion today. I am a cosponsor of this bill.

The second component that came out of our hearing was that the airlines, in order to be able to operate, have to have insurance that is available and affordable. That is what is creating the crisis right now, that several of the insurance carriers are about to yank the coverage from the airlines. Of course, the airlines will be grounded if that is going to occur.

That is what is so important in this package that is coming out that the majority leader and the Republican leader are about to describe, a component of victims' compensation which would eliminate a lot of the uncertainty about all that collateral damage that had been done as a result of the World Trade Center being rammed by those two jet liners and where would be the source of that funding.

Preliminarily, for the leaders to discuss what has been agreed upon as a first step—and I do believe this is a first step in a long journey, as we return to normality in our airline traffic system, a very big, essential first step—the American public, the American traveling public, has to be a major component. They have to have the confidence that they are going to be safe when they get back into air travel.

A major component of economic restoration in this country is hanging in the balance. I am going to discuss why I think this is of critical importance to the country.

Once we get through and decide on this first package—hopefully we will enact it this afternoon—then there are going to be many steps in this journey. There are collateral industries that have been decimated. Clearly, all of these other collateral industries, such as hotels, restaurants, tourist attractions, car rental agencies—and I have three of the Nation's largest that are headquartered in the State of Florida:

Alamo, National, and Budget Rent A Car companies are headquartered in the State of Florida. You can imagine, with 50 percent of their business now not coming in the door, what is happening to their financial obligations, and to the obligations they have to banks on loan payments, and their obligations to the salaries of their employees.

So as we get on down the road, I think what we are going to discover is, first and foremost, we have to get the airline industry back in the air operating with fairly full loads, so the economic engine is working and so it is supplying all of the air traffic that feeds so many of these other collateral industries, such as car rentals, such as hotels, such as convention centers, such as restaurants. Once that package has been firmly established—and I hope this gathering right here in this Senate is bringing reasonable men together so they might agree—then I think in the very near future—and I am talking about next week—we can address some of these other collateral industries that desperately need help.

Today we are going to proceed with the debate on the aviation security bill. I don't think there is going to be a lot of disagreement on that. I think it clearly will reestablish in the public's mind that it is safe to travel. Indeed, I am going to demonstrate that with my own feet tonight when I walk on to another commercial airliner. I really do believe it is safe. By the way, if you need to fly, now is the time to fly because there are no lines. But in addition, it is my hope that we are going to have agreement here so we can proceed with this financial package to give the aviation industry the security it needs and, thus, the insurance industry will not start canceling their insurance starting Monday and Tuesday. It is absolutely essential, and it is essential for one more reason: because we don't want the terrorists to win. If they disrupt our economy, if they cause financial distress to a major component of America's economic engine, then they will have scored a victory. But we are not going to let them. That is why this great democracy is functioning as it is to provide the needed help.

I thank the Chair for the opportunity for me to share. I thank the chairman of the committee, Senator HOLLINGS. I thank the ranking member, Senator MCCAIN. It was an excellent all-day hearing yesterday in the Commerce Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I have a few observations to make and then the Senator from Arizona, Mr. KYL, is here as well. He would like to follow after me.

I want to say a few words in support of the Air Transportation System Stabilization Act, which we will pass, hopefully, in the Senate shortly. My only concern with this bill is that the Federal Government is not doing all it should for the victims of this tragedy with respect to their legal remedies. Specifically, there is no limit in this legislation on the amount of lawyer fees that personal injury lawyers can receive for filing lawsuits, either in absolute terms or as a percentage of the victim's recovery. In other words, there is no guarantee that the victims or their families will receive an amount of the damages awarded to ensure that the personal injury lawyers do not end up taking the lion's share of the award.

I think this is, in short, completely wrong, particularly when this legislation caps the compensation of airline executives relative to the aid package. Bear in mind, what we have in the underlying bill is a cap on airline executives' compensation but no cap on personal injury lawyer fees. It is right that we are going to make sure airline executives do not take advantage of this terrible tragedy, but we should also make sure personal injury lawyers do not unduly profit from other people's miseries. I am relieved, however, that there is already in Federal law a bereavement rule in effect that will protect victims and families from being chased down and harangued by insensitive and opportunistic lawyers. Specifically, 49 U.S.C., section 1136 (g)(2) protects victims of a commercial airline disaster and their families from unsolicited contact from lawyers for 45 days after a disaster. In other words, already under Federal law—I remind all of those who are concerned about the victims that there is a 45-day period from the day of the disaster during which, under this bereavement rule, lawyers are not to contact the families of victims of planes that have been lost.

It provides in relevant part that in the event of an accident involving an air carrier providing interstate or foreign air transportation:

> No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including an associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to the individual injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

Let me repeat: For 45 days after this tragedy, Federal law protects the victims and their families from unsolicited contact and harassment by lawyers or their agents. And this protection applies to all victims, whether they are from New York, New Jersey, Virginia, or any other State.

I am glad we acted in 1996 to protect the emotionally vulnerable from those in the legal community who do not have their best interests at heart. I am glad we acted again in 2000 to extend the bereavement time from 30 to 45 days. This gives the relatives of victims time to find their loved ones, arrange for burial, and come to grips with their loss. And I want to make sure that the victims and their families know that, as we speak, Federal law protects them in this fashion. This is a Federal Government guarantee to innocent victims that all aggrieved families will be protected until Friday, October 26, from any contact whatsoever on the part of lawyers seeking to represent those who have been victims of this disaster.

I wish the legislation had included at least a 25-percent cap on fees, such as is already the case in the Federal Tort Claims Act today. Already today, in the Federal Tort Claims Act, there is a 25-percent cap on legal fees. I wish that had been applied to this bill. At least we do have the bereavement rule in existing law to protect the victims of this disaster from being contacted by lawyers for 45 days, and that will go up until October 26.

I commend the Senator from South Carolina for his legislation regarding airport safety. There is no question that we need to make thoughtful and sweeping changes to help ensure that the tragedy of September 11 never occurs again.

I would also like to commend the Senator from Arizona and the Senator from Texas for their leadership on this issue. Yesterday, I introduced legislation that had a similar purpose to expand airport and airplane security.

The legislation I introduced yesterday, however, took a different approach by placing the primary responsibility for an expanded Federal Air Marshal program with the Attorney General, as our nation's top law enforcement official. I firmly believe that we need a comprehensive Federal Air Marshal program to secure airports from curbside to cockpit.

So, the fundamental difference between my approach and the Committee approach is that my legislation would relieve the obligations of airport security from the FAA and the airlines, whose primary purpose is to facilitate and manage air travel, and entrust that obligation to the Department of Justice, whose primary mission is to enforce federal law, and most importantly, to safeguard and protect us from terrorism.

Obviously this new Federal Air Marshals program will require additional manpower and financial resources. And that is where we intend to harness the volunteer spirit espoused by so many of our law enforcement personnel throughout the country. The new Federal Air Marshals program not only will recruit new full-time active professional marshals but will augment that program with Deputy Federal Air Marshals drawn from retired military personnel, as well as active or retired Federal, State, and local law enforcement officers—anyone from a DEA agent to a local law enforcement officer who wants to serve his country by securing our airports and aircraft. It is also crucial that we retain a sufficient measure of cost-sharing with private and state and local entities. Private airlines and airport authorities should share a responsibility, as they do now, to help fund a portion of airport security.

We actually already have models in place for the type of curbside to cockpit security envisioned in this bill. Our federal courthouses currently are secured by our United States Marshals, who also employ Court Security Officers (CSOs) to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These CSO are themselves retired Federal, State, and local law enforcement personnel. Part of the reason our courthouses are so secure today is that this unified system provides for layers of security far before one enters the actual courtroom. This is perhaps why Americans have so little to fear today when they walk inside a federal courtroom. What is good for our federal judges is good for all Americans. Our nation's Capitol also is secured by a uniform system of federal officers who patrol from the interior of this chamber to the surrounding neighborhood sidewalks. Our democracy now demands, in the interest of our national security, that we make sure our cockpits are every bit as secure as our courthouses and this chamber.

I believe we should entrust this national security item with the resources, expertise, and experience of our Nation's top law enforcement agency, and that we do so immediately.

I look forward to ongoing discussions with my colleagues who serve on the Commerce Committee and the Judiciary Committee. I think we can work together to produce a thoughtful and effective airline security law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wish to speak on this bill and to add my voice to those who have pointed out how critical it is that the U.S. Government support our airline industry.

I share some concerns, such as those expressed by the Senator from Kentucky. There are other concerns that others have expressed that also have merit. I will note in a moment why I am very concerned about a provision of the bill. I would not have written it the way it is written, but I think fundamentally the U.S. Government must support our airlines at this critical time.

Everyone knows what happened on September 11. Everybody knows that as a result the U.S. Government shut down the airlines—no more air travel until we deemed it was safe.

That shutdown resulted in huge losses to our airlines, not just for the days those airlines were down, but we have seen a continuation of a reluctance of people to fly, a diminution in the revenues of these airlines, fewer flights, people laid off and, frankly, the possibility of a spiraling down of this industry to the point that it could affect many other facets of our economy and drive our GNP down to an unacceptable level.

In my State, which depends a lot on tourism—either everyone has come to Arizona for a vacation or would like to, I suspect, just as they would for the State of the Presiding Officer, States such as Hawaii, Nevada, Arizona—we have had a tremendous loss in our tourism industry, everything from the hotels and the motels, the golf courses, the limousine and taxi services, and everything else connected with it. Those losses are going to be extraordinary and a huge drag on our economy if people do not begin to have confidence that they can fly in safety at reasonable fares.

That brings up the concern I have about the legislation. We need to support this industry. I think we are going to pass this legislation overwhelmingly. I hope so. I look forward to supporting it. I want to issue a warning about the way this will be implemented because the administration will have a fork in the road and they will have to choose which path to follow. I am going to argue strongly for the first path rather than the second, and I want to explain why.

This bill actually provides, among other things, some financial relief for the airlines of two different kinds. The first is $5 billion of grants. This is to make up for the immediate loss to the airlines when the Federal Government shut them down. That is fair. Everybody agrees with that. There is a formula for that based on passenger miles and some other factors that have been agreed to by the airline industry.

That same formula was supposed to apply to the subsequent loan guarantees. The bill has $10 billion of loan guarantees. The industry wanted more, but there is $10 billion of loan guarantees in the bill. That is also very important for the industry because besides getting over the immediate hump of those revenue losses, they need to make themselves whole again by going out to the financial market and financing their future needs until the fares begin to make up for that lost revenue. To do that, they need the backing of the U.S. Government because most of them cannot convince lenders at this point that they are a good credit risk, for all of the obvious reasons of which we are aware.

The administration did not want the formula to apply to the loan guarantees and has fought very hard to take that formula out. This is regrettable because it suggests the possibility that this administration will actually involve itself in picking winners and losers in a free market. That is not right. One can say it is not a free market if the Government guarantees loans, but the Government is supposed to be guaranteeing these loans on an equal basis to everybody. It should not be deciding which companies to favor and which ones not to favor.

That is my concern about the possibility that because there is no formula for the loan guarantees, some Federal official is going to literally be picking winners and losers. They certainly would not do that on the basis of some prejudice. I am not suggesting that. Instead, they would argue they need to protect the taxpayers' money. There is not anybody who has been stronger in this body on that than I have been. We all agree we need to protect the taxpayers and to grant these loans on the basis that they are going to be repaid, obviously so the taxpayers are not left holding the bag. Therein lies the rub because some airlines are different from other airlines in terms of what they can show the bank. Let me give an example.

The older, larger, well-established airlines have what is called collateral. They have assets they can pledge as collateral for the loans. They go to the bank and say: We need to borrow $200 million, and we promise, if we do not pay it back, you can have these three airplanes worth $200 million. That is probably way off, but you get my point.

The newer airlines have not established the collateral, the asset base which enables them to pledge to the bank that if their loan defaults, they have all these assets with which they can repay the loan. Instead, the newer airlines have financed themselves based upon the projection of future revenues, and future revenues have, obviously, panned out in most cases. So they have been able to obtain financing, too.

I will give an example. An airline headquartered in my State, America West Airlines, which is 9th or 10th in the country, but a relatively new airline, had just obtained a commitment for a $200 million line of credit based upon future expected revenues. That was set to go through on September 11, when the bottom fell out. Obviously, no lender under the current circumstances wants to lend to anybody. That is why we are talking about guaranteed loans.

There are those who say these loans should be based on some collateral, something very specific and definite, or else the Federal Government should not be in the business of guaranteeing the loan. That would cut out certain companies, the very companies that offer the primary competition to these older, larger airlines to keep the fares low.

The reason these newer airlines have succeeded is that they have been able to offer low-fare service, and the net result has been a lot of people have gone to these newer, smaller airlines. But it has also served to keep the older, larger airlines' fares within a reasonable level.

I happen to fly a couple of these older, larger airlines a lot, and I love them. They have provided very good service, and I want to help them, but I think they would agree that it would not be fair simply because of a difference in size or age, therefore representing different circumstances, that one airline should be preferred over another airline in terms of the ability to get these loans.

The legislation has embodied within it total discretion on the part of the President and his agents in any event because it says that the loans that are made under this guaranteed loan provision are only to be offered under rules and regulations the President deems necessary—no other further restrictions.

The reality is, if the President of the United States wants to say: I want to make sure the taxpayers get their money back, so I am going to require a condition of X, he can do that. The ability, however, to do that should not be confused with the ability of an airline to say: Even though the President has total discretion to grant terms and conditions that we may not be able to satisfy, if there is a formula involved, we at least have the right to go to the banks or other lenders and say: Under the legislation, we are, in effect, guaranteed the right to apply for 3 percent or 5 percent, or whatever that percentage is, of the available loans, and therefore would you, please, based upon that commitment of the Federal Government, lend us that money? There is at least a right to apply for a certain amount of money to borrow. There is no guarantee the Government is going to approve the terms of the loan, but there is at least the right to do that. That is what returning the formula to the legislation would do.

Senator MCCAIN and I have considered offering an amendment to that effect. We know the leadership would like to consider the bill without amendments, and we are willing to proceed on that basis if everyone else is as well.

What I am saying to our leadership, to you, Mr. President, and to anybody in the administration who will listen, is we are willing to cooperate on this, and, on behalf of the people we represent, we are willing to be cooperative, but we plead with them that for good public policy, they need to appreciate the differences among the airlines, the fact that some can do one thing, others can do another, and that this Government should not be in the business of literally picking winners and losers, the result of which could be to drive companies into bankruptcy. I do not think anybody wants that on their hands.

In the granting of these loans, I hope it will be done in such a way that they do not disadvantage certain companies with the result that they cannot stay

in business. All of the industry will suffer as a result, and the American travelers will suffer as a result.

Mr. ROCKEFELLER. Mr. President, I rise before you today to support the Aviation Security Bill introduced by Senator HOLLINGS and me. As the nation strives to recover from the tragic events of September 11, 2001, one of the vital steps we must take to protect our economy and regain our sense of national security is to restore full function and confidence to our nation's air transport system. We are on the verge of passing a large financial package to aid in relieving the financial pressures placed on our airlines as the result of these heinous attacks. This is a crucial first step in restoring consumer confidence in our airlines, both to the passengers who rely on their services and to the economy.

While the financial package is of critical importance, I believe the single most crucial element in the airlines' recovery is restoring confidence in air travel by making it as safe and secure as is practical. While the financial package will help the airlines recover from the short-term losses associated with the September 11th disasters and subsequent shutdown, only the public's return to air travel can guarantee their long-term success. Travelers must be confident that the United States has the most advanced, secure aviation system in the world. The Aviation Security Bill before us today is an important first step in restoring such confidence to those in the sky and those on the ground. I am proud to stand with Senator HOLLINGS to introduce this momentous legislation.

The Aviation Security Bill contains important security measures which will drastically reduce the potential for future disruptions in our nation's air traffic. The bill demands the strengthening of cockpit doors and limits access to the cockpit itself, thus assuring that a commercial plane can never again be used as a guided weapon of destruction. Only pilots will be able to allow others into the cockpit. Under the provisions of this bill, even flight attendants won't have keys. It federalizes airport security operations, improving the training and testing programs for screening personnel, giving these invaluable men and women the tools necessary to perform their jobs properly. It increases perimeter security at airports, in their parking lots, and in air traffic facilities so that we can be sure at all times that only authorized personnel and vehicles have immediate access to our airports and aircraft. Additionally, it increases the number of federal Air Marshals and provides hijack training for flight crews to make certain those in the skies are equipped to deal with any situation that may arise after takeoff. It establishes a Deputy Administrator at the Federal Aviation Administration for Aviation Security and establishes an interagency Aviation Security Council to make it easier for the government to assess and respond to the needs of the aviation community. It requires the performance of background checks on those seeking training in the operation of large planes. This will allow us to ensure that those who know how to fly our planes have the noble goals of service and self-betterment in mind. All of these steps guarantee that air transportation will be safer and more secure than it has ever been.

However, it is important to remember that this is only the first step. It is crucial that we take immediate, but not final action. In the eleven days since these tragic events, many common-sense security solutions have emerged all over the country and on Capitol Hill. These are the solutions included in this bill. Yet a longer look remains necessary. We must continue to examine aviation security, working in phases to implement newer and better security measures as we go. We cannot forget about smaller commercial airports and general aviation airports. My home state of West Virginia is full of these airports and we must ensure that they receive the same scrutiny and attention as larger airports. We must ensure that customers in smaller markets can also travel with confidence. Furthermore, additional security measures for our major airlines, such as limits on carry-on baggage, must also be considered. I am certain that as we continue to examine the safety issues before us, we cannot only restore confidence in our nation's air transport system but, in fact, instill in the flying public a level of confidence even greater than before. I ask you to join me in supporting The Aviation Security Bill and to join me in finding future solutions to improve our national aviation system.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 1450

Mr. DASCHLE. Mr. President, we are now at a point where I can propound this unanimous consent request.

Mr. President, I ask unanimous consent that the Senate now proceed to S. 1450, the aviation assistance and security bill; that no amendments or motions be in order to the bill; that there be 1 hour for debate equally divided between the two leaders, or their designees, with an additional 15 minutes under the control of Senator BYRD and 10 minutes for Senator KENNEDY and 5 minutes for Senator SPECTER; that at the conclusion or yielding back of the time, the bill be read a third time, and the Senate vote, without intervening action or debate, on final passage of the bill.

I further ask unanimous consent that when the Senate receives from the House its companion bill, it be immediately considered, read a third time, and passed, provided it is identical to the Senate-passed bill.

I further ask unanimous consent that once the bill has been enacted into law, provided it is identical to the Senate measure, then action on the Senate bill be vitiated and the measure then be indefinitely postponed.

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to object, for clarification, is the specific time within the bill, within the 1-hour total?

Mr. DASCHLE. Mr. President, those would be in addition to the 1-hour total as is propounded.

Mr. BOND. Mr. President, reserving the right to object, and I will not object, I ask I be given 5 minutes out of the minority leader's time.

Mr. DASCHLE. I so amend the request, Mr. President.

The PRESIDING OFFICER. It will be included in the request.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, I ask for 2 minutes.

Mr. DASCHLE. Mr. President, I so amend the request.

The PRESIDING OFFICER. Is there any objection?

Mr. NICKLES. Reserving the right to object, parliamentary inquiry: Are the times that were mentioned outside of the 1 hour?

Mr. DASCHLE. The Senator is correct.

Mr. NICKLES. I want to clarify that because I think we need to be at least on equal footing as far as additional time is concerned. I understand there is a time request by the Senator from Illinois and others on this side, so we ought to try to be equitable in the time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, if the Senator will yield, we have a commitment to Senators who wish to be heard, such as Senator KYL and Senator FITZGERALD, that they will be yielded time out of the one half hour on our side. Of course, Senator HUTCHISON will be my designee to handle the time on our side, and she will speak also, but I urge the Senators to speak within the allowed time and hopefully keep the total time under an hour.

Mr. SPECTER. That is agreeable to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, reserving the right to object, our Nation's airlines are clearly suffering as a result of last week's terrorist attacks, and I express my appreciation to the distinguished majority leader for his efforts to craft a comprehensive package of financial assistance for the airlines. I am confident the leader's efforts will ensure that the attackers who took down our buildings will not succeed in taking down the airline industry, too. I look forward to supporting this measure.

I also believe we must act to bolster the airline industry. We must demonstrate our commitment to supporting the men and women who represent the industry's heart and soul.

The tens of thousands of workers who before September 11 were flying our planes, building our planes, keeping our airports open, and serving the flying public are now facing unemployment. They will need financial assistance to be sure they can continue to pay their mortgages. They may need retraining so they can find jobs in a new industry. And we ought to be sure they and their families are not put in the scary position of being without health care coverage. As we have done for the airlines, the Federal Government must take the lead in supporting these workers.

I inquire of the leader as to his thoughts on the prospect for enacting a benefit package for displaced workers in the near future.

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Missouri for raising the issue and commend her for her active involvement on this matter now for some time. She spoke eloquently about it in the caucus, and she has addressed this issue on a number of occasions. I share her conviction and her strong belief that we must address the impact on employees as well.

Over 100,000 employees are now out of work as a result of this extraordinary economic problem we are facing, and we have to address it. I indicated my caucus this morning that it is my strong view that this is the first installment of a series of efforts that must be made to put our economy back on track and to address the myriad other economic challenges we face, especially those involving workers and their families. So we are going to continue to work and find ways in which to do that.

I emphasize I see this only as the first installment. We will have to go back and address other issues, especially those involving families. I thank the Senator for raising the issue.

Mrs. CARNAHAN. As always, I thank the leader for his guidance. I look forward to working with him next week, and I do not object.

Mr. LOTT. Reserving the right to object, and I will not object, but I ask that Senator NICKLES get 20 minutes so we will have a balance of the time. I urge all Senators to not feel they must use all of the time.

I inquire of the Chair, with that change, has the question been put?

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

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1450) to preserve the continued viability of the United States air transportation system.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri, Mr. BOND.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry.

Mr. BOND. Mr. President, I yield to the manager of the bill, the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, are we now on the bill and into my 30 minutes of time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Mr. President. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Texas for yielding me time. Let me try to be quicker than 5 minutes.

No. 1, while this package may not be what anyone likes, I am sure in this body and the other body there are probably 535 different ideas as to what we need to do. I hope we can come together, the House and Senate, and decide that we must move. I am more than willing to take what has been put together as an emergency measure and urge my colleagues to support it, and to support it without amendment.

We are looking at a situation where the airline industry, which is a critical element in our economy, is right on the verge—from the smallest airlines that need an immediate infusion of cash to make up for the losses that were sustained when the Federal Government rightfully shut down air transportation this past week, to the current time where consumer concerns over safety have limited the flying public. We have put our entire airline industry at great risk. This bill is necessary if we are to solve those problems and if we are to get the planes back in the air.

I can understand what my colleagues in this body and the other body have raised as concerns about insurance and compensation for those who are out of work. Let me be clear; it is not just the airline industry which has suffered losses. Boeing laid off 30,000 workers. I have just talked to people in the travel and tourism industry and consumer products industries. They have suffered a great downturn, and there may be people out of work. The good news is we have in place statutes and programs designed to assist those people.

Let me be clear; if we delay passing this bill, as we attempt to craft a change or adjustment on assistance for laid-off employees, we risk causing a tremendous economic calamity.

I understand that in the House objections over the failure to include relief for unemployment led to objections that put the passage of this package in doubt.

Right now, we are looking at layoffs in the airline industry in the neighborhood of 20 to 25 percent. If we do not pass this bill, we are looking at 100-percent layoffs. We are looking not only at disaster for those people who work in the airline industry, those of us who depend upon airline traffic to get back to our constituents, those who depend upon airline travel for business, for recreation, and for tourism, but a risk to the entire economy. So this bill needs to be passed.

Let me also point out that last week I was in this Chamber and I said that one of the key things we must include in the airline rescue package is a carefully crafted, structured means of providing compensation to the victims. There is a two-part means of providing compensation for the families of those who are deceased as a result of the accident and those who are injured. There are various provisions built in which would seem to make an option of two structures available, and there is a clear-cut indication that airlines will be liable only up to the limits of their existing insurance coverage.

I thank the White House and the leadership for including those protections. Without them, at least two of our major airlines would not be able to continue in business next week. This is critically important, as is the provision in the measure for direct loans to those who can demonstrate their need to the Secretary of Transportation as well as loans which are to be structured by a board composed of the Secretary of Transportation, the Chairman of the Federal Reserve, the Secretary of the Treasury, and the Comptroller General. We put a great deal of discretion and responsibility in the hands of those very able officials. While none of us may have crafted the bill exactly as it was crafted, this is our only hope to ensure we do not have a disaster resulting from the total shutdown of the airline industry.

I urge my colleagues, I beg my colleagues, to pass it.

I return to the manager on this side any time remaining on my time. I thank the Chair and the Senator from Texas for their accommodation.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Texas.

Mrs. HUTCHISON. I will take up to 3 minutes of time now to explain what is in the bill, but I want to be told when 3 minutes is up because I will lose the remaining 30 minutes to other people.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mrs. HUTCHISON. Madam President, the Air Transportation System Stabilization Act is the effort of the U.S. Congress, working with the President, to shore up the aviation industry in our country. Already we have seen announced almost 100,000 layoffs in the aviation industry in our country. That will have a rippling effect throughout the economy. What we are doing today is trying to stabilize this industry to keep it on its feet in very tough times so we can minimize the layoffs. Hopefully, they will not be as bad as the airlines announced they will be and we

can get this country back on track so our economy will stay strong.

What this bill does is have $5 billion in immediate assistance to the carriers based on their actual losses for the grounded airplane time they have had. As we know, there is still one airport that does not have service. We still have airlines losing business because of the September 11 tragedy that was not any fault of theirs.

We have in addition $10 billion of loan guarantees subject to terms and conditions set by the President. There will be a board created to review and decide on the applications for these Federal credit instruments. The board will be the Secretary of the Treasury, the Federal Reserve Chairman, the Secretary of Transportation, and the Comptroller General. These loans will be based on sound, solid, hopefully, financial integrity. We are also going to put limits on executive compensation of any carrier that gets a part of this airline cash assistance package.

We also have provisions for the Secretary of Transportation to provide help for airlines that are the only airline serving a community, and if the airline wants to pull out, we are going to try to encourage that airline to stay in the community. We are dealing with the liability issues, trying to take from the airlines any liability beyond what their insurers will carry.

We also have liability provisions for the war risk insurance for all other industries that might be affected in the future with an act of terrorism that is beyond their control so that they will not be liable beyond their means and be put out of business.

These are the basic parts of this legislation that we are hoping to pass tonight and send to the President.

I yield up to 10 minutes to the Senator from Illinois.

Mr. FITZGERALD. Madam President, I rise to say what I think are some improvements that have been made to the bill as it has been negotiated by various parties in the House and the Senate, and I guess with involvement from the White House and the Office of Management and Budget.

I am very concerned about the airline industry and especially the many employees of the industry. Tens of thousands of airline employees have already been laid off. My home State of Illinois is home to O'Hare International Airport which is a hub for United and American Airlines, the Nation's two largest carriers. Perhaps no State in the country is as immediately affected by the problems affecting the aviation industry as is Illinois. I am very concerned about the employees. I met with several skycaps the other day who told me it was their last day on the job, and to see the forlorn look in their eyes was heart wrenching.

However, I alert my colleagues, the way this bill is designed, there is no protection for the employees of these airlines. There are no strings, really, attached to the airline access of up to $15 billion in taxpayer money. It is money that some airlines will take, and still we will see lots of layoffs and poor treatment of some of the airline employees.

I think Congress is remiss; we are moving too fast. We should have some strings attached if they are getting all this government money. We should have some protections for the airline employees. That is an omission in this bill.

I am also concerned that anytime you have a Federal bailout of an industry, you have to ask, by what principle or what reasoning are you bailing out this industry? In this case, we have chosen to bail out the airline industry. The airline industry has said they are entitled to Federal money because the Federal Government issued a ground stop order on September 11 that kept their planes out of the air for at least 2½ days, and but for that ground stop order, that edict of the Government, they would not have incurred the losses they did during those days.

This bill might make sense if we were only compensating them for the losses incurred by virtue of that ground stop order. The fact is we are compensating them for many times the losses they suffered as a result of the ground stop order.

Analysts testified before the Senate Commerce Committee yesterday. I sat in the whole hearing for 4 hours. We heard from many people. It was testified that the direct loss to the aviation industry in America as a result of that ground stop order on September 11 was $2 to $3 billion. That comports with the estimates that have come out from research departments, investment banks around the country, and comports with everything I have seen. Yet this bill has $5 billion in direct cash assistance and another $10 billion in loan guarantees or $15 billion in Federal taxpayer bailouts.

Leo Mullin, the CEO of Delta Air Lines, testified that the direct loss of Delta Air Lines for each day they were shut down as a result of that ground stop order was $70 million. So over 3 days, Delta Air Lines incurred a loss as a result of the ground stop order of $210 million. How much in Federal assistance will Delta get as a result of this bill? At least four times the losses they sustained as a result of the ground stop order. Delta will get about 60 percent of the $5 billion in cash assistance. In other words, they will get a grant of about $800 million, four times their losses, plus they will be eligible for these new loan guarantees.

The bottom line is, I think this assistance is too generous. It gives too much money. It goes far beyond compensating the airlines for those 3 days that Government edict was in effect.

Clearly we are compensating them for far more. In fact, this bill suggests we are compensating them for all their losses through the end of the year. Then my question is, By what principle do we not agree to help other industries?

I had the general counsel of a major car rental company call me and say they needed the bailout. I had restaurants tell me they are shutting down. There are hotels shutting down. The fact is, those other industries did not quite have the effective lobbying team the airline industries had. They were very prompt in coming to Capitol Hill and requesting relief. And, moreover, they got this relief in a way that I think is virtually unprecedented.

When the Chrysler Corporation got its loans guaranteed back in the 1970s, in return for making those Government guarantees the Federal Government was paid in warrants of Chrysler Corporation stock. The Government took 14 million warrants of Chrysler Corporation. When those warrants rose in value as the company did better and got back on its feet, the Government sold those warrants at, I believe, a $300 million profit.

Fortunately, Senator CORZINE and I worked together. We did get put into this bill, at our request, language to allow the Treasury Department, in return for any of the loan guarantees that are given out under this bill—the Treasury will have the authority to negotiate appropriate warrants so the taxpayers can participate in the upside here.

I would prefer that the Treasury Department have clear authority to ask for warrants in return for the $5 billion in cash assistance. I think that would be the appropriate protection for the taxpayers. In fact, without that protection, then, what we are doing, by the way we are structuring this bailout—this is not a bailout of the industry so much as it is a transfer of the loss that industry has incurred from the airline industry shareholders to Joe Taxpayer.

It may be intuitive to some that the general decline of the industry, that loss, should be borne by the taxpayers. To this Senator it is not intuitive that the shareholders of airlines should be protected and indemnified from any loss here. I find it very troubling. I think there should be a price the shareholders have to pay.

I hope the Treasury Department and the Office of Management and Budget will try to find if they have any residual authority —they tell me they believe they do—to ask for warrants from each airline in return for the grants they are given.

In the Continental Bank bailout, which happened in Chicago, IL, many years ago, in the 1980s, the FDIC did not come in and make the shareholders of Continental Bank rich. In fact, they wiped out the shareholders of Continental Bank in return for the Government assistance, and FDIC ended up owning 80 percent of the bank. Then, when the bank got back on its feet, the Government did an initial public offering of its shares and sold them back to the public and recouped for the taxpayers what they had given.

I think we could have done better. It is an improvement from where it was

earlier in the process. I certainly hope the issuance of warrants—and the Treasury has the authority now to accept warrants in return for the issuance of the loan guarantees—I hope that authority on the part of the Treasury will deter companies, airlines that do not need a Federal guarantee, from coming to the taxpayers and asking them for that guarantee. So I am hopeful the Treasury will use that authority to the fullest extent, and I am hopeful, furthermore, that in return for the cash grants available under this bill, the Treasury will insist upon getting some equity instruments in the corporation or some payment for the taxpayers, lest this just be a complete and total indemnification of the sophisticated shareholders of the airline industry.

Madam President, I yield the floor.

Mr. CORZINE. Will the Senator yield for a question before he yields the floor?

The PRESIDING OFFICER. The Senator has no time at this time. His time has expired.

Who yields time?

Mr. ROCKEFELLER. The Senator from West Virginia is happy to yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I wonder if I might ask a question of the Senator from Illinois with regard to his premise that would not be subtracted from my time?

Mr. ROCKEFELLER. If the Senator wishes to do it, it is on his time.

Mr. CORZINE. The Senator from Illinois spoke about the need to ensure some accountability by giving the Government a stake in airlines that are provided grants beyond the funding necessary to compensate them for the shutdown period. I agree with him on that.

Has the Senator had conversations with anyone on this question? Has he been led to believe that equity participation—warrants, options, calls—also will be extended to grants that go beyond compensation for losses associated with the shutdown?

Mr. FITZGERALD. Yes, I have, in a conversation, I think, with Sean O'Keefe from the Office of Management and Budget. He works for Mitch Daniels. He was under the impression that the executive branch had the authority, in return for granting $5 billion worth of cash assistance, to demand warrants or other appropriate instruments from the airlines that were getting them, and that that would deter the airlines from asking for more than they should.

Mr. CORZINE. Is it the Senator's belief that the equity stake associated with those grants would operate in the same way that is explicitly outlined in the bill with respect to loan guarantees, with respect to which the Treasury clearly has the authority to access warrants, options, or calls?

Mr. FITZGERALD. Yes. Just as in return for the loan guarantees the Treasury could ask for warrants, I believe that in return for the cash grants, the Treasury can ask for warrants from the corporation.

Mr. CORZINE. I thank the Senator from Illinois for helping clarify this, and making clear what the administration has said about this aspect of the bill.

Having said that, Madam President, let me emphasize that I rise very much in support of the efforts to reinforce our aviation industry. This industry is in dire straits. And it is an industry that plays a critical role in our economy.

It also plays an important role for our military. Senator TORRICELLI and I visited McGuire Air Force Base with senior officers on Monday, and they told us that about 40 percent of the transportation that our military folks will need in a full war might be provided by our private aviation industry. The strength of that industry clearly is important for our national security.

Madam President, I live in a State where about 12,000 Continental employees work at Newark Airport. It is the largest employer in Newark. I very much understand the needs and desires of having a healthy and ongoing industry which is under stress. But, in my view, unless we have some discipline in this process—which very clearly has been outlined in the bill as it relates to loan guarantees—we would be writing a blank check for some companies that are very strong. This would be unnecessary and could dissipate resources that could be better spent on other important priorities, including workers who are losing their jobs and other struggling companies that are not in the airline industry.

In my view, it would be a mistake to provide direct support without discipline. So I hope the Administration will do what it said it will do, and ensure that, as with the loan guarantees, the grants that we are offering companies—beyond those needed to compensate them for losses directly associated with the stop order—are accompanied by warrants, or options held by the Federal government. This will help ensure discipline and accountability, just as would be required in the private sector.

Mr. ROCKEFELLER. Madam President, I would like to commend the Majority Leader for his hard work in putting together an airline stabilization bill that will save our nation's airlines and our air transport infrastructure. I will strongly support this bill without amendment.

The terrorists who launched those despicable attacks on September 11 took thousands of American lives, and did billions of dollars of damage. It has also become clear in the past 10 days that they dealt a body blow to the U.S. airline industry, on which virtually all of our citizens depend on to one degree or another.

Demand for air travel has virtually collapsed in the past week. Last weekend I flew back to West Virginia, and on the return flight Sunday night—usually a crowded flight from Charleston to Dulles—I was the only passenger on the plane. Many of my colleagues have mentioned that they've had similar experiences in the past ten days. Flights are departing West Virginia airports with a load factor of 25 per cent—only one in four seats filled. Unfortunately, this is not, like last week's closure of the New York Stock Exchange, a temporary phenomenon. Based on past air disasters or international conflicts—none of which was of the same massive scale as last Tuesday's attacks—airlines are predicting that passenger traffic will be down by almost half for the remainder of this year, and will take until next summer to return to normal levels. And those are optimistic estimates.

This kind of crisis could do irreparable harm to the ability of America's airlines to continue in business. Airlines lost $300 million each day that they were shut down last week. They are set to lose billions more in the coming months. Their insurance rates have shot up, with some airlines telling us of a 600 percent increase in their insurance rates. Coming on top of what was already a difficult outlook because of our slowing economy, the nation's airlines—main line carriers and regional carriers alike—could be in bankruptcy within a few weeks and possibly out of business within a few months. Already we are seeing the first signs: a round of massive, painful layoffs for nearly 100,000 of our nation's hard-working airline employees. And huge cutbacks of around 20 percent to most airlines' schedules.

Some people have said, well, this is the market, and it is not the American way to interfere with the market. But I have been pleased, as chairman of the Senate's aviation subcommittee, to see a broad consensus among my colleagues that the air transport industry is not just a huge business and employer, but it is also a critical element of our nation's infrastructure. Nowhere is that more the case than in the smaller states and communities like West Virginia. When people think of the airline industry, they usually think of big hub airports like Hartsfield and O'Hare. But airline traffic is just as important—maybe more important to smaller communities like Beckley and Bridgeport. Safe, convenient and affordable air service represents an important element of our efforts to attract development to our state. It's an important connection that allows our citizens and our businesses to overcome the historic isolation created by our state's mountainous terrain.

And when I see planes flying with one passenger, and learn that carriers are cutting back on their schedules, and hear that several carriers could be in bankruptcy within two weeks, I know that the first communities to be hit will be small communities like those in

West Virginia that are at the end of the food chain, so to speak. That would be tragic. It would reverse the efforts our communities have made to attract and retain air service, and turn their residents into aviation ''have nots.'' It would also set in motion the slow implosion of the U.S. airline industry, which would spread to larger hubs and airports as well. And finally, it would give the terrorists who perpetrated last week's heinous attacks the ultimate victory, as their actions would lead to a severe curtailment of America's freedom of movement and mobility.

It is the shared consensus of this body that cannot be permitted to happen, and that has driven our remarkable efforts this past week to put together a stabilization package for our nation's airlines.

It will contain up to $5 billion in immediate credits to reimburse airlines for the revenues they lost when the government shut down U.S. air space last week. It will also contain $10 billion in loan guarantees so that our airlines can continue to obtain financing in the coming months.

It will limit airlines' liability for collateral damage incurred up to the amount of their existing insurance coverage as a result of last week's terrorist attacks—a key provision because our airlines might otherwise not be able to obtain or afford insurance.

It will set up a victim's compensation fund for the families of the innocent victims of last week's despicable attacks

It will provide $120 million in additional authority to fund to the Essential Air Service program, a key element in preserving air service to smaller communities.

This package is an important first step in stabilizing the U.S. airline industry and ensuring that air service to communities across the nation survives this crisis. But it does not address all the needs that this crisis has created.

One important issue we will need to take up in short order is the plight of the nearly 100,000 airline workers who will lose their jobs as a result of this week's cutbacks. We have already begun to see airline layoffs in West Virginia. Excellent workers who expected a promising career in a growing industry, until terrorists hijacked four planes and frightened Americans out of the skies. We must take measures to address their needs. We provide special assistance to American workers who have been displaced by foreign trade; we must provide the same level of assistance to American workers who have been displaced by foreign terrorism.

We must also be prepared to look at the needs of related industries, as well as the future needs of the airline industry. Many related industries—aircraft manufacturers, travel agents, and various travel-related businesses—have already begun to feel the effects of this attack. We will have to look carefully at the real needs of those industries, and be prepared to take bold measures where they are needed and appropriate.

One thing is certain: the survival of America's airlines is a key element of any solution. Their needs are real and urgent, and I congratulate the Majority Leader on his success in putting together a stabilization package that will address them.

Madam President, Senator SCHUMER and I believe Senator CLINTON wants to speak, along with the Senator from Texas and a few others. But I note that the Senator from Texas has an obligation, as well as all of us, and we would like to see this drawn to a close and have our vote. Those who want to speak on other subjects could perhaps do that after the vote. It would be just as relevant.

From my point of view, we are at a very clear and obvious, arithmetically, inevitable point in time where we have to say to the aviation industry of the United States and, even more importantly, to the American people that there are going to be planes flying on Monday. We have to have a safety bill. That is an enormous subject, and safety has to come. Safety will come. Safety is going to be addressed immediately. There are planes to make safe. People need to feel confident about safety and then get aboard the plane. None of it makes any difference if their insurance expires. When insurance expires—airplane companies have all received their notices—then of course there can be no flights. That will happen very early next week. The Nation will shut down with respect to that.

The whole question of providing support on a temporary basis and based only on what happened as a result of the tragedy on September 11 is important. Nothing that the Senate will be voting on will be based upon anything that had to do with the airlines' financial condition prior to September 11—only as a result of the tragedy on September 11 and the Government-mandated shutdown.

There are a lot of considerations about the broad economy of America as well as the ability of the American people to gain some level of confidence in getting back to travel. In fact, there are airplanes at the airport they can board. I remind all Americans as well as my colleagues that airlines remain far and away the safest form of travel, and they have been that way for a long time in comparison with any other form.

Safety will happen. Safety is somewhat more complex, and it will happen. It will be done by legislation. It will be done by the administration. There will be a lot of money for it. But the ability of the aviation industry to put planes in the sky next week is where we have to start. If we do not pass this legislation, and do not do so promptly, it will not happen.

I urge my colleagues—who understandably are saying: Wait a second, what about my rental car company or what about my steel industry—there are all kinds of things that can come into an emergency designation. But here, we are focused on aviation. That is the order of this day within our national security situation. If the planes don't fly, much of the economy shuts down. I think this is arithmetically uncontestable. I think it is an absolute priority of this Senate to pass it and hopefully do so in a very short amount of time.

I call upon my colleagues to at the proper time support this aviation legislation—not to say that it is perfect, not to say that some of the legislation which has arisen out of this crisis is perfect. We will have a chance to revisit it. This is only the first of a wave of accountability and dealings with the airline industry, its financial health, safety, and all other manner of conditions that are coming before us. Without this, nothing else follows.

I plead with my colleagues to support this legislation in spite of worker protection and other things which will be absolutely a part of what follows this vote and this legislation.

I reserve the remainder of my time and yield 5 minutes to the senior Senator from the State of New York.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I ask unanimous consent, following the Senator from New York, to yield time to the Senator from Alabama, who has been waiting for 5 hours.

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

The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

First, I thank the chairman of our Aviation Subcommittee, the Senator from West Virginia, and the Senator from Texas, the ranking member, and everybody who worked so hard on this issue.

I particularly thank our leader, TOM DASCHLE, for his outstanding efforts on this bill and for all the help he provided to New York and the Nation in this recovery from the crash and tragic events of September 11. I also want to thank his talented staff who worked long and hard on into the night in working out provisions that were vexing to me—they are: Andrea LaRue, Laura Petrou, Randy DeValk, Mark Childress, and Mark Patterson—for all of their help during the past 2 weeks.

In addition, there are two technical points I want to clarify. It may be a little unclear to some whether all lawsuits or just lawsuits against the airlines will be situated in the Southern District of New York. The intent here is to put all civil suits arising from the tragic events of September 11 in the Southern District.

Second, the prospective liability package covers the airlines, their agents, and other relevant parties. Agents includes, as I understand it, airplane lessors and financiers.

This bill is a mixed bag. It has some things that I am grateful for and support. It does not take any of this

money from the $20 billion we were able to vote for for New York. There was a real attempt to do that. It does not. I appreciate that.

There was a huge fight on the liability issue. I understand the need for prospective liability exemption. But at some point the families of those who died in the World Trade Center and not on the airplanes are going to be treated differently than victims had been and those who died who were on the ground or in buildings in the past. That has been rectified. There is a very generous package for those families who lost members in the World Trade Center bombing—who were in the World Trade Center, not just on the airplanes.

Finally, my crusade has been to bring good service to the middle-sized cities of upstate New York. While I am not fully satisfied with the provisions, there are provisions in the bill, and let us hope that is the beginning of a new chapter. The airlines are no longer totally independent. Therefore, I am relying on them in my meetings with them. What the majority leader and others have told us is that as we come back in future bills, we will strengthen those provisions further so that these airlines cannot abandon middle-sized cities such as Rochester, Syracuse, Albany, and Buffalo—rather large cities that depend on airline service. But there is a provision in the bill that recognizes some of that. It is better than the present law, and I appreciate it.

For all those reasons, this bill is a bill I will vote for. I have some misgivings. Amtrak should have been included in this bill. To have a comprehensive transportation system, we need a good rail system. The congestion that so many of us see in New York airports and other airports around the country could well be relieved by a functioning Amtrak. Again, I am relying on the understanding of our leadership on both sides of the aisle that when we come back and do other airline bills, we will include Amtrak.

It also does nothing for the workers. I am very worried, and I urge the airlines not to invoke a war clause when they deal with their union workers. Yes, indeed, when business contracts, we don't expect airlines not to accept those economic consequences, but I would regard invoking that clause as a breach of faith. I hope they will not do it. I hope they know they will have to come back to us and deal with it. We have to include employees and what they need in this package as well.

It is a mixed bag: good on liability, good on where the money comes from, and OK making progress on taking account for middle size cities; not enough, nothing for Amtrak, nothing for labor, but we will come back and deal with those issues.

If it is a mixed bag, why am I supporting this bill? Because we are in a new era where every one of us has to give a little bit. We heard the President speak. We were unified yesterday. We must keep that unity. It is important that each one of us no longer say: It is my way or no way.

I didn't get everything I wanted in this bill. I did get some things. I am a little worried about the numbers as well.

If we don't vote for this bill and we bicker, airlines will not fly on Monday. It will set a tone in this body that we don't need right now.

Relying on the good work of our majority leader and our minority leader and knowing we will get back to the other issues we care about, I will vote for the bill, and I urge my colleagues to do the same.

Mrs. BOXER. Madam President, I am pleased that the Senate has been able to act so quickly on this issue.

As you know, all four planes hijacked last week were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks. My heart goes out not only to the Californians who fell victim to terrorism, but to all the victims of last week's attacks and their loved ones.

Our Nation's aviation system was transformed into a terrorist weapon. As a result of the terrorist attack, the airlines are confronting an alarming financial situation. Last week's tragedy will be compounded if the aviation industry is destroyed as well.

As an industry, airlines are losing $300 million per day. Lines of credit may not be available. Insurance premiums for some airlines may rise $100 million per year or may be unavailable period. Without insurance, the airlines cannot fly.

Therefore, I support this bill to provide financial assistance to the airlines. I also support a victim's compensation fund to help ensure that victims' families receive compensation in a timely fashion.

I am particularly pleased with the language in this bill that commits $3 billion of the $40 billion in the emergency funding that we passed last week for airline security. I hope this funding is used to improve screening in our airports. It is extremely important that security be the responsibility of the Federal Government, including creation of a professional security force for passenger screening. I also believe the funding should be used to increase the number of air marshals by placing an air marshal on every commercial domestic flight.

This is only the first step in aviation security. In the next week or two, I will be working to see that Congress passes comprehensive security legislation, including federalizing screening and guaranteeing that air marshals are on every flight.

Finally, I am disappointed that this bill, while bailing out the airlines, does not provide assistance to laid-off workers. This week almost 100,000 jobs were lost industry-wide. That is 100,000 families who are losing their incomes.

These numbers do not even include the manufacturing sector of the airline industry. Boeing also announced that it could lay off as many as 30,000 employees in the next few months.

We must not forget the workers who are affected. They may need help with job training and acquiring new skills. They may need help with keeping their health insurance. Again, I will be working to see that help comes to these families soon.

This bill is important, but it is only the beginning of what we need to do after last week's tragic events.

Mr. NELSON of Nebraska. Madam President, as we discuss this much needed legislation to provide financial assistance to our airline industry, I would like to voice my concern that air service to our small communities not be lost in this effort. I have consistently supported adequate funding for the Essential Air Service Program, and ensuring the viability of our small airports is a priority for me. Because I realize the economic impact a loss of air service would have on our small, rural communities, I applaud the efforts made in this legislation to include the needs of carriers who serve these markets.

It is important that in considering financial assistance for the airline industry, that thought is given to the impact this tragedy has had on the regional airlines, which service our small communities. Essential air funding is critical to providing air service to most of the communities in Nebraska, as I know is the case in many States. As we continually focus on how to regain confidence in our economy, I believe this is one area where Government assistance can truly be beneficial. Because it is imperative to the economic wellbeing of these small communities that air service be continued, increasing the level of essential air service funding is critical to ensuring the air carriers serving small communities can continue to do so.

I understand that the bill contains language authorizing the Secretary of Transportation to require air carriers currently receiving direct financial assistance to maintain scheduled air service to any point served by that carrier prior to September 11. In addition, the Secretary may require these carriers to enter into agreements, which will, to the maximum extent practicable, ensure that all communities that had scheduled air service before September 11 continue to receive adequate air service.

I do have concern that in light of recent events some of these carriers will cut service to communities that rely on Government-subsidized air service. Therefore, I urge the Secretary of Transportation, in carrying out his authority under this bill with respect to these carriers, to consider the devastating impact cutting air service to small communities, especially rural communities, will have. It is my hope that the provisions of this bill provide sufficient protection of air service to small communities.

Mr. MCCAIN. Madam President, the bill that we are voting on today not only provides financial assistance to airlines, it addresses the issue of legal liability for the tragic events of last week by creating a federally-funded victims' compensation fund and by limiting airlines' potential legal liability to ensure their continued operation.

The effect on the airlines of the September 11 terrorist attack put Congress in the unenviable position of having to take immediate action to prevent the collapse of the aviation industry as a result of the federally ordered grounding of all aircraft and the anticipated reduction of air travel.

One of the most difficult issues we had to grapple with was the enormous potential liability that airlines faced if courts determine that they were negligent and in some way responsible for the damage wrought by the terrorist attacks last week.

Aviation financiers informed Congress that this potential liability was a barrier to the airlines' obtaining credit in the private market, which we anticipate they will soon have to seek despite the direct financial assistance we are providing to them today.

The vast uncertainty of our litigation system posed significant challenges to crafting reasonable limitations on airline liability while providing compensation for the victims of the terrorist attacks and their families.

Disturbingly, while courts could order the liquidation of our biggest airlines if they are deemed liable for the catastrophic damage of September 11, victims could also receive no compensation from the courts if they determine that corporate entities, including airlines, were not responsible for the devastating damage arising from the terrorist attacks.

We faced two unsatisfactory outcomes: 1. that the airlines, whose liability insurance coverage is insufficient to cover all damage, would be dissolved as their assets were sold to pay off their liability and/or; 2. some or all of the victims who were injured or killed in this tragedy would receive no compensation.

The liability provisions in this bill are by no means perfect, but they are intended to prevent these two unacceptable results.

To ensure that the victims and families of victims who were physically injured or killed on September 11th are compensated even if courts determine that the airlines and any other potential corporate defendants are not liable for the harm; if insurance monies are exhausted; or are consumed by massive punitive damage awards or attorneys' fees, the bill also creates a victims' compensation fund. These victims and their families may, but are not required to, seek compensation from the Federal fund instead of through the litigation system.

At the same time, to provide for the continued operation of our airlines, the bill limits airlines' civil liability to the amount for which they were insured at the time of these unforeseen events.

No amount of money can begin to compensate the victims for their suffering. Nothing will make them and their families ''whole.'' It is not the intent of the federal fund to do this. Nor is it the intent of the fund to duplicate the arbitrary, wildly divergent awards that sometimes come from our deeply flawed tort system—awards from which up to one third or more of the victims' award is often taken by attorneys.

The intent of the fund is to ensure that the victims of this unprecedented, unforeseeable, and horrific event, and their families do not suffer financial hardship in addition to the terrible hardships they already have been forced to endure.

In addition to removing the specter of devastating potential liability from the airlines, and guaranteeing that victims and their families will receive compensation regardless of the outcomes of the tangle of lawsuits that will ensue, the bill attempts to provide some sense to the litigation by consolidating all civil litigation arising from the terrorist attacks of September 11 in one court.

It is regrettable, but perhaps inevitable, that the unity that this terrorist attack has wrought will devolve in the courts to massive legal wrangling and assignment of blame among our corporate citizens. It is my hope that the liability provisions we are adopting today will serve, to some extent, to reduce this, and produce as fair a result as possible in light of the gross injustice of these events.

Mr. GRASSLEY. Madam President, I am pleased that the Senate is moving with great speed to insure the short-term stability of our nation's airlines. The tragic events of September 11 have unfortunately made this legislation an absolute and immediate necessity. This Senate us wisely moving with great dispatch.

This act is difficult for all of us. It has not been easy to negotiate by any means. But the Senate has come together for the good of this great nation to do the right thing. That is, to keep the airlines in the air.

The airline industry is a marginal industry, just like farming. And just like farming, it depends upon a constant and consistent flow of cash. That critical cash flow dried up on September 11. This legislation provides needed cash assistance and loan guarantees to make up for the current terrorist induced shortfall.

The bill also addresses critical liability issues. As a member of the Judiciary Committee, I will monitor these provisions continually and closely as to their propriety and proper functioning. I will not hesitate to step in as I see necessary should the situation call for further action.

I welcome the language concerning Essential Air Service, EAS. This is a proven program with an administrative bureaucracy already in place. State and communities understand the EAS program and its important role in maintaining air service to small, underserved communities. This program has the potential to help several communities in Iowa which now face the loss of air service. It will help to prevent these small communities from bearing the brunt of air service reductions. I strongly urge appropriations to provide the funding necessary to insure the success of the program.

I wish this measure was not necessary. But it is. The cowardly acts committed by terrorists on September 11 have made it so.

The terrorists will not win. The American airlines will continue to fly, and Americans will continue to fly on them. Our economy and culture will grow and thrive. Of this, I am confident.

Mr. HATCH. Madam President, I rise to speak about S. 1450, the Air Transportation Safety and System Stabilization Act.

Let me first say that I support the intention of this bill. I want to ensure that the victims of this heinous crime receive just compensation while at the same time we provide much needed stabilization to the airline industry. That balance is a very difficult thing to achieve. I have very strong reservations about whether we accomplished that task in a fair or feasible manner here today. It is with mixed emotions that I support this bill. I hope that there is an opportunity to address these concerns down the road and to improve on what we have done here.

This bill does do some good. We provide a generous administrative remedy for all victims who were physically injured or killed as a result of this attack. This will help ensure that injured people receive money and receive it faster than they otherwise would if left to pursue claims through litigation. It also provides that the Federal Government can recoup, to the extent possible, any money from the responsible parties, including the terrorists whose assets we may be able to recover in the future.

We also provide the airlines with some much needed cash to cover the losses they incurred as a result of the Federal Aviation Administration's ordered shutdown of air traffic for nearly a week. However, we have not included a provision that I wanted to guarantee that once the airlines receive this cash infusion and government loan guarantees, they would not discharge their federally guaranteed debt in bankruptcy.

The limitation on liability included in this bill has some productive aspects. We limit the liability of the airlines to the extent of their insurance coverage in order to allow them to keep operating. In my home state of Utah, Delta Airlines employs over 4,700 people. I don't want to see a company that employs so many people in my State go out of business. Air service is

essential. However, we also must protect the liability of other defendants in potential litigation. If we do not, then we very likely will place other defendants in a worse position than if we do nothing at all. For instance, under the legal principle of joint and several liability, even if a nonairline defendant is only 10 percent liable and the airline is determined to be 90 percent liable, the nonairline defendant may be required to pay more than its share of liability because the airline's policy limits have been exceeded in the judgment. This could be an unfair outcome and is a serious concern. Do we really accomplish our goal of keeping air transportation operating if we sacrifice the other entities that contribute to a well-functioning airline industry? I am talking about the airline contractors and subcontractors as well as the companies that built the planes, the port authorities, and even those that built the World Trade Center itself.

For those who seek to pursue the litigation route, I am pleased that we consolidated the causes of action in one Federal court so that there will be some consistency in the judgments awarded. However, because the pool of funds available to potential plaintiffs will be limited, we need to eliminate, or at least limit, the punitive damages that can be awarded. I do not want to deny any legitimate plaintiff just compensation. He or she should receive both economic and reasonable noneconomic damages which would include everything from lost earnings to emotional distress. However, If we do not limit outrageous jury awards of punitive damages, we run the risk of denying some plaintiffs their rightful share in an award. If one plaintiff's punitive damage award is excessive, it could very well deplete the amount of funds available to pay awards, leaving other plaintiffs out in the cold. Don't we want to ensure that all legitimate plaintiffs receive compensation?

This was indeed a horrible attack on our country and I have confidence that the President will make sure that the terrorists are brought to justice. With this bill the Government attempts to provide some relief to the victims of this attack. Unfortunately, the Government cannot do everything. What pleases me most in the aftermath of this tragedy is the extent to which the communities across the country have reached out to help their neighbors. We have all heard of those heroic firemen and police officers who gave their lives trying to save the lives of others. Also, those noble passengers who sacrificed themselves rather than let the terrorist inflict even greater damage on the ground. There are many wonderful charitable organizations such as the Red Cross and the Salvation Army who responded immediately to assist victims of the terrorist attack. Donations have been pouring in from across the country to assist the victims. It warms my heart and reminds me of the Thousand Points of Light that President Bush's father often referenced regarding the generous nature of our communities. Because of all of this, I am confident our country will come out of this tragedy stronger.

Mr. CLELAND. Madam President, I rise today to direct my colleagues' attention to the needs the workers who play a vital role in our nation's aviation system—tens of thousands of men and women who are often overlooked by those who travel by air. From the ticket agents to the sky caps to the mechanics, these workers support the American airline industry and promote its viability.

These same workers were uniquely impacted by the terrorist attack on September 11, 2001. Their place of work—a place that should be safe—was violated when terrorists turned the four commercial planes into missiles. On that fateful day, the air travel system in this country ground to a halt. The order to ground our aircraft was an unprecedented and correct action by the Department of Transportation. For the next four days there was virtually no air travel in this country, and the airlines suffered huge financial losses.

In the wake of this tragedy and as the airline industry is returning to the skies, the Administration and Congress are working to stabilize this industry. Unfortunately, the aid Congress is providing will not be enough to retain the entire current workforce of the major airlines. I have heard that lay-offs in the airline industry could top 100,000 by next week! That is one hundred thousand people who will be faced with losing their health insurance and their source of income. One hundred thousand people who will be faced with reviewing their retirement plans. One hundred thousand people who will be faced with making difficult decisions. These people cannot be forgotten.

While I will be supporting the economic aid package for the airlines without a provision for employee assistance, I will be redoubling my efforts to ensure these dedicated employees, who are casualties of the first war of the 21st century, will not be overlooked. I am cosponsoring a bill introduced by Senator CARNAHAN to provide benefits to the dislocated employees of our aviation industry. This package of relief would provide funding for unemployment insurance and health insurance, and it will contain provisions to aid in the retraining of these workers. These are basic measures we can and must take to help stabilize these employees.

No one expected September 11 to develop as it did, and we are reeling from this tragedy. Congress is appropriately acting today to support the airlines—an industry critical to our national security and economy. And I fully support and will work to enact a package of assistance to those workers who are suffering as a result of this attack.

Mr. FEINGOLD. Madam President, I will support this relief package, however, I have a number of concerns. There is certainly a legitimate need to assist our nation's airlines in this time of crisis. I am concerned, however, that we are forgetting about airline employees and their families, including many Wisconsinites. These massive layoffs are a double blow to an already shocked country. We should act quickly to ensure that those who work for our nation's airlines and their families receive adequate relief, including continued access to health care and unemployment and job training assistance. We must be careful that this airline relief package is targeted at those airlines that are facing economic losses due to the recent terrorist attacks and not instead used to prop up firms that were already in financial trouble before this tragedy.

Mr. LEVIN. Madam President, I am very disappointed language was not included in the Air Transportation Safety and System Stabilization Act addressing employee compensation for the thousands of airline employees who have lost their jobs in the past week. It is imperative that we address this in the immediate future. However, there is a crucial need to act swiftly to stabilize the airline industry. Therefore, I will support this legislation which includes a number of critical provisions to stabilize the airline industry and restore confidence in this industry. I hope that we will address employee compensation and additional airline security issues in the very near future.

The airline industry is losing about $300 million to $350 million a day. Losses incurred by the industry for the 2 days that the airlines were grounded total $1.25 billion. In the past week alone there have been 100,000 layoffs by the airlines including 10,000 at Northwest Airlines. Northwest Airlines has as a major hub in Detroit and serves as an economic engine for Michigan with over 18,000 employees in the State. Northwest Airlines now has a net negative booking rate which means that more people are calling to cancel their tickets than there are people calling to purchase tickets. The airlines are now only carrying about 30 to 40 percent of their normal capacity.

We cannot let this important industry go under. There is simply too much at stake. This legislation provides an immediate $5 billion cash infusion to stop the immediate hemorrhaging of the airline industry and to cover their losses for the month of September. It also provides $10 billion in Government-backed loan guarantees which will help the industry gain access to credit and maintain its long-term viability. The airline industry currently has no access to capital because its traditional collateral, airplanes, are now considered worthless by Wall Street. The $10 billion will be made in the form of loans, not grants, and that they will be paid back.

Under this bill, the Secretary of Transportation has discretion in making the loan guarantees. For instance, when an airline applies for a loan it

will have to provide access to its books to prove that the loan is not going to repair past management actions that might have occurred before September 11.

This bill also allows the Secretary of Transportation to use his authority to require airlines benefitting from Federal funding to continue to serve midsized and small airports and communities. This is important for all those people in Michigan and around the country living in rural communities who may depend on a single airline for service. If that airline were to pull out, they would be left stranded. In addition, the bill authorizes $120 million for the Essential Air Service, an important program which subsidizes airline service in those communities where it is not profitable to serve. This program allows the Government to share some of the costs of providing service and in exchange, the Government can require that a carrier continue to serve a community. This guarantees that these communities will have airline service. It is a program that is currently underfunded and in need of a higher authorization which this bill provides. A number of Michigan communities participate in this program and, unfortunately, others may soon need to gain access to the program in order to keep the air service they currently have.

Senate action today to provide the airlines with funding to keep them solvent is very important. It will help return confidence to the marketplace and keep some airlines from going under. But it is equally important that we turn immediately to the other critical issues such as providing assistance for displaced workers and airport security measures.

Mrs. FEINSTEIN. Madam President, I rise today in support of the financial package before the Senate to help protect a vital industry to our Nation's economy. I believe that this legislation is one essential component in a series of steps that Congress has taken, and will continue to take, to address the tragic and horrific attacks of September 11, 2001.

So far, Congress has taken considerable action in the wake of the unprecedented events last Tuesday. Congress condemned the violence in a joint resolution, Congress authorized the President to use ''all necessary and appropriate force'' to retaliate for the acts of war against our Nation, and Congress approved $40 billion to rebuild from the rubble and prevent further acts of terrorism during this time of great peril.

These are the steps Congress has taken so far, but they are not the last of what we will do, or what we need to do to mitigate the damage and destruction.

The next step we must take is to pass this financial relief package. Once this is passed, Congress will need to consider legislative solutions on other matters stemming from the September 11 attacks. For example: What long-term changes do we need to make to our aviation security system? How can we establish stricter guidelines on issuing visas? How do we build up our homeland defense against more deadly terrorist attacks in the future? What can we do to stimulate more consumer spending, more job creation, and more investment in this time of uncertainty?

The events of September 11 demand that Congress and the President work together to remedy the devastation the attacks have inflicted upon our safety, our economy, and our livelihood. The legislation before us today is part of the comprehensive action Congress must take to help our Nation reclaim unprecedented growth of which we know our economy is capable.

The terrorist attacks of September 11 have dealt a crippling blow to the airline industry. This package of assistance is essential to keep the airlines up and running because they are an important component to our Nation's economy. Airlines are the very backbone of our transportation infrastructure enabling people and goods to flow freely and quickly across our Nation.

Airline travel and air cargo shipments interconnect our global economy and contribute a significant amount of jobs to the U.S. Economy. Consider the following: Approximately 1.2 million people work for the airlines in this country. Last year about 670 million passengers traveled on commercial airlines and the industry provided over 25 billion ton miles of freight delivery. The U.S. commercial aviation industry contributes over 10 percent of the Nation's GDP.

Yesterday, David Walker, Comptroller General of the United States, testified before the Commerce Committee. According to Mr. Walker, ''The continuation of a strong, vibrant, and competitive commercial air transportation system is in the national interest. A financially strong air transportation system is critical not only for the basic movement of people and goods, but also because of the broader effects this sector exerts throughout the economy.''

The contributions airlines make to our economy are clear, yet the industry estimates that the overall impact of the terrorist attacks will cost $24 billion and companies may be forced to lay off over 140,000 employees. Airline stocks plummeted when the market reopened Monday and they have continued to fall this week.

Secretary Mineta has indicated that the industry has been losing $300 million a day in lost revenue since Tuesday, September 11. Some financial analysts predict the airline industry will lose $6.5 billion this year, triple the $2.2 billion loss that was expected.

The ripple effect of the terrorist attacks is clear. Once people stop flying, airlines cut back on flights. Lighter flight schedules mean airplanes lie idle and companies' employees lose their jobs. Fewer flights mean airlines do not need as many new planes or airplane parts. So it comes as no surprise that this week, Boeing announced 30,000 employees would lose their jobs.

I have received many letters asking me to support this plan before the Senate, and I believe it is important to point out that the vast majority of these letters are not from airline employees, but rather, from workers whose jobs are indirectly dependent on airlines.

One such letter is from G. Hardy Acree, the director of Sacramento County's airports. Mr. Acree wrote, ''Quality air service is critical to our community. Without it, Sacramento County's economic development and tourism industry will suffer, and the growth we've worked so hard to sustain will be lost. This is an issue whose impact goes well beyond the airline sector.''

The same could be said for all of California's 58 counties and, in fact, for every one of the 3,142 counties across the Nation.

The economic impact is spreading beyond U.S. borders. London-based Virgin Atlantic Airways said it must trim its operations by 20 percent and lay off 1,200 employees, the first ever layoffs for the company in its 18 years of existence.

Just as the problems are not confined to one region, they are not confined to one industry. The president of the American Society of Travel Agents, Richard Copland, wrote to tell me of the tremendous losses suffered by the travel agencies across the U.S. According to Mr. Copland, ''There are many other groups of firms that are normally thought of as separate 'industries' but that in fundamental reality are an integral part of what airlines do. Travel agencies are among those.''

Travel agencies, hotels, cruises, and many other industries directly depend on the airline industry. And there is almost no business that does not indirectly depend on the airlines. How else do employees meet with clients? How else do goods ship overnight?

As Jonathan Tisch, chairman of the Travel Business Roundtable, wrote, ''The link that airlines provide to the travel and tourism industry cannot be underscored enough. Airlines are the conduit for so many industry activities, bringing travelers to hotels, resorts, restaurants and shopping in cities and towns around the country.''

I want to acknowledge Mr. Tisch's point, the collective ripple effect airlines have on the entire economy is immense. I would like to ask my colleagues and constituents to think of this legislation, not as a bailout plan, but as a relief package. It is just compensation for the direct damage inflicted on the airline industry and the U.S. economy as a whole.

One more point I would like to make is that since my husband is on the board of an airline company, the easiest thing for me to do would be not to vote on this legislation. The Senate

Ethics Committee, however, has assured me that voting on this bill is not a conflict of interest for me because there will be a wide range of beneficiaries from this legislation.

Furthermore, at this time, the economic ramifications are as such that I am compelled to vote on this bill because I strongly believe it is in the national interest to do so.

We have allocated billions to rebuild in New York and Virginia. Let us also allocate billions to rebuild our Nation's economy.

Mr. DOMENICI. Madam President, this is an important piece of legislation. We need to enact it today. Without immediate financial assistance, many airlines face imminent bankruptcy as a direct result of the horrific terrorist attacks that took place on September 11.

This bill provides $5 billion in emergency direct assistance to reimburse the airlines for the direct costs of the terrorist attacks and preventing another attack. It also provides $10 billion in loans and loan guarantees to help the airlines while they recover from these attacks. These loans will also restore the confidence of the private capital markets, which are unwilling to lend the airlines.

Because of this legislation, the airlines are going to be around to pay back these loans. Therefore, from a budget point of view, the impact of the loans on the Federal budget will only be about $3 billion. But the airlines get the $10 billion essential to keep them in business.

Also, this afternoon President Bush made the first apportionment of monies we appropriated one week ago today for the Emergency Supplemental Appropriations Act for Recovery to the Terrorists Attacks.

Out of the $40 billion in that Emergency appropriation bill provided to the President, he has this afternoon transferred nearly $5.1 billion to Departments and Agencies to address funding needs related to the attacks of September 11.

This is just the first in what will be many more transfers out of the total funds provided. The Department of Defense will immediately receive $2.5 billion and the Federal Emergency Management Agency will receive $2.0 billion today.

But also within today's transfers is $141 million for the Department of Transportation, the bulk of which is to the FAA to support immediate increased airport security measures. I am sure, once again this is just the first of what will be much more funding coming out of the $40 billion to increase security measures at our airports and expand the Federal Sky Marshal program.

This expansion requires first-rate training for our new law enforcement officers. The Federal Law Enforcement Training Center, FLETC, in Artesia, NM, is uniquely positioned to serve as the primary training center for the new sky marshals and other aviation law enforcement officers. Moreover, it is located only 40 miles from the Roswell Industrial Air Center, which can handle planes as large as 747's. These facilities can play a vital role in enhancing our Nation's aviation security.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, the Senator from West Virginia recognizes the junior Senator from New York for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized.

Mrs. CLINTON. Madam President, I thank the Senator from West Virginia. I rise to join the comments of my colleague, Senator SCHUMER.

Many of us recognize the need for immediate action to aid our struggling airline industry and are prepared to do so. We also appreciate greatly the continuing bipartisan cooperation that is helping this body address the needs of our country in the wake of the terrible attacks of September 11.

I am very grateful that the long negotiations in the House and the Senate over the last several days, along with the White House, have resulted in a process to provide relief to families who have either lost a loved one or sustained significant personal injury.

We are also grateful that the legislation provides more support for essential air services, particularly in many of our more rural areas, such as Watertown, NY, that are totally reliant on air service which still comes in to serve those communities.

The passage of this legislation can only be a beginning. We also must make our airports as secure as possible. I am honored to join in legislation Senator HOLLINGS and Senator ROCKEFELLER and others are putting forward to address the security issues so that Americans have the confidence I know they should have in flying once again, resuming our normal life.

We also will have to work together to develop a process so the many businesses that have sustained losses will be able to seek relief in some expedited process and not get buried and even bankrupted by an extensive round of litigation. I just learned that the litigation that was filed following the 1993 bombing of the World Trade Center is still ongoing. Businesses have no certainty, no resolution of what their liability, if any, might be. We need to avoid that in the wake of this tragedy and do everything we can to come up with a process that deals with the needs of other businesses as well as the airline industry.

I also hope that the assurances we have received with respect to the airline workers who have been laid off or displaced will be addressed as soon as possible. I am well aware that a package being considered to help the workers was stripped out of this bill. We have to revisit it. It is something that is growing in importance day by day. There are now at least 74,000 people affected. We expect in the next few days that number to grow to 100,000. I suggest we look at some kind of an aid package modeled after trade adjustment assistance to extend unemployment insurance, job training, support services to airline workers and other workers who have been directly affected by the attacks on our country.

We also will have to look at the way our entire transportation system operates. I am very proud of the way Amtrak stepped in to fill the need for the movement of passengers and goods. Their ridership is up nationwide. They have honored airline tickets of stranded airline passengers and shipped relief and medical supplies. Amtrak has also made security upgrades on trains and in stations. But we need to do much more to address the critical needs in the Northeast corridor as well as the rest of the country.

I look forward to working with my colleagues. I see my good friend Senator HUTCHISON from Texas who led the fight on the high speed rail bonding act. That is just one of the many issues we need to consider as we look at transportation, again, as part of national defense.

I well recall how President Eisenhower obtained the funding for the Interstate Highway System because it was part of national defense. Our highways, our airways, and our railways are all part of our national defense infrastructure.

Finally, I say once again how grateful we in New York are for the tremendous and continuing outpouring of support from the American people. I particularly thank the President for his strong support. I was overcome by his absolute resolute commitment to rebuilding New York in his speech last night as well as the other very strong words of reassurance and resoluteness he delivered with respect to the challenges we face. I appreciate greatly his leadership and his support throughout this crisis.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield 5 minutes from my time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I thank Senator HUTCHISON, who has been an outstanding leader on the issue of aviation safety and better airline quality for many years.

This is not something that Senator HUTCHISON first started worrying about after this terrible disaster of September 11. She has been working on this issue way ahead of time. If more people had listened to Senator HUTCHISON years ago, some of the concerns we are now finally addressing would have been addressed.

I join with many of my colleagues in thanking Senator HUTCHISON and all

those who worked together on this package to provide some stabilization for air transportation.

Yesterday we had hours and hours of hearings with Secretary Mineta, who all of us recognize did a great job in coordination with the FAA, in grounding all flights. They saved lives. They saved lives here in America with that quick decision.

However, without that decision in response to the terrorist attack, our airlines would be in much better financial shape today. We are now in a different paradigm, a different world.

I have heard comments from my colleagues: Why is the Federal Government involved in this versus other businesses? The main reason is, the Federal Government controls the air, and the FAA grounded all the airplanes. It actually said: You must stop business. That decision has caused losses for the industry. Today we will vote to provide compensation for those lost revenues resulting from this necessary decision regarding the safety of our citizens.

We also recognize the absolute essential nature of air travel for our way of life, for our economy, for commerce, and for our national security. It has been stated by many others how important it is for our economy and how many jobs are affected.

In our Commonwealth of Virginia, Reagan National Airport is shut down today. It remains the only airport in the Nation that is prohibited from operating. There are 10,200 employees currently out of work, and then about five to seven times as many employees indirectly affected who are also out of work.

General aviation fortunately is back, at least at a greater level than it was previously. But we know that the layoffs are in the tens of thousands across this country. We recognize the need for safe planes. Next week we will address airline safety with efforts to make sure the cockpits are safer and the security is better. Today we will address the financial losses resulting from the events of September 11.

However, I had hoped that this bill would include assistance for workers who had lost their jobs as a result of the airlines being grounded.

Mrs. HUTCHISON. Madam President, my time is taken. I apologize, but my time is taken.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Senator ROCKEFELLER, may I have 1 minute of your time?

Mrs. HUTCHISON. Our time has been divided.

Mr. ROCKEFELLER. I yield 30 seconds.

Mr. ALLEN. I thank the Senator from West Virginia. I share the desire to make sure employees who are out of work are also taken care of with both health and unemployment benefits. I am working with Senator CARNAHAN of Missouri to make sure that this is made part of the overall package. I will cosponsor her bill to provide unemployment assistance, extend healthcare benefits and to provide for worker retraining. We need to act today on aid for the airlines so that future job losses are avoided, and in the future let's make sure we take care of those hardworking employees who are have already lost their jobs through no fault of their own. I thank my friend from West Virginia.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, the airline industry's damages from the September 11 terrorist attacks are immense and unprecedented. Clearly, we must provide relief for the airlines, but we must not forget the airline workers and other workers harmed by this tragedy.

Failing to include relief to workers in this bill is a serious omission. It is essential for Congress to act as soon as possible to provide support for airline workers.

The toll across the economy from this tragedy will be staggering, and the economic hardships to millions of American working families will be severe. Large numbers of workers have already been laid off, and the working poor will soon become the unemployed poor.

We have already seen tens of thousands of layoffs. Who are these workers? They are the flight attendants who are single parents raising their kids on their own; they are the reservation agents trying to make a living; they are the security clerks, cashiers, and baggage handlers.

I also understand that the airlines are trying to get out from under the contracts they have with employees. I think this is wrong.

We are assisting the airlines, and they should not leave their workers high and dry. We need to provide critical long-term unemployment insurance benefits, training assistance, and health care coverage for workers affected by these terrorist attacks. Layoffs in the airline industry alone are expected to total more than 100,000 workers.

Even beyond the issue of fairness, helping workers during a slowing economy is good economic policy. The unemployment insurance system will be critical to our Nation's recovery and economic health. Unemployment benefits help workers bridge the gap between jobs. It also puts the money in the hands of the unemployed. Unemployed workers spend benefits rather than saving them, thereby stimulating the economy.

Workers deserve action on this issue from this Congress. This is not just a matter of labor rights; it is a matter of human rights, fairness, and decency. Every day we delay, more workers suffer. American workers are waiting for relief, and we owe it to them to act.

A strong airline industry is critical to the national economy. We need to keep the airlines flying. But we also need to provide critical assistance for the airline workers and other workers who have lost their jobs as a result of this disaster. I call on my colleagues and the President to address this matter as soon as possible. No one has been more affected by this than our State of Washington, and Senator MURRAY has spoken frequently about this, as well as Senator CANTWELL.

I yield a minute to the Senator from Washington and the remaining time to the floor manager.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Massachusetts. I thank all of our colleagues who have worked together in a very bipartisan manner over the last week to address the critical issues coming at us. I know we need to help the airline industry, and that is why this bill is important.

I remind my colleagues that thousands of workers were left out of this bill. I have 30,000 employees in my home State of Washington at Boeing who have been left out of this bill. They are just as patriotic and they have worked just as hard. They deserve our attention just as much. We should not forget them when we are taking care of the owners of these airline companies.

It is the workers who go to work every day who make this country great and strong. We need to make sure we have a commitment to them in the coming week to put together an aviation package that includes employee assistance for those who have made this country what it is.

I thank my colleague from Massachusetts and Senator CANTWELL from my State, and other Members, such as Senator CARNAHAN. I pledge my support to make sure this Senate doesn't forget the workers as we put together the aviation package that has been promised. I thank my colleague from Massachusetts, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I yield 3 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Texas. I am encouraged to see the Senate and the House moving so promptly on this legislation to keep the airlines functioning. The terrorist attack is really an attack against the United States as a whole, and when we have losses directly attributable to that attack, it seems fair to me that the entire Nation should sustain those damages. What we are doing today with the cash grant and especially the loan guarantee will keep the airlines operating, which is very important for the lifeblood of our country and very important for an economic recovery.

US Airways, illustratively, needs the loan guarantees in order to get financing to keep operating. US Airways is

only one of many carriers across the country, but it illustrates the problem and it illustrates the issue especially pertinent to my State of Pennsylvania, which has some 17,000 US Airways employees dependent upon their jobs. This is a very, very important matter for Pennsylvania, and a very important matter for America.

This legislation also establishes a very appropriate procedure for compensating the victims on a program administered by the Attorney General's office without going through the long litigation process. However, it is only a first step.

There is more to be done on airport security, on security within the airplanes, on compensation for the workers with some 100,000 already having lost their jobs, and with the ripple effect on hotels, on the airport complexes, on restaurants, on tourism, and on the airports which sustain themselves by having the shops now unfrequented by customers because only ticketed passengers can get within the area.

How much time remains on my 3 minutes?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. SPECTER. I yield back the time.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. I yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senator from West Virginia.

The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11th. Our first priority should be ensuring that their needs are met and that they receive adequate compensation.

At the same time, the airline industry of this country is in grave danger of collapse. The industry has announced more than 100,000 layoffs. Insurance companies have reportedly contacted the airlines about lowering the terrorist-related protections in their policies. And they have warned that they are running out of cash. If Congress does not pass this legislation today, it is likely that all of our Nation's air carriers would cease service next Wednesday.

The bipartisan, bicameral legislation we are considering today provides $5 billion in direct grants to cover the cost to the airlines from the closing of all the nation's airports after last week's terrorist attacks. The bill also provides $10 billion in loan guarantees to help the airlines through their cash crunch, funds to be distributed within 14 days by a four-member Air Transportation Stabilization Board. Further, it extends the existing War Act, which protects airlines from liability during wartime for overseas flights, to cover domestic flights and include terrorist acts. Finally, it provides that the liability of the airlines involved in the terrorist-related airline crashes on September 11, 2001, will be limited to the amount of the insurance coverage they have for such instances, and all legal cases stemming from these incidents will be consolidated in the United States District court for the Southern District of New York.

Most importantly, working with Majority Leader DASCHLE, Republican Leader LOTT, Speaker HASTERT, Congressman GEPHARDT, and Senators HATCH, KOHL, DEWINE, SCHUMER, and CLINTON, we have established a Victims Compensations Program to provide expedited payments to victims and their families. To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist attack, but they will not be required to prove negligence or liability. It is our responsibility to provide fair compensation to those most affected by this disaster. We have devised a plan that means prompt filing, quick review, and prompt payments to victims and families.

The Department of Justice will supervise the Victims' Compensation Fund that will be administered by a Special Master. The Special Master will make a final determination of an applicants eligibility and level of compensation within 120 days of receiving a claim. All payments must be paid within 20 days after the determination. This is a simple and fair approach to put the victims and their families first. These payments will be tax free. Filing a claim under the program will preclude other civil remedies.

This program is targeted to help the neediest victims and their families. When making a determination, the Special Master will take into account any life insurance, death benefit, or other government payment received by the victims and their families.

The victims in this tragedy and the airline industry are in need of relief. The terrorists will win if victims continue to suffer and the airlines go under. Establishing the Victim Compensation Fund and giving the airlines the capital they need to continue operating are crucial first steps in our national healing process. I thank the leadership of both parties in both Houses of Congress for their cooperation in moving this essential legislation forward.

Madam President, again, the heart of every American aches for those who have died or have been injured because of the terrorist attacks in New York, Virginia, and Pennsylvania on September 11—and due to the ripple effect out to New Jersey and Connecticut and Maryland and the District of Columbia. It has been terrible. I think we have to ensure that the needs of those who suffered most directly are met, that they receive adequate compensation.

We also know that the airline industry in the country is in danger of collapse. They have announced, I believe, around 100,000 layoffs. Insurance companies reportedly have contacted airlines saying they will lower terrorist-related protections in their policies. They have said they are not going to be able to pay their bills. If we don't do something, we can literally see the terrorists shutting down the airlines next week. We have worked with Senators DASCHLE and LOTT, Speaker HASTERT and Congressman GEPHARDT, Senators HATCH, KOHL, DEWINE, SCHUMER, and CLINTON, and we put together a victims' compensation program to provide for victims and their families. It is going to be simple. It is a speeded-up process. In fact, the payments will be tax free, with prompt filing, quick review, and prompt payments to victims of families. We literally had children who kissed their parents good-bye in the morning and came home at night and found that they were orphans, and the mortgage is due in 2 weeks. We have to do something to help them. We can.

The victims in this tragedy are in need of relief. The airline industry is in need of relief.

The terrorists will have even a greater victory if we do not help. We can help.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Madam President, I yield 10 minutes to the senior Senator from West Virginia.

The PRESIDING OFFICER. The senior Senator from West Virginia has 15 minutes of his own time under the agreement.

Mr. ROCKEFELLER. Madam President, I revise my statement simply to say the senior Senator from West Virginia has 15 minutes under the unanimous consent agreement.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. BYRD. Madam President, the distinguished majority whip wishes me to yield time to him. How much time does he need?

Mr. REID. Three minutes.

Mr. BYRD. I yield 3 minutes of my time to the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I received a letter, as did all Senators, today addressed to the Honorable TOM DASCHLE, majority leader, and the Honorable TRENT LOTT, minority leader, of the U.S. Senate. The letter reads as follows:

DEAR SENATORS: The Association of Trial Lawyers of America (ATLA) commends the United States Congress and President Bush for their leadership and decision to put families victimized by our national tragedy first and to ease their pain by expediting appropriate relief to them through the ''September 11th Compensation Act of 2001.''

ATLA agrees with you that extraordinary situations demand extraordinary response.

At least seven thousand families are hurting more than any of us can imagine. And, because the first priority of every American should be prompt and full justice for the thousands of families who know first-hand the unspeakable horror visited upon the world on September 11, 2001, members of

ATLA will provide fine legal services to any family wishing to pursue justice through the fund established by this unprecedented, humanitarian legislation.

ATLA believes that 100% of the compensation from the fund should go directly to these families.

The officers and Executive Committee of ATLA have volunteered to be the first attorneys to provide legal services free of charge under this program.

God Bless America.

Sincerely,

Leo V. Boyle, President, on behalf of the 60,000 men and woman of ATLA.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the bill currently before the Senate provides $5 billion in immediate direct cash assistance to the airline industry. It also provides up to an additional $10 billion in loan guarantees for the airlines. This bill is not simply an authorization bill. It is also an appropriations bill which provides funding over and above the $40 billion Emergency Supplemental Appropriations Bill that the Senate passed one week ago today.

The airline industry is essential to this Nation's commerce. It produces about $125 billion annually and creates work for thousands of manufacturers and other companies. The Federal Government cannot allow this industry to fold without seriously disrupting the United States economy. That fact is not lost on this Senator.

However, we have now reached an important turning point in the relationship between the Federal Government and the airlines, and this should not go unnoticed. As of this day, the airlines are now required to live off the generosity of the general treasury. We are about to grant them several billion dollars of assistance, not from the Aviation Trust Fund, not from any ticket taxes from airline passengers, but from the general treasury. We are talking about money from people's income taxes, including the income taxes of millions of Americans who did not board a plane last year, who will not board a plane this year, and who will not board a plane next year perhaps.

Twenty-three years ago, the Senate passed the conference report on the airline deregulation bill on October 14, 1978 by a vote of 82–4, I believe. I was Majority Leader at the time. I was among the 82 Senators who voted for that bill. And as I have mentioned on the Senate floor many times, I have regretted that vote ever since.

My colleague at that time was Jennings Randolph. Jennings Randolph voted against deregulation. I voted for deregulation. He voted the right way at that time, and I voted the wrong way. I regret that vote because ever since deregulation, numerous airlines have pulled out of West Virginia and other rural states altogether. Many of them pulled out immediately following the vote. My constituents and millions of other Americans who live in smaller communities have been left with infrequent air service at astronomical prices. Indeed, today, it is often cheaper to fly from Washington D.C. to London, England, than it is to fly from Washington D.C. to Charleston, WV. The quality and cost of service to many of our smaller airports in West Virginia and across the Nation are even worse.

Yesterday, as part of a Transportation Appropriations Subcommittee hearing with Secretary Mineta, I expressed my view that we should not be providing the airlines with billions of dollars from the income taxes of hard working Americans without requiring the air carriers to provide a reasonable level of service to those Americans. Now that this industry must live off the generosity of the U.S. taxpayer, at least for a while, I think we have a responsibility to ensure that the taxpayers are well served. But today, we find that the airlines are cutting back service and eliminating cities from their national network at the same time they have their hands out on Capitol Hill.

I recognize that the airlines find themselves in such precarious financial condition because of a recent tragedy of massive proportion. However, the airlines were not doing so well before that time. I am determined to make sure that the airlines do not use this incident as a rationale for abandoning or dramatically reducing service to communities that depend on that service to connect with the national economy.

Toward that end, I want to call the attention of the Senate to a critically important section of the bill. Under this bill, the Secretary of Transportation is granted broad new statutory authority to require an airline that receives direct financial assistance under this act to continue to provide service to any city that it was serving prior to the tragedy of September 11.

The bill also grants the Secretary the authority to require any airline taking assistance under this act to enter into agreements to ensure that all communities that had scheduled air service before September 11 continue to receive adequate air service.

These provisions, if applied appropriately, will ensure that the small cities and the rural airports of America are not cut off from our national aviation system as the industry endures a downturn. The Committee on Appropriations, which I chair, will monitor carefully how Secretary Mineta implements these critically important provisions. He has been granted important new powers in this time of crisis, and I expect him to use these powers. The committee will also monitor carefully the actions of the airlines when it comes to discontinuing routes and reducing service. We must see to it that the small communities of our country are not relegated to the status of an economic backwater as the jets keep flying from New York to Los Angeles to London and to other far away ports.

I understand there are discussions that additional Federal assistance may be needed for the airlines in later bills. The airlines should be on notice and the Department of Transportation should be on notice that if the provisions in this bill are not applied appropriately, and we see a pattern wherein the small communities of our Nation are not being treated fairly, we will be back with stronger legislative measures to address this problem. This issue will not go away with the passage of this bill.

As we stand poised to hand the airlines billions of dollars in general revenue tax dollars, we must ensure that taxpayers in all communities, small and large, have access to reasonable and affordable air service. During this time of national crises—during a time of war—we should require that there will be air service to all parts of America to ensure that there is mobility for all Americans.

I want to thank my colleague, Senator ROCKEFELLER, for the leadership he has demonstrated in this area of legislation. He has done a great piece of work. He is highly dedicated to the service of his constituents, who are my constituents, but in thinking of our constituents we are also thinking of Americans across this country who live in rural areas and who have been deprived of fairness in service and in connection with costs in flying.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Madam President, I yield 2 minutes to the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the work of our leadership in this Senate working together to produce legislation that each day, since this tragedy occurred, we have been virtually unanimous on. I want to keep that unanimity going. I express my appreciation to Senators DASCHLE, LOTT, NICKLES, REID, and the others who have worked on this legislation. I know there is a belief that there is a critical time period, and apparently there is, an insurance problem of monumental proportions that needs to be dealt with promptly.

However, I do believe, as Senator FITZGERALD from Illinois has said, we are rushing this matter, that this bill is not a perfect bill. It is far from a perfect bill. Maybe it is approximately correct, but we do not know all of that yet. I am not happy with how fast this is moving and how much money we are dealing with. I want to support our leadership. I know they have hammered it out. I know they have made some progress. I know they have made some agreements. I know Senator NICKLES has worked hard to bring as much accountability as he could in the time he had to make this a reality. So I salute them for it, but I am not convinced we are doing it the right way.

I was pleased to see trial lawyers say they would do work for free, but I am

not sure that, in the way we have crafted the bill, a client still does not need a lawyer that is loyal to them and that is paid by them. I would like to see us create a way to compensate people simply by who they are. If they are the widow of a person who has lost his life, they can make a claim and certify that and get their payment without any fees needing to be paid. Maybe we could do that in this kind of mass tort. We have not had time to think that through.

I know this bill is probably moving on to passage tonight. I am troubled by it. We are going to need to do some work on it in the future, and I expect we will be coming back and revisiting this. I think that should be made clear.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. I am going to finish our 30 minutes of time by saying this is not a perfect bill. There are areas we have not addressed but that we will address in the future. Since September 11, 2001, a lot of things have been thrown at us, and we are going to handle every one of them as they come. We will keep the airlines flying. We will try to minimize the damage to the economy of layoffs from the airline industry and all the other people who are laid off from their jobs. We will take it one step at a time.

Senator ROCKEFELLER and I have worked hand-in-hand on this issue and on the security issue that we will have on the floor next week or the week after, because security is what will make the flying public feel safe in our skies. So we are going to address this issue and keep the airlines financially secure in the interim period while we are getting that security bill passed so America will not be in any way hampered in our freedom and our ability to have commerce and business as usual in our country. That is what we are all trying to accomplish.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Oklahoma.

Mr. NICKLES. I yield to the Senator from West Virginia.

Mr. ROCKEFELLER. I commend the majority leader for his hard work in putting together an airline stabilization bill that will save our nation's airlines and our air transport infrastructure. I will strongly support this bill without amendment.

The terrorists who launched those despicable attacks on September 11 took thousands of American lives, and did billions of dollars of damage. It has also become clear in the past 10 days that they dealt a body blow to the U.S. airline industry, on which virtually all of our citizens depend to one degree or another.

Demand for air travel has virtually collapsed in the past week. Last weekend I flew back to West Virginia, and on the return flight Sunday night—usually a crowded flight from Charleston to Dulles—I was the only passenger on the plane. Many of my colleagues have mentioned that they've had similar experiences in the past ten days. Flights are departing West Virginia airports with a load factor of 25 per cent—only one in four seats filled. Unfortunately, this is not, like last week's closure of the New York Stock Exchange, a temporary phenomenon. Based on past air disasters or international conflicts—none of which was of the same massive scale as last Tuesday's attacks—airlines are predicting that passenger traffic will be down by almost half for the remainder of this year, and will take until next summer to return to normal levels. And those are optimistic estimates.

This kind of crisis could do irreparable harm to the ability of America's airlines to continue in business. Airlines lost $300 million each day that they were shut down last week. They are set to lose billions more in the coming months. Their insurance rates have shot up, with some airlines telling us of a 600 percent increase in their insurance rates. Coming on top of what was already a difficult outlook because of our slowing economy, the nation's airlines—main line carriers and regional carriers alike—could be in bankruptcy within a few weeks and possibly out of business within a few months. Already we are seeing the first signs: a round of massive, painful layoffs for nearly 100,000 of our nation's hard-working airline employees. And huge cutbacks of around 20 percent to most airlines' schedules.

Some people have said, well, this is the market, and it's not the American way to interfere with the market. But I've been pleased, as chairman of the Senate's Aviation Subcommittee, to see a broad consensus among my colleagues that the air transport industry is not just a huge business and employer, but it's also a critical element of our nation's infrastructure. Nowhere is that more the case than in the smaller states and communities like West Virginia. When people think of the airline industry, they usually think of big hub airports like Hartsfield and O'Hare. But airline traffic is just as important—maybe more important—to smaller communities like Beckley and Bridgeport. Safe, convenient and affordable air service represents an important element of our efforts to attract development to our state. It's an important connection that allows our citizens and our businesses to overcome our state's historic isolation created by our mountainous terrain.

And when I see planes flying with one passenger, and learn that carriers are cutting back on their schedules, and hear that several carriers could be in bankruptcy within two weeks, I know that the first communities to be hit will be small communities like those in West Virginia that are at the end of the food chain, so to speak. That would be tragic. It would reverse the efforts our communities have made to attract and retain air service, and turn their residents into aviation ''have nots.'' It would also set in motion the slow implosion of the U.S. airline industry, which would spread to larger hubs and airports as well. And finally, it would give the terrorists who perpetrated last week's heinous attacks the ultimate victory, as their actions would lead to a severe curtailment of America's freedom of movement and mobility.

It is the shared consensus of this body that cannot be permitted to happen, and that has driven our remarkable efforts this past week to put together a stabilization package for our nation's airlines.

It will contain up to $5 billion in immediate credits to reimburse airlines for the revenues they lost when the government shut down U.S. air space last week. It will also contain $10 billion in loan guarantees so that our airlines can continue to obtain financing in the coming months.

It will limit airlines' liability for collateral damage incurred as a result of last week's terrorist attacks up to the amount allowable under their insurance policies—a key provision because our airlines might otherwise not be able to obtain or afford insurance.

It will set up a victim's compensation fund for the families of the innocent victims of last week's despicable attacks.

It will provide $120 million in additional authorization authority for the Essential Air Service program, a key element in preserving air service to smaller communities.

This package is an important first step in stabilizing the U.S. airline industry and ensuring that air service to communities across the nation survives this crisis. But it does not address all the needs that this crisis has created.

One important issue we will need to take up in short order is the plight of the nearly 100,000 airline workers who will lose their jobs as a result of this week's cutbacks. We have already begun to see airline layoffs in West Virginia. Excellent workers who expected a promising career in a growing industry, until terrorists hijacked four planes and frightened Americans out of the skies. We must take measures to address their needs. We provide special assistance to American workers who have been displaced by foreign trade; we must provide the same level of assistance to American workers who have been displaced by foreign terrorism.

We must also be prepared to look at the needs of related industries, as well as the future needs of the airline industry. Many related industries—aircraft manufacturers, travel agents, and various travel-related businesses—have already begun to feel the effects of this attack. We will have to look carefully at the real needs of those industries, and be prepared to take bold measures where they are needed and appropriate.

One thing is certain: the survival of America's airlines is a key element of any solution. Their needs are real and urgent, and I congratulate the majority leader on his success in putting together a stabilization package that will address them.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the submission of S. Con. Res. 73 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. NICKLES. Madam President, I have worked with some of our colleagues on the underlying bill that deals with assisting the airline industry to try to make a significant and positive impact, and I compliment both Democrats and Republicans, because we have worked together, and I think we are passing a bill tonight that will provide needed assistance to the airline industry.

This bill has several provisions some of our colleagues are somewhat familiar with, some maybe not, but it has a provision that provides for $5 billion in cash assistance. Some people said that is too much. Actually, last Friday we were looking at a bill that was two and a half. The airline industry generates revenues of about $2 billion per week, and this bill provides $5 billion. Well, they were shut down for 2½ days, but certainly when they started again they had significant losses, and this $5 billion is an attempt to offset the losses that will be incurred not only for the shutdown but for the resumption of service, and that is for the time period from September 11 through December 31.

Also, there are losses that have to be incurred. I would love to see ridership come up to a very full volume in a very short period of time and maybe that $5 billion would not be necessary. In all likelihood it will be. The legislation also provides for $10 billion of loan assistance. Some people have asked for details, but we left the regulations up to OMB, and some people have disputed whether it be cost share, whether it will be a guaranteed loan amount.

When we did the steel loan guarantees, that this Senator did not support but we put a percentage must be required, the Federal Government did not guarantee 100 percent. The Federal Government guaranteed up to a percentage, and I hope that would be the case in this bill. So it would not be a 100-percent Federal loan guarantee but up to 80, with those regulations to be determined by the Office of Management and Budget. They have 15 days to do so from date of enactment.

The legislation also has about a page and a half, or two pages, dealing with essential air service. It is my thought that should not be in the legislation, and it is because Senator BYRD and Senator ROCKEFELLER and others wanted to have it and said the Secretary should make efforts to endeavor that communities that now have assistance in Federal air service would continue to receive it. In my opinion, it should not have been put in, but it is in and I am not that upset. It does give some discretion, but in some of these communities we have airplanes flying with two or three people on them and they cost a lot of money. They cost the airlines and taxpayers a lot of money, and I question whether we should mandate that it continue.

The language we have in the bill is less than a mandate. It does have some discretion, so hopefully common sense will prevail. That is not a particularly big provision.

Most importantly, the bill does provide some limitation on liabilities for the air carriers. If we did not have that, they probably would not be able to buy insurance. They probably would not be flying in a month. We did not want that to happen so we did put some liability protection, some limitations there. Carriers would be liable on September 11. The limitations for liability will be for the amount of insurance they have. So that was pretty well agreed upon.

The prospective liability, where the Government would assume additional liability if there were another act of war or terrorism, was pretty well agreed upon.

We also passed legislation, and it begins on page 19 and goes through page 30 in this legislation, called victims' compensation. It basically says that victims and/or their family survivors, people who were killed by the terrorist act of September 11, may receive financial assistance or at least have legal recourse. They can do it either by suing in a Federal district court or they can do it through a new system we are now creating in this legislation called the special master.

It was my hope this would not be included in this legislation, that we would defer it until we had a little more time to study it. This is very complex law. It deals with the State of New York law, it deals with Federal law, it deals with liability, and the liability of not only the airlines but also the building, the port authority, and other individuals and governments. It is very complicated and very complex.

Although I think the committees and the other people who worked on it did a pretty good job, the special master has enormous responsibility under this legislation, to be making determinations on what family survivors will receive, what injured members and individual will receive.

I am not against having a victims' compensation section, but when we put this together in a short period of time, I am not sure we did it the best way. I am not trying to be critical, and I have assurance from proponents of this, as late as last night: If we find it is in error and it needs adjustments, we will revisit it. I compliment my colleagues because we have operated in a bipartisan spirit, and we should continue to do so. That is vitally important. We did it last week; we did it this week.

Some people said we want to rewrite unemployment compensation laws and make everybody whole on unemployment compensation because of the airline employees, because of restaurant employees, et cetera. We have to be cautious. The unemployment compensation system can be enormously expensive. We have an unemployment compensation system providing benefits in most cases for 26 weeks. I don't know that has such urgency we need to address it in the next week. Some said we need to do this next week. Almost everyone in every State of the Nation has unemployment compensation that will last at least for 6 months.

We have made good progress in providing stability for the airlines. They will be able to buy insurance; they will be able to continue flying. We provided cash assistance and provided loan guarantees to get them through, bridging this very difficult time as a result of the terrorist act and tragedy that happened on September 11.

I encourage my colleagues to vote in favor of this legislation.

For the information of our colleagues, a lot of people are wanting to get out of town. It is my intention to yield back the remainder of time and commence the rollcall in a very short period of time.

Mr. ROCKEFELLER. Madam President, the Senator from the State of Oregon has up to 5 minutes.

Mr. WYDEN. In a few hours the U.S. Congress is going to respond to the horrible tragedy in New York in an unprecedented way. The U.S. Congress is going to vote to send billions of dollars to the airline industry, while not making any funds available to the scores and scores of other businesses across this country affected by this tragedy that also teeter on bankruptcy.

The process that the U.S. Congress is using is also unprecedented. The number being used to send these billions of dollars of taxpayer money to the airline industry comes from the airline industry itself. There has not been an independent, third party review of the numbers and the projections on which this legislation tonight is based. It is a leap of faith. The Congress tonight is responding to the airline industry's assertion that because this tragedy is so dire and the circumstances so enormous, we should waive the traditional process of saying that someone independent should evaluate a piece of legislation such as this involving billions and billions of dollars.

But it is also unprecedented, the horror and the tragedy that the Congress must address. Tonight, in what has been one of the hardest decisions I have had to face, I am going to vote for this legislation because of one addition that has been made, and I am pleased to announce it tonight. Senator DASCHLE, the majority leader, has worked so hard on this legislation; Senator HOLLINGS, chairman of the Commerce

Committee, has done yeoman work on this bill; Congressman DOGGETT; and a variety of Members have indicated they expect the General Accounting Office to give a briefing to the U.S. Congress by September 28 on this legislation.

I make it clear tonight, if it appears on September 28 or in the days that succeed that briefing that this legislation was in excess of what the airlines needed, I am going to come back on this floor and do everything in my power to send this money to the scores of other businesses across this country that teeter on bankruptcy tonight. This is unprecedented, first, because of the tragedy; second, because one class of those affected in the airline industry is receiving help while others are not; and third, because there has not been an independent analysis of what the claims actually constitute and what funds are truly needed.

Because the circumstances are so dire, the Congress is going to vote for this legislation over the next few hours. I want the Congress to know, that briefing on September 28 will be critical because it will be our first chance to get an objective analysis of whether the industry needs this sum of money and needs it for the claims that are being made.

I wrap up by saying in my view Senator ROCKEFELLER and Senator HUTCHISON have done a first-rate job on this legislation. This is, as we all know, just the beginning of the debate about how to deal with the financial consequences of the horror in New York, but it is a particularly difficult choice the Congress is making tonight. I assure my constituents and others who are following this debate that the way this money is going to be spent is something that is going to be scrutinized with as much care as any subject that has ever come before the U.S. Congress.

I yield the floor.

Mr. REID. Madam President, it is my understanding that all time is going to be yielded back on this matter.

Mr. ENZI. I rise to make a few remarks concerning the Air Transportation System Stabilization Act.

First, I would like to associate myself with the comments by the Senator from Alabama, Mr. SESSIONS and the Senator from Oklahoma, Mr. NICKLES.

I know we need to take immediate action to keep the airline industry in the air. The last few days have taught us that air travel is the heart of our economy. Many businesses have been hurt by the events last week. I am disappointed that help has not been offered particularly to the small businesses. But I realize that those businesses will be out of business if air travel ceases or is greatly reduced. Airlines are a lifeline for many occupations.

This morning I had many concerns about this bill. I am pleased that many of my suggestions were taken and now appear in the bill. Other parts of this bill can and must be reworked in the days to come.

I am pleased at the recognition that will assure essential air service, help to airlines that serve small, rural communities throughout the nation.

I am pleased that we remembered the regional air carriers and proportionally helped them.

I understand the reluctance of the insurance companies to continue to insure air carriers, because of the uncertainty of the exposure, so I am pleased that an insurance provision was provided.

I am pleased that provisions were put into the bill that would remove concern and provide assurance that the grant money will not be golden parachutes for highly paid executives.

I know the bill now has provisions for audits to be sure the money is spent within the criteria set out. I would feel more comfortable if the audits were mandatory instead of optional. Taxpayer money always comes with strings.

I understand the need for expediting compensation to victims, but I'm not sure that we have done that. Perhaps we have just opened up a trial lawyer's dream. I have been assured that section will be reworked to give assurance that the money will go to the victims and not just to attorneys, and that the taxpayer won't be the one providing all the compensation. I had hoped that the Federal obligation would be available only for those who took the expedited avenue of resolving their loss using the Special Master.

I applaud my colleagues and the Administration in expediting aid to the nation's airlines under this bill for damages arising out of the September 11, 2001 terrorist attack. This initial funding will provide the resources necessary to assure continuity and stabilization of the airline industry. By including direct cash assistance, loan guarantees, increased air transportation safety, and prospective and prior liability provisions, the bill will ensure the safety of the American public and restore confidence in our economic foundations. The provisions of this bill are designed to restore the confidence of airline customers and industry investors and provide a bridge of assistance to the new environment in which the industry will need to operate.

I am pleased that the bill states that the U.S. Department of Transportation Secretary should take appropriate action to ensure that all communities, both rural and urban communities, that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption. In addition, the bill authorized an appropriation of $120 million for the Essential Air Service program. This additional funding in the EAS program will greatly benefit the rural communities in Wyoming.

Resumption of normal air travel is essential for our commerce and the mobility for our way of life. We have to act to keep our airlines flying without throwing the free market out of the window. These businesses need to show that their requests for assistance are tied to the recent terrorist attacks and not debts incurred prior to September 11, 2001. They also need to show that the financial assistance they receive will be used wisely, keeping their planes flying and their employees working.

I believe that the airlines should submit a business plan to the U.S. Department of Transportation to justify why they need the grant funding and loan guarantees and what the funds will be used for. Within the business plan, the airlines should state specific provisions that executive management of the airlines should not receive pay increases greater than the cost-of-living adjustment and they should not receive any bonuses due to the funding allocated to them by this bill. I believe this emergency funding for the airlines should help all airline employees, not just the executive management.

I have been assured there will be specific criteria when directing federal funding to the airlines in the form of a loan guarantee. For example, the bill gives the President the authority to issue the $10 billion in loan guarantees to the airline industry subject to terms and conditions as he seems necessary. We must assure there is no abuse and that the bill protects the federal government who is the U.S. taxpayer from incurring costs from the possible defaulting on the loans.

Traditionally, loan guarantee programs ensure that the General Accounting Office, GAO, can exercise its authority by auditing the business that receives a loan guarantee. The administration should include a provision that mandates the GAO act as the auditor of this loan guarantee program. At present, an audit may be conducted by the GAO and U.S. Department of Transportation if the Comptroller General and Transportation Secretary deem necessary. We have to ensure that the funds are spent accordingly in relation to the intended purpose of this bill.

Furthermore, the bill should more directly address the higher costs incurred by commuter and short-haul carriers and issues arising from recent changes in air transportation availability to small- and medium-sized communities. These regional airlines provide the only air service between the major airports and the more than a hundred small- and medium-sized communities in the West.

I am committed to supporting an economically strong airline industry for the West and the nation. Due to last week's tragic events, we have realized that interdependence is key to keeping our economy strong, if planes are flying, then the motels are being occupied and the restaurants are being utilized. I look forward to supporting my colleagues in restoring public confidence in the fact that the United

States has the strongest and safest airline system in the world.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF TRANSPORTATION

Mr. REID. I ask unanimous consent that on Monday, September 24, at 2 p.m., the Senate proceed to executive session to consider Calendar No. 385, the nomination of Kirk Van Tine to be general counsel of the Department of Transportation; that the Senate vote immediately on confirmation of the nomination; that the motion to reconsider be laid on the table, and any statements thereon appear at the appropriate place in the RECORD and the President be immediately notified of the action, and the Senate return to legislative session.

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

Mr. REID. As in executive session, I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2603

Mr. REID. I ask unanimous consent on Monday, September 24, at 12 noon, the Finance Committee be discharged from further consideration of H.R. 2603 and that the Senate then proceed to its immediate consideration under the following limitations: That no amendments or motions be in order; the debate be limited to 2 hours, with 1 hour under the control of Senator GRAMM of Texas and 1 hour under the control of Senator BAUCUS or his designee; following the use or yielding back of the time, the bill be read a third time and passed, and the motion to reconsider be laid on the table, all with no intervening action or debate.

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

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT—Continued

Mr. NICKLES. We yield back the remainder of our time.

Mr. REID. I yield 1 minute to the Senator from Washington.

Ms. CANTWELL. Madam President, I do appreciate the time before the vote. I thank the leadership of Senator DASCHLE, Senator KENNEDY, Senator CARNAHAN, and Senator MURRAY for working on what is part of this package that we will discuss next week and that is worker compensation.

Last week's terrorist attacks murdered thousands of innocent Americans, and left thousands more grieving for friends and loved ones. Those people are the first and most visible victims of the unprovoked terrorist attacks—but they are not the only ones.

Already tens of thousands of workers at major U.S. airlines have lost their jobs due to the economic fallout of the terrorist attacks on September 11. Current projections are for a total of 100,000 airline jobs to be cut this year—nearly 10 percent of the industry workforce. Boeing, America's leading aircraft manufacturer, has announced it will lay off up to 30,000 employees by the end of 2002.

These workers and their families are secondary victims of the terrorists who attacked the World Trade Center and the Pentagon, and Congress should not leave them to bear a disproportionate share of the economic burden of terrorism.

I am supportive of the overall intent of this bill and the need to shore up the airline industry, but I still have some concerns.

The current airline relief package is good as far as it goes—but it does not go far enough.

The airline relief package does nothing to ensure that airlines will uphold their contractual obligations and other commitments to employees. Those should be fundamental qualifications for any airline seeking government assistance.

The airline relief package does nothing to directly benefit the thousands of airline and aircraft manufacturing workers who are being laid off as a result of the recent terrorist attacks.

In this speech to the nation last night, President Bush told the American people ''justice will be done.'' If Congress passes an airline relief package without addressing worker assistance, we will have done a grave injustice to thousands of American workers and their families who are suffering from the aftermath.

In the meantime, I think that the industry needs to step up to the plate. I am very concerned about reports that some airlines are considering invoking the war clause to avoid contractual obligations to their workers. That would be a tragic failure of their obligation to the American people to act in good faith. Let's be clear; American taxpayers are shouldering the burden of this relief package, and I think they will be angry if workers are not treated fairly while the airlines get relief.

I have worked with several of my colleagues over the past several days to develop a reasonable package of worker assistance provisions, and I believe that we have a proposal that makes a great deal of sense and would take at least a small step toward helping those workers get back on their feet. That package would extend income supports, pay for the extension of healthcare coverage and provide training assistance to the affected workers. I am deeply disappointed that those provisions were not ultimately included in the bill, but pleased that the majority leader has committed to continue his work on this critical component in thy days to come.

For the past 10 days, ever since the terrorist attacks my congressional colleagues have spoken eloquently and with great emotion about the courage, compassion and commitment of the relief and rescue teams who have reached out a helping had to victims of terrorist, Today, we have our own chance to help thousands of other Americans who have been harmed by terrorism. We must not turn away.

Mr. REID. I appreciate very much the comments of the Senator from Wyoming and the Senator from Washington. The majority leader has asked me to note for everyone the first vote Monday will be at 2 p.m. on the Kirk Van Tine nomination.

Senator WARNER and Senator LEVIN, the managers of the Defense authorization bill, have indicated there will also be votes throughout the day. They are moving that legislation as quickly as possible.

We yield all time on our side.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mr. GRAMM), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—96

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

Thurmond	Voinovich	Wellstone
Torricelli	Warner	Wyden

NAYS—1

Fitzgerald

NOT VOTING—3

Campbell	Gramm	Thomas

The bill (S. 1450) was passed, as follows:

S. 1450

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 ''Air Transportation Safety and System Stabilization Act''.

TITLE I—AIRLINE STABILIZATION

SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed $10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to $5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term ''Board'' means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term ''financial obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term ''obligor'' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the ''Air Transportation Stabilization Board'') to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) $4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) $500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded $300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term ''total compensation'' includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September

11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, $120,000,000 for fiscal year 2002.

(c) SECRETARIAL OVERSIGHT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning such term has under section 40102 of title 49, United States Code.

(2) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) INCREMENTAL LOSS.—The term ''incremental loss'' does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

TITLE II—AVIATION INSURANCE

SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) IN GENERAL.—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''foreign-flag aircraft—'' and all that follows through the period at the end of subparagraph (B) and inserting ''foreign-flag aircraft.'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

''(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

''(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

''(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

''(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

''(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.'';

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting '', or reimburse an air carrier under subsection (b) of this section,'' before ''only with the approval''; and

(B) in the second sentence—

(i) by inserting ''or the reimbursement'' before ''only after deciding''; and

(ii) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''; and

(5) in subsection (d) (as so redesignated) by inserting ''or reimbursing an air carrier'' before ''under this chapter''.

(b) COVERAGE.—

(1) IN GENERAL.—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting '', or reimburse insurance costs, as'' after ''insurance and reinsurance''; and

(B) in paragraph (1) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''.

(2) DISCRETION OF THE SECRETARY.—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) REINSURANCE.—Section 44304 of such title is amended—

(1) by striking ''(a) GENERAL AUTHORITY.—''; and

(2) by striking subsection (b).

(d) PREMIUMS.—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.''.

(e) CONFORMING AMENDMENT.—Section 44305(b) of such title is amended by striking ''44302(b)'' and inserting ''44302(c)''.

SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities' liability coverage, as determined by the Secretary.

TITLE III—TAX PROVISIONS

SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

(a) EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.—

(1) IN GENERAL.—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for ''November 15, 2001'' each place it appears—

(A) ''January 15, 2002'', or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) ELIGIBLE AIR CARRIER.—For purposes of this subsection, the term ''eligible air carrier'' means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term ''airline-related deposit'' means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

TITLE IV—VICTIM COMPENSATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''September 11th Victim Compensation Fund of 2001''.

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) AIR TRANSPORTATION.—The term ''air transportation'' means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) CLAIMANT.—The term ''claimant'' means an individual filing a claim for compensation under section 405(a)(1).

(4) COLLATERAL SOURCE.—The term ''collateral source'' means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual determined to be eligible for compensation under section 405(c).

(7) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SPECIAL MASTER.—The term ''Special Master'' means the Special Master appointed under section 404(a).

SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

(1) forms to be used in submitting claims under this title;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this title; and

(5) other matters determined appropriate by the Attorney General.

SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent

crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

SEC. 409. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

TITLE V—AIR TRANSPORTATION SAFETY

SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

Congress affirms the President's decision to spend $3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

SEC. 502. CONGRESSIONAL COMMITMENT.

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

TITLE VI—SEPARABILITY

SEC. 601. SEPARABILITY.

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, for the interest of all Senators, I want to make sure people understand what the schedule is for Monday.

We will convene at 12 noon. From 12 o'clock to 2 o'clock, we will take up the Jordan free trade agreement. That has already been established by unanimous consent. There will be a 2-hour debate and, by agreement, a voice vote.

At 2 p.m., there will be a rollcall vote on the Kirk Van Tine nomination, Mr. Van Tine to be general counsel of the Department of Transportation.

Following that vote, we will resume consideration of the Defense authorization bill.

PASSAGE OF S. 1450

I appreciate very much the tremendous cooperation of all Senators. I know this bill was extremely difficult and very complex, very controversial in many respects. I appreciate the work on both sides of the aisle to get us to the point we are now.

I know there are a lot of Senators who would have appreciated the opportunity to offer amendments. It is not our intent to deny Senators the right to offer amendments. Under these circumstances, I am grateful for the acknowledgment that we are in a very difficult time and that cooperation, as was demonstrated again this afternoon, is essential if we are able to respond as we now have to the crisis we are facing, not only in the aviation industry but in the economy in a number of other ways having to do with the tragedy.

In my view, there were two essential pieces of legislation missing from this bill. Others have already addressed it. Senators Carnahan, Murray, Cantwell, and Kennedy, and others have been working on a proposal to deal with the disaster adjustment assistance and extended COBRA coverage. It is essential that we provide dislocated workers some income security, some training, access to health benefits. We did a little bit of that in this bill. It was a first step, but we really have a long way to go if we are going to address in a comprehensive and meaningful way the tremendous problems that families all over this country are now facing as a result of layoffs, as a result of bankruptcies, as a result of the economic slowdown. For all of the reasons we have heard, we simply cannot allow the circumstances to go unattended. It is critical that we do it sooner rather than later.

I have talked to Senators KENNEDY and CARNAHAN and others. I have talked with some Senators on this side of the aisle, especially Senator LOTT. It is my hope and my determination to address this issue in the not-too-distant future. We must. We simply cannot go without the acknowledgment of the seriousness of the problem as well as a recognition that this problem must be addressed.

Secondly, I am very pleased that the Senator from South Carolina, Mr. HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, Senator HUTCHISON, so many others, and Senator KERRY, have worked as closely together as they have on airport security and on airplane security as well. If there is one piece I really wish we could have addressed in this bill more comprehensively, it is that.

I talked to the President about it this morning. It is his intention to address the issue in a much more comprehensive way as well. I have no doubt we can work with him on security. The Presiding Officer very eloquently and passionately addressed the issue of security this morning in the caucus.

I am pleased that at least the $3 billion that has been committed to airport security will allow us to take some of the initial steps. We must rebuild confidence on the part of air travelers. We must ensure that airports and airplanes can be made more secure. We must work together to make that happen soon. We can continue to provide these bills with billions and billions of dollars, but if people are not going to climb on those airplanes, if they are not going to feel comfortable walking through the airports, if they don't know whether the ramps are secure or not, those billions of dollars will not solve the problem.

I am equally as determined to address this issue of security in the days ahead. Senator HOLLINGS has indicated he will continue to work with our colleagues on both sides of the aisle. I intend to work with the administration. I will bring this matter up with the speaker at the next opportunity. We will continue to find ways with which to address security, perhaps as early as next week.

The bill the Commerce Committee has now introduced is a bill I believe very confidently will address many of these issues, so confidently that I have cosponsored it along with many other Senators. I am hopeful that in the not-too-distant future it can be a subject for debate and consideration in the Senate Chamber and that we can work to get a bill passed that will truly provide the kind of infrastructure and security that will be required to raise the confidence level that is necessary.

Security, additional compensation, and a safety net for all of those workers who have been left out so far are issues that I am committed to address and that I know the Senate is committed to address. I will continue to work with my colleague Senator LOTT, who is every bit as concerned about many of these issues as I am.

We will continue to find ways to work together to do what we know we must to put this country back and to recognize the needs of families, workers, and businesses across the country.

MORNING BUSINESS

Mr. GRAHAM. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes.

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

The Senator from Florida.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1448 and S. 1449 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceedd to call the roll.

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

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

KAZAKHSTAN

Ms. LANDRIEU. Madam President, the events of last week by terrorists illustrate the worst of human nature, however, the actions of people in the wake of the disaster has shown the best.

While the attacks were in the United States, they were directed at the entire civilized world. And the entire world has responded. Today, I would like to draw your attention to the response of a key ally in Central Asia.

In light of the direct threat to world freedom that we faced on September 11, 2001, Kazakhstan has emerged as one of the only ''silver-linings'' in Central Asia. I am very grateful for the outpouring of support from the President of Kazakhstan, Mr. Nursultan Nazarbayev. Within a day of the attack President Nazarbayev said, ''Kazakhstan is ready to support measures undertaken by the United States to fight against terrorism, with all the means necessary.'' I would also ask unanimous consent to submit the President's entire statement into the Congressional RECORD.

Kazakhstan is predominantly a muslim nation about four times the size of Texas in Central Asia. Surrounded by Russia, China, Turkey, Iran, and Afghanistan. Kazakhstan's continued economic and political stability is critical to the long-term success of the Central Asian nations.

In the first few years after its independence from the former Soviet Union in 1991, Kazakhstan successfully dismantled the fourth largest nuclear arsenal in the world with U.S. support via the Cooperative Threat Reduction Program, CTR. Kazakhstan continues to set a model for the global community in its leadership on unilateral disarmament and nonproliferation.

In addition, I believe our Nation needs to continue to support the Government of Kazakhstan which has begun to transform its economy from the old Soviet based communist model to a market-based economy with significant U.S. foreign direct investment, FDI.

It is for these reasons that I have cosponsored S. 168 that authorizes the extension of nondiscriminatory treatment to the products of Kazakhstan. In summary, the United States must do its part to enhance cooperation and encourage prosperity and stability for the entire Central Asian region.

THE CALIFORNIANS WHO PERISHED ON SEPTEMBER 11, 2001

Mrs. BOXER. Madam President, as the American people struggle to come to terms with the horrific events of Tuesday, September 11, we are reminded again and again of the countless individual tragedies still playing out in every corner of our country: another firefighter is laid to rest, a classroom copes with the loss of a teacher, a baby is born who will never know her father, a family accepts that a loved one will never be found.

We are all haunted by such stories, each one profound in its deep sadness and, considered together, staggering in their scope.

None of us is untouched by last Tuesday's terror, and it is now painfully clear that many residents of California were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to the dozens of Californians who perished on that awful morning. I want to assure the victims' families that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten. As a nation, we hold them close.

Words alone cannot convey the depth of our dismay, but the names of those Californians who lost their lives provide a stark and simple symbol of our anger and our pain. The list that follows may well grow. I will honor each one in every way that I can.

David Angell of Pasadena; Lynn Angell of Pasadena; Seima Aoyama of Los Angeles; Barbara Aresteguis of Los Angeles; Melissa Barnes of Redlands; Alan Beaven of Emeryville; Berry Berenson of Los Angeles; Carolyn Beug of Los Angeles; Yeneneh Betru of Burbank; Mark Bingham of San Francisco; Deora Bodley of Santa Clara; Touri Bolourchi of Beverly Hills; Daniel Brandhourst of Hollywood Hills; David Brandhourst of Hollywood Hills; Thomas Burnett of San Ramon; Suzanne Calley of San Martin; Jefferey Collman of Novato; Dorothy Dearaujo of Long Beach; Darlene Flagg of Corona; Dee Flagg of Corona; Wilson Flagg of Corona; Lisa Frost of Rancho Santa Margarita; Ronald Gamboa of Los Angeles; Andrew Garcia of Portola Valley; Edmund Glazer of Chatsworth; Lauren Grandcolas of San Rafael; Andrew Curry Green of Los Angeles; Richard Guadagno of Humboldt County; Stanley Hall of Rancho Palos Verdes; Gerald Hardacre of Carlsbad; John Hofer of Bellflower; Stephen Hyland of Claremont; Barbara Keating of Palm Springs; Chandler Keller of El Segundo; Jude Larson of Los Angeles; Natalie Larson of Los Angeles; Daniel John Lee of Van Nuys; Maclovio Lopez of Norwalk; Dora Menchaca of Santa Monica; Nicole Miller of San Jose; Laurie A. Neira of Los Angeles; Ruben Orneda of Los Angeles; Jerrold Paskins of Anaheim Hills; Thomas Pecorelli of Los Angeles; Robert Penniger of Poway; Mari-Rae Sopper of Santa Barbara; Alicia Titus of San Francisco; Otis Tolbert of Lemoore; Pendyala Vamsikrishna of Los Angeles; Timothy Ward of San Diego; and John Wenckus of Torrance.

In the name of these Californians, and in the name of all the other innocent victims, it is time for the terrorism to stop.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS

Mr. McCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in another appropriations bill.

This bill spends at a level 5.9 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending than the President wanted to adhere to.

In real dollars, this is $328 million in additional spending above the amount requested by the President, and a $1.8 billion increase in spending from last year. So far this year, with just seven appropriations bills already passed including this bill, spending levels have already exceeded the President's budget request by more than $7.6 billion. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified just over $200 million in earmarks, which is less than the cost of the earmarks, totaling $356 million, in the bill passed last year. Therefore, I applaud the efforts of the appropriators in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Treasury, some examples of earmarks include: $1,000,000 for work on joint technology projects with New Mexico State University's Physical Sciences Laboratory; and $750,000 for the Center for Agriculture Policy and Trade Studies located at North Dakota State University.

Under funding for the General Government, some of the earmarks include: $2,500,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; and $5,000,000 to help

purchase land and facilitate the moving of the Odd Fellows Hall to provide for construction of a new courthouse in Salt Lake City, UT.

There are more projects on the list that I have compiled, which will be available on my Senate Web site.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

POSTAL SERVICE SORTING PRACTICES IN HAWAII

Mr. DORGAN. I understand that as a result of the closure of our nation's airports and the limitations placed on the carriage of cargo on commercial passenger planes, postal service throughout our country was affected. However, the State of Hawaii was impacted most severely. My colleague from Hawaii, Senator INOUYE, has joined me to discuss the situation in Hawaii.

Mr. INOUYE. I thank Senator DORGAN for the opportunity to share with our colleagues the impact of the air service restrictions on the delivery of mail in the State of Hawaii. The recent closure of our Nation's air transportation system brought to light a Postal Service practice that I believe should be reevaluated. Hawaii is an island State that is not only geographically isolated from the mainland United States, but that is also geographically divided into seven distinct islands separated by the Pacific Ocean. Hawaii has a population dependent on the air transportation system for the movement of goods and people throughout the State. However, I believe the current Postal Service mail sorting procedure has the potential to exacerbate the harm to my State's economy from the airport closures, the reduced inter-island travel, and the decline in travel to and from my State.

The Postal Service in Hawaii has only one centralized sorting office. While I understand that mail service throughout the United States experienced slow-downs and difficulties as a result of the closure of our air transportation system, mail service in Hawaii came to a virtual standstill. The shut down of our airports resulted in the delivery of mail only on the island of Oahu, where the sorting station is located. My constituents on Maui could not mail letters to one another because a letter originating on Maui and addressed to another location on Maui must first be flown to Honolulu for sorting. This hardship was faced by all the residents of Oahu's neighbor islands.

With the threat of war upon us and the possibility of further airport closures, I believe we must study alternatives to the current mail sorting system. The problems faced by the neighbor islands as a result of the airport shutdown are expected to continue as tourism to and within Hawaii declines. Aloha Airlines, one of two island air carriers, has announced a 26-percent reduction in flights that will begin next week. Hawaiian Airlines, the other inter-island air carrier has also dramatically reduced its flight schedule. Additional flights will likely be eliminated with the expected continued decline in leisure and business travel.

In light of these flight restrictions, I believe the Postal Service should develop a procedure by which mail that originates on the same island to which it is addressed can be kept and sorted on that island. I realize that this would be only a small step toward addressing the many issues resulting from my State's unique geography, but it would be a start.

Mr. DORGAN. I thank Senator INOUYE for sharing with us the difficulties faced by your State. I agree that the Postal Service should examine the feasibility of implementing procedures that take into account Hawaii's unique geography. Please be assured that I will work with the Senator to help in this endeavor.

RETIREMENT OF SHERRY ADKINS

Mr. HATCH. Madam President, I am grateful for this opportunity to recognize and pay tribute to Sherry Adkins, who has worked in my Salt Lake City office for 25 years as a Constituent Services Representative. Sherry is retiring after many years of hard work to fulfill her dream of moving to Alaska with her husband Bruce to spend time with her grandchildren.

Sherry's life has epitomized true public service. She literally touched thousands of Utahans' lives by assisting me in helping constituents with problems ranging from Social Security issues to Veterans Administration benefits. Over the years, I have received hundreds of letters from constituents who have praised Sherry's work and expressed their gratitude to me for her assistance.

Sherry has been described as ''a valuable resource,'' ''efficient,'' ''courteous,'' ''concerned for others' welfare,'' and ''trustworthy.'' Many people have been able finally to receive their Medicare benefits, resolve their tax problems, or find their missing Social Security checks, because of her commitment and concern.

Sherry's life has been an example of service. She has always championed the underdog and looked for ways to help others in need. She spent many years volunteering at the Salt Lake City Odyssey House, an organization designed to help men and women overcome the tragic disease of alcoholism. In fact, she even directed the Odyssey House Choir, giving members new hope and experiences, as well as entertaining thousands of people through their music.

I have always known that I could count on Sherry to get her job done, and to do it well. In fact, Sherry's work with me didn't start when I was a elected to the U.S. Senate. Sherry and I go back even further. I was privileged to have Sherry as my personal secretary for a few years while I practiced law in Utah. So, Sherry has been my longest serving staffer, and I will miss her greatly.

It has always been a pleasure to work with Sherry Adkins. I am so grateful to Sherry for her efforts and the service that she has rendered to me, my office, and to all Utahans. I feel blessed to be able to call her a friend. I want to wish Sherry and her husband Bruce the very best that life has to offer in the beautiful land of Alaska. May they find peace and happiness in their retirement years doing the things that they love the most.

ARMENIAN INDEPENDENCE DAY

Mr. JOHNSON. Madam President, I rise today to recognize the 10th anniversary of Armenia's independence.

On September 21, 1991, the people of Armenia began their journey of freedom and democracy. The road they have travelled over the past 10 years has been full of challenges including natural disasters, conflict in Nagorno Karabagh, and the struggles associated with economic and political transformation. Any of these could have led Armenians off the path of liberty. However, it is through the perseverance of Armenians, and those around the world who support them, that Armenia begins this new century a strong republic and an example for young democracies worldwide.

The events of September 11, 2001, pose a new challenge to Armenians, Americans, and those who reject terrorism and fight the war against fear. In his September 11 letter to President George Bush, Armenian President Robert Kocharyan called on Armenians to confront the ''evil of terrorism'' with ''determination and resolve.'' At this most critical time, Americans are thankful for Armenia's support, and together, along with a global coalition of freedom-loving nations, we will find the strength and patience to continue our journey.

NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Madam President, today is National POW/MIA Recognition Day.

In light of the tragic events of September 11, this day of remembrance and recognition has new meaning. We have spoken about a new kind of ''war'' but we are not sure what shape it will take. Whatever form, however, it will likely include casualties and perhaps prisoners, these are among the harsh lessons history has taught us. This day gains new meaning, too, when we consider the rescue workers who continue to comb through the war zones at the Pentagon and in lower Manhattan for the bodies of the fallen, the missing, in action.

In time of war, an entire nation unites with a singularity of purpose.

But, we all know how swiftly the Nation's attention can wane and be distracted. Those of us in this body and across the relevant Executive agencies, however, cannot be distracted from one thing; that is, a commitment to ensure the return of POWs and MIAs at the end of hostilities. The vigorous pursuit of this commitment must continue through painstaking on-site investigations, diplomatic negotiations and complete examinations of records following a conflict.

As we look forward with resolve, we must recognize the work that the many POW/MIA organizations have done, led by the Department of Defense Prisoner of War/Missing Personnel Office, DPMO. The painstaking work of recovery operations have, in the past year, seen the return of 36 Americans from the war in Southeast Asia; however, 1,957 remain unaccounted for at this time from SEA, 1,474 from Vietnam alone. Last year, those numbers stood at 2,005 and 1,511 respectively.

Seven of the dedicated men engaged in Vietnam recovery operations gave their own lives this year, even as they searched for fallen comrades. The Americans died along with nine Vietnamese in April when their helicopter crashed into a fog-shrouded mountain about 250 miles south of Hanoi. The team was scouting excavations for six MIA crash sites.

In Korea, where the fighting ended in 1953, progress continues. Ten Joint Recovery Operations have been conducted in North Korea this year, resulting in the identification and return of three Americans to their families and final resting places. Twenty-six servicemen have been identified from World War II recoveries. Teams from the U.S. Army Central Identification Laboratory in Hawaii continue to implement cutting-edge DNA technology, and as renowned experts in the field, have contributed their know-how and direct assistance to the operations in New York and at the Pentagon.

Just last month, another team headed off to Russia to bring home the remains of seven Navy flyers whose World War II PV–1 Ventura bomber were lost on the Kamchatka peninsula. The plane went missing from a March 25, 1944 bombing mission from Alaska to the Kurile Islands. The Navy has located family members and prepared comparison DNA samples in hopes that all will be returned at long last. Having spent time in that part of the world, I know what dedication to duty it takes to dig in that extreme weather. I understand that weather permits them only about a 30-day window.

As we know well, this is a team effort requiring the commitment and dedication of the Congress, the Administration, the Departments of Defense and State, the Joint Chiefs of Staff and the NSA. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors will gain further information about the servicemen still missing to honor their sacrifice and provide peace and solace to their loved ones. You are not forgotten.

At this point in the record, I ask unanimous consent that the names of Indiana's missing and unaccounted from the Korea and Vietnam Wars be printed in the record.

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

U.S. UNACCOUNTED FOR IN SOUTHEAST ASIA—POST 1973

Military service	Country of casualty	Refno	Name	Last rank	Status	Date incident	Home of record
USAF	N. Vietnam	1675	Bancroft, William W. Jr	02	BB	1970/11/13	Indianapolis
USA	S. Vietnam	1648	Beals, Charles Elbert	E4	BB	1970/07/07	French Lick
USA	S. Vietnam	0731	Beecher, Quentin Rippetoe	W2	XX	1967/06/11	Terre Haute
USMC	S. Vietnam	1287	Breiner, Stephen Eugene	E2	BB	1968/09/24	Decatur
USA	S. Vietnam	1124	Carver, Harry Franklin	E6	BB	1968/04/10	New Albany
USMC	S. Vietnam	0734	Chomel, Charles Dennis	E2	BB	1967/06/11	Columbus
USAF	N. Vietnam	0496	Clark, Lawrence	E5	XX	1966/10/18	Logansport
USMC	N. Vietnam	1156	Clem, Thomas Dean	02	XX	1968/05/03	New Paris
USMC	S. Vietnam	1999	Crody, Kenneth Lloyd	E4	BB	1972/07/11	Griffith
USAF	S. Vietnam	0271	Davis, Gene Edmond	E5	XX	1966/03/13	Evansville
USMC	S. Vietnam	0472	Ducat, Phillip Allen	03	BB	1966/09/25	Ft. Wayne
USAF	S. Vietnam	0271	Duvall, Dean Arnold	E3	XX	1966/03/13	Monticello
USA	Laos	1681	Green, George Curtis Jr	E5	BB	1970/12/04	Attica
USMC	S. Vietnam	1203	Harper, Ralph Lewis	E3	BB	1968/06/06	Indianapolis
USA	S. Vietnam	1085	Heitman, Steven W	E5	XX	1968/03/13	Indianapolis
USAF	S. Vietnam	1131	Held, John Wayne	03	XX	1968/04/17	Indianapolis
USMC	S. Vietnam	0286	Hewitt, Samuel Eugene	E2	XX	1966/03/23	Walkerton
USAF	Laos	0252	Hills, John Russell	04	BB	1966/02/14	South Bend
USAF	S. Vietnam	1837	Joskins, Donald Russell	E6	BB	1972/04/26	Madison
USA	S. Vietnam	1547	Howes, George Andrews	W3	XX	1970/01/10	Knox
USAF	Laos	1218	Johns, Paul F	04	XX	1968/06/28	Laconia
USA	S. Vietnam	0436	Johnson, James Reed	E3	BB	1966/08/21	Indianapolis
USA	S. Vietnam	1528	Jones, Grayland	E3	BB	1969/11/23	Indianapolis
USAF	S. Vietnam	0273	Klute, Karl Edwin	03	BB	1966/03/14	Richmond
USN	N. Vietnam	0467	Knochel, Charles Allen	03	BB	1966/09/22	Lafayette
USMC	S. Vietnam	1362	Kuhlman, Robert J Jr	02	XX	1969/01/17	Richmond
USN	N. Vietnam	0361	Lambton, Bennie Richard	E7	BB	1966/06/13	Indianapolis
USA	S. Vietnam	1775	Lautzenheiser, Michael (NMI)	E5	BB	1971/10/26	Muncie
USA	S. Vietnam	1123	Lawson, Karl Wade	E4	BB	1968/04/09	Terre Haute
USA	S. Vietnam	1040	Lindewald, Charels W.	E7	XX	1968/02/007	La Porte
USA	S. Vietnam	1556	Lyon, James Michael	03	KK	1970/02/05	Indianapolis
USAF	S. Vietnam	0177	Mann, Robert Lee	03	BB	1965/10/22	Lafayette
USA	S. Vietnam	1672	Martin, Jerry Dean	E5	BB	1970/11/03	Bedford
USMC	N. Vietnam	0643	McGarvey, James Maurice	04	XX	1967/04/17	Valparaiso
USAF	N. Vietnam	0806	Midnight, Francis B	02	XX	1967/08/23	Gary
Civilian	S. Vietnam	1997	Miller, George C		BB	1975/03/12	
USN	S. Vietnam	2053	Mitchell, Harry E	E8	XX	1968/05/05	Marion
USN	N. Vietnam	2004	Montgomery, Ronald Wayne	E5	BB	1969/10/02	Moores Hill
USA	S. Vietnam	0666	Moore, Ralph Edward	E3	BB	1967/05/03	Indianapolis
USA	Laos	0276	Nash, John Michael	03	BB	1966/03/15	Tipton
USAF	N. Vietnam	0838	Nellans, William L	03	XX	1967/09/17	Warsaw
USA	S. Vietnam	0818	Newburn, Larry Stephen	E3	BB	1967/08/29	Kokomo
USA	S. Vietnam	1372	Padgett, David E	02	XX	1969/02/06	Washington
USN	S. Vietnam	2021	Parker, Thomas Aquinas	E6	BB	1967/04/05	Oxford
USAF	N. Vietnam	0589	Poor, Russell Arden	03	XX	1967/02/04	Warsaw
USN	S. Vietnam	1271	Posey, George Ray	E3	BB	1968/09/05	Anderson
USN	N. Vietnam	1532	Rogers, Billy Lee	E3	BB	1969/12/01	Gary
USAF	Laos	0668	Rogers, Charles Edward	04	BB	1967/05/04	Gary
USN	S. Vietnam	0232	Schoonover, Charles David	04	BB	1966/01/16	Indianapolis
USA	Laos	1679	Smith, Ronald Eugene	E7	BB	1970/11/28	Covington
USN	N. Vietnam	0708	Soucy, Ronald Philip Sr	E5	BB	1967/05/23	Whiting Lake
USMC	S. Vietnam	1152	Staehli, Bruce Wayne	E3	XX	1968/04/30	Crow Point Lake
USAF	N. Vietnam	1312	Stonebraker, Kenneth Arnol	03	XX	1968/10/28	Hobart
USAF	N. Vietnam	1955	Stuart, John F.	04	XX	1972/12/20	Indianapolis
USA	S. Vietnam	0905	Stuckey, John Steiner Jr	E2	BB	1967/11/11	Cloverdale
USA	S. Vietnam	1489	Trampski, Donald Joseph	E2	XX	1969/09/16	Chesterton
USAF	Cambodia	1805	Wagner, Raymond Anthony	E3	BB	1972/03/27	Evansville
USA	S. Vietnam	0469	Whittle, Junior Lee	E4	BB	1966/09/24	Indianapolis
USAF	N. Vietnam	1063	Wright, Thomas T	03	XX	1968/02/27	Gary
USA	S. Vietnam	1874	Yeakley, Robin Ray	E4	BB	1972/06/11	South Bend
USA	S. Vietnam	1582	Young, Jeffrey Jerome	E3	BB	1970/04/04	Indianapolis

Number of records: 61.

PERSONNEL MISSING KOREA—[PMKOR] FOR INDIANA

Name	Svc	Service No.	Grade	Rank	Status	Unit	IDATE	Veh type	City/county	State	DOD
Acton, Floyd Neal	USA	RA23047724	E4	CPL	MIA	G CO 38TH INF	1951/05/17	None	Jackson	IN	1953/12/31
Adams, James Dwight	USA	RA16312228	E4	CPL	KIA	MED CO 38TH INF	1950/11/29	None	Tippecanoe	IN	1950/11/29
Akers, Herbert D	USA	RA16314622	E4	CPL	POW	A BTRY 82ND AAAW	1950/12/01	None	Vigo	IN	1951/03/05
Anspaugh, George	USA	ER35908869	E7	SFC	MIA	G CO 38TH INF	1951/05/17	None	DeKalb	IN	1953/12/31
Archer, Robert Gene	USA	RA15420142	E4	CPL	POW	HQ CO 1/32ND INF	1950/12/02	None	Clay	IN	1951/02/28
Baker, David	USA	RA16324110	E3	PFC	MIA	I CO 24TH INF	1950/11/28	None	Lake	IN	1953/12/31
Baker, Donald Lewis	USA	RA16277531	E5	SGT	POW	H CO 24TH INF	1950/09/06	None	Howard	IN	1951/03/31
Barker, Donald Lee	USA	RA35971592	E4	CPL	KIA	HQ CO 2/9TH INF	1950/11/26	None	Cass	IN	1950/11/26
Bauer, Lester William	USA	RA15277574	E3	PFC	MIA	I CO 29TH INF	1950/07/27	None	Clinton	IN	1953/12/31
Beard, Robert Allen	USA	0–02212047	02	1LT	MIA	H CO 9TH INF	1950/11/26	None	Vermillion	IN	1953/12/31
Beed, Milton Marion	USA	RA17038006	E7	SFC	POW	A CO 38TH INF	1951/02/12	None	Marion	IN	1951/10/31
Bellar, Lowell W	USA	RA15198647	E3	PFC	KIA	M CO 31ST INF	1950/12/01	None	Lake	IN	1950/12/01
Berry, A D	USA	RA35721765	E8	MSG	POW	HM CO 32ND INF	1950/12/02	None	Vandervurgh	IN	1950/12/20
Binge, Charles F	USA	US55329092	E4	CPL	MIA	K CO 180TH INF	1953/07/15	None	Newton	IN	1954/06/17
Blasdel, William Stanley	USMC	0561269	E3	CPL	MIA	H BRTY 3/11	1950/11/28	None	New Albany	IN	1953/11/28
Bowerman, William J	USA	RA16268609	E4	CPL	MIA	B CO 32ND INF	1950/12/02	None	DeKalb	IN	1953/12/31
Bowman, Allen Milford	USMC	1082663	E3	CPL	KIA	B CO 1/5	1950/11/28	None	Covington	IN	1950/11/28
Bradley, Eldon R	USA	RA16314247	E4	CPL	POW	E CO 8TH CAV	1950/11/02	None	St Joseph	IN	1951/04/17
Brock, Kenneth Wilber	USMC	1064429	E2	PFC	KIA	G CO 3/5	1950/12/01	None	Indianapolis	IN	1950/12/01
Brown, Kenneth	USA	US55200622	E3	PFC	KIA	K CO 15TH INF	1952/08/14	None	Marion	IN	1952/08/14
Brown, Thomas James	USA	RA15420057	E4	CPL	MIA	B CO 38TH INF	1951/05/18	None	Elkhart	IN	1953/12/31
Burch, Hugh Maynard	USAF	AF15277194	E5	SSG	MIA	93RD BOMB SQ	1951/04/12	B–29	New Carlisle	IN	1954/01/31
Burns, Forrest S	USA	0–00974111	02	1LT	KIA	7 CO 38TH INF	1952/08/30	None	Bartholomew	IN	1952/08/30
Caddell, Donald	USA	RA16324148	E2	PVT	KIA	L CO 38TH INF	1952/01/12	None	Greene	IN	1952/01/12
Calhoun, Stanley Louis Jr	USN	2767382	E3	EMFN	MIA	USS MAGPIE	1950/10/01	Ship	Dunkirk	IN	1951/10/02
Chadwell, George R	USA	RA16313989	E3	PFC	MIA	M CO 31ST INF	1950/12/12	None	Tippecanoe	IN	1953/12/31
Chappel, Richard A	USA	RA23020626	E4	CPL	MIA	B CO 8TH CAV RGT	1950/11/02	None	Allen	IN	1953/12/31
Clark, Gene Franklin	USA	RA15275841	E5	SGT	MIA	HQ 8TH CAV	1950/11/02	None	Delaware	IN	1953/12/31
Clark, Harold Robert	USA	ER35368243	E3	PFC	POW	L CO 38TH INF	1951/02/13	None	Marion	IN	1951/05/31
Clifford, Clyde R	USA	RA16314210	E4	CPL	MIA	D CO 27TH INF	1950/07/26	None	Elkhart	IN	1953/12/31
Conrad, Jack Dwayne	USA	RA16313046	E2	PV2	KIA	HQ CO 1/29TH INF	1950/07/31	None	Delaware	IN	1950/07/31
Conrad, Richard Leon	USA	RA16313050	E3	PFC	KIA	HQ CO 1/29TH INF	1950/07/31	None	Delaware	IN	1950/07/31
Cosby, Folton	USA	RA35686359	E7	SFC	NBD	H CO 35TH INF	1950/08/15	None	Edinburg	IN	1950/08/15
Cowger, John Harold	USMC	0619868	E3	CPL	KIA	C CO 1/5	1950/11/28	None	Terra Haute	IN	1950/11/28
Cox, Clarence Vernon Jr	USA	RA15419041	E7	SFC	MIA	G CO 8TH CAV	1950/11/01	None	Madison	IN	1953/12/31
Cozad, Kenneth Lee	USA	RA15275155	E5	SGT	MIA	G CO 19TH INF	1950/07/30	None	Jennings	IN	1954/03/01
Cranor, George Eldon	USA	RA16311698	E3	PFC	MIA	AMB CO 7/7TH INF	1950/11/28	None	Lake	IN	1954/03/18
Cunningham, William R	USA	RA15276473	E4	CPL	MIA	B CO 32ND INF	1950/12/02	None	Vigo	IN	1953/12/31
Dally, Kenneth Horton	USA	RA35327139	E8	MSG	POW	A CO 2ND ENGR BN	1950/12/01	None	Steuben	IN	1951/01/15
Davis, Ezekiel Alfonso	USA	RA16333109	E2	PVT	MIA	D CO 9TH INF	1951/02/11	None	Grant	IN	1954/02/17
Davis, Jack A	USA	ER15246484	E3	PFC	MIA	K CO 9TH INF	1951/02/12	None	St Joseph	IN	1953/12/31
Debaun, George Jr	USMC	0550786	E3	CPL	MIA	G CO 3/1	1953/07/25	None	Shelbyville	IN	1954/07/26
Decker, Hobart	USA	RA35098620	E3	PFC	NBD	D CO 31ST INF	1950/12/20	None		IN	1950/12/20
Decker, Raymond Alfred	USAF	AO–2000360	02	1LT	MIA	729TH BOMB SQ(L)	1951/07/19	B–26	Hobart	IN	1953/12/31
Delong, Clayton C	USA	RA16311080	E4	CPL	MIA	K CO 31ST INF	1950/12/12	None	Allen	IN	1953/12/31
Dennis, Gene Alton	USAF	20163A	02	1LT	MIA	428TH FTR BMB SQ	1952/09/28	F–84E	Marion	IN	1953/12/31
Dewitt, Stanley L	USA	RA16312243	E5	SGT	MIA	57TH FA BN	1950/12/06	None	Cass	IN	1953/12/31
Dick, William L Jr	USA	RA16314645	E3	PFC	MIA	E CO 5TH CAV	1950/08/15	None	Jennings	IN	1954/02/19
Dinerboiler, Milton J	USA	RA15277160	E3	PFC	POW	HV MTR CO 32ND I	1950/12/02	None	Elkhart	IN	1951/04/30
Doody, James Thomas	USA	RA15243815	E4	CPL	KIA	F CO 23RD INF	1952/07/17	None	Marion	IN	1952/07/17
Dunn, James R	USA	RA35725173	E7	SFC	MIA	HQ CO 3/8TH CAV	1950/11/02	None	Knox	IN	1953/12/31
Durakovich, Joseph	USA	ER35143986	E8	MSG	MIA	G CO 5TH CAV	1950/11/28	None	Lake	IN	1953/12/31
Eads, Donald Wayne	USMC	1277798	E2	PFC	MIA	C CO 1/5	1953/03/26	None	Bloomington	IN	1954/03/26
Eaton, John Omer	USA	RA16313235	E4	CPL	POW	A CO 34TH INF RGT	1950/07/20	None	Crawford	IN	1951/05/08
Eggers, Herbert P	USA	RA16320452	E3	PFC	MIA	MED CO 19TH INF	1950/07/16	None	Marion	IN	1953/12/31
Emrick, Howard W	USA	RA23008101	E3	PFC	MIA	L CO 34TH INF	1950/07/20	None	Allen	IN	1953/12/31
Enright, William Chester	USMC	0894035	E4	SGT	KIA	I CO 3/7	1950/12/02	None	Hammond	IN	1950/12/02
Estes, Robert Vernon	USA	RA16312230	E4	CPL	POW	HQ CO 1BN 9TH INF	1950/11/30	None	White	IN	1951/01/02
Faith, Don Carlos Jr	USA	0–046673	05	LTC	KIA	HQ CO 1/32ND INF	1950/12/02	None	Daviess	IN	1950/12/02
Finch, Robert Clarence	USAF	AO–2078198	02	1LT	MIA	728TH BOMB SQ(L)	1951/09/07	B–26	Lafayette	IN	1953/12/31
Fluhr, Peter Paul Jr	USA	RA 15380970	E4	CPL	MIA	F CO 8TH CAV	1950/09/03	None	Scott	IN	1953/12/31
Frakes, Edward Leo	USMC	P–051084	02	1STLT	MIA	VMF 311 MAG 33	1951/10/03	F–9F	Branchville	IN	1953/12/16
Frankart, Ned Charles	USAF	AO–839010	02	1LT	KIA	39TH FTR INT SQ	1951/11/03	F–51D	Fort Wayne	IN	1953/12/31
Frans, Jack Marvin	USA	ER 16313202	E4	CPL	MIA	A CO 38TH INF	1951/02/12	None	Daviess	IN	1954/01/18
Frantz, George Arthur	USA	RA 16311766	E3	PFC	POW	L CO 21ST INF	1950/07/11	None	Marion	IN	1950/12/03
Garrigus, Charles	USA	RA35968746	E5	SGT	KIA	HQ CO 1/32ND INF	1950/12/01	None	Gibson	IN	1950/12/01
Gibson, Clifton E	USA	US55248898	E3	PFC	MIA	F CO 31ST INF	1952/10/15	None	St Joseph	IN	1953/12/31
Gibson, Willard M	USA	RA16314737	E5	SGT	MIA	E CO 9TH INF	1950/12/01	None	Sullivan	IN	1951/06/21
Goe, Clyde	USA	RA06662785	E8	MSG	MIA	I CO 38TH INF	1950/11/30	None	Brown	IN	1953/12/31
Goodall, Robert	USA	RA16332019	E3	PFC	POW	K CO 9TH INF	1951/02/12	None	Delaware	IN	1951/03/31
Greene, Joseph P	USA	ER35720706	E3	PFC	KIA	RECON CO 2ND INF	1951/02/14	None	Vanderburgh	IN	1951/02/14
Griffith, Jack Walter	USN	0–283413	03	LT	MIA	CARRIER AIR GP 2	1952/07/04	F–9F2	Evansville	IN	1954/05/25
Gude, Edward Allen	USA	RA16310231	E4	CPL	MIA	M CO 23RD INF	1950/11/19	None	Perry	IN	1953/12/31
Guynn, John Edwin	USA	RA35902554	E4	CPL	POW	HM CO 19TH INF	1950/11/04	None	Huntington	IN	1951/03/02
Hamm, Donald Lane	USA	RA15244528	E5	SGT	MIA	HH CO 2/5TH CAV	1950/11/28	None	Daviess	IN	1953/12/31
Hammon, Keith Edward	USAF	AF15230651	E6	TSG	MIA	307TH BOMB GP	1953/11/08	B/29	Rockville	IN	1953/11/09
Harmon, Gilbert Larry	USMC	1123570	E2	PFC	MIA	I CO 3/5	1953/07/26	None	Terre Haute	IN	1954/07/26
Harris, Elmer Jr	USA	RA15416300	E4	CPL	MIA	C CO 2ND ENGR BN	1950/11/28	None	Monroe	IN	1953/12/31
Harris, Max Eugene	USA	RA15256584	E7	SFC	POW	L CO 31ST INF	1950/12/12	None	White	IN	1951/09/30
Harrison, Bannie Jr	USA	RA15278030	E4	CPL	POW	M CO 9TH INF	1950/12/01	None	Allen	IN	1951/01/07
Hatch, Gene N	USA	RA15278016	E5	SGT	POW	MED CO 9TH INF	1950/12/01	None	Allen	IN	1951/03/31
Hay, Kenneth Verne	USA	RA15243924	E4	CPL	POW	I CO 5TH CAV RGT	1951/03/19	None	Wayne	IN	1951/09/30
Henkenius, Leo Joseph	USMC	1063789	E2	PFC	MIA	E CO 2/7	1950/11/28	None	Fort Wayne	IN	1953/10/23
Hill, James Fella	USA	0–38835	05	LTC	POW	HH CO 9TH INF	1950/12/01	None	Spencer	IN	1950/12/15
Hinds, Robert Lee	USMC	1048219	E2	PFC	KIA	D CO 2/5	1950/12/07	None	Indianapolis	IN	1950/12/07
Holle, Joseph Francis	USA	US55327978	E4	CPL	MIA	E CO 17TH INF	1953/07/08	None	Marion	IN	1954/07/09
Holman, Charles	USN	0–486204	02	LTJG	KIA	USS PRINCETON	1952/08/01	AD–4	Indianapolis	IN	1952/08/01
Hooper, Floyd E	USA	ER52007636	E4	CPL	POW	I CO 19TH INF	1951/02/04	None	Madison	IN	1951/06/30
Hubartt, Ralph Ernest Jr	USA	RA16311033	E4	CPL	MIA	H CO 38TH INF	1950/11/27	None	Huntington	IN	1953/12/31
Hukill, Paul F	USA	RA16311584	E3	PFC	POW	A BTRY 38TH FA	1950/11/30	None	Lake	IN	1951/01/12
Jaynes, Edward R	USA	RA15416806	E3	PFC	MIA	C CO 13TH ENGR B	1950/12/01	None	Gibson	IN	1953/12/31
Jester, William F	USA	0–00057490	02	1LT	POW	HQ 3/21ST INF RGT	1950/07/12	None	Marion	IN	1951/05/31
Jester, William R	USA	RA15276540	E4	CPL	POW	L CO 21ST INF	1950/07/11	None	Switzerland	IN	1951/06/16
Jinks, Leonard W E	USA	RA15057580	E4	CPL	MIA	C CO 19TH INF	1950/07/16	None	Ripley	IN	1954/02/18
Johnson, William H	USA	RA15275557	E3	PFC	MIA	F CO 7TH INF	1950/12/03	None	Clark	IN	1953/12/31
Killar, Paul Martin	USA	US55324677	E3	PFC	MIA	A CO 13TH ENG	1953/07/09	None	Lake	IN	1954/07/10
Lander, Lawrence E	USA	RA15208600	E6	SGT	POW	HQ CO 3/9TH INF RGT	1950/12/01	None	Vanderburgh	IN	1951/02/28
Langwell, Robert Warren	USN	0–534047	01	ENS	MIA	USS MAGPIE	1950/10/01	SHIP	Indianapolis	IN	1951/10/02
Leffler, Everett W	USA	RA16310242	E4	CPL	MIA	C BTRY 38TH FA	1950/11/30	None	Knox	IN	1953/12/31
Liddle, Harry H Jr	USA	US55200056	E3	PFC	KIA	F CO 179TH INF	1952/06/11	None	Dearborn	IN	1952/06/11
Loveless, Larry	USA	RA16311922	E3	PFC	KIA	C CO 9TH INF	1950/08/11	None	Harrison	IN	1950/08/11
Magnus, Donald F	USA	RA15255097	E4	CPL	POW	HQ CO 3/21ST INF	1950/07/12	None	Vanderburgh	IN	1951/01/04
Manion, Everett D	USA	RA15418921	E4	CPL	MIA	F CO 35TH INF	1950/07/22	None	Montgomery	IN	1953/12/31
Marlatt, Donald Lee	USA	RA17314684	E4	CPL	MIA	B CO 2ND ENGR BN	1950/11/28	None	Jasper	IN	1953/12/31
Martin, Herbert O	USA	RA15244895	E3	PFC	KIA	F CO 21ST INF	1950/09/05	None	Giibson	IN	1950/09/05
Mastabayvo, Steve A	USA	US55219335	E3	PFC	MIA	C CO 9TH INF	1952/08/14	None	Lake	IN	1953/12/31
McClain, Earl E	USA	RA15417938	E5	SGT	MIA	HVY MORT 21 INF	1950/09/04	None	Marion	IN	1953/12/31
McDoniel, Raymond John	USA	0–1321324	03	CPT	POW	D CO 9TH INF	1950/11/28	None	Monroe	IN	1950/11/28
McFarren, Edward Q	USA	ER52008423	E3	PFC	MIA	E CO 5TH CAV	1950/11/28	None	Kosciusko	IN	1953/12/31
McIntyre, James T	USA	RA16313204	E4	CPL	POW	K CO 21ST INF	1950/07/11	None	Floyd	IN	1950/12/28
McNally, Joseph Lawrence	USA	RA35893731	E8	,SG	MIA	A CO 8TH CAV RGT	1950/11/02	None	Hancock	IN	1953/12/31
Metzcar, R Maurice	USA	0–1059560	03	CPT	POW	HQ CO 555 FA BN	1951/04/25	None	Delaware	IN	1951/09/28

PERSONNEL MISSING KOREA—[PMKOR] FOR INDIANA—Continued

Name	Svc	Service No.	Grade	Rank	Status	Unit	IDATE	Veh type	City/county	State	DOD
Michaels, Melvin J	USA	RA16335916	E3	PFC	KIA	L CO 35TH INF	1951/09/07	None	Porter	IN	1951/09/07
Middleton, Harry Richard	USAF	16941A	O3	CPT	KIA	12TH FTR BMBR SQ	1951/04/30	F–51D	Nappanee	IN	1952/04/24
Minniear, Robert G	USA	RA16313155	E4	CPL	POW	C BTRY 37TH FA	1950/11/30	None	Tippecanoe	IN	1951/03/13
Mishler, James E	USA	RA15276384	E3	PFC	POW	SV BTRY 38 FA BN	1950/11/30	None	Clay	IN	1951/03/04
Mitchell, Donald K	USA	RA15417787	E4	CPL	KIA	G CO 23RD INF	1950/11/30	None	Lake	IN	1951/11/30
Moore, John D Jr	USA	RA35892154	E5	SGT	POW	G CO 24TH INF	1950/11/27	None	Lake	IN	1951/05/31
Morris, Clarence Taylor	USMC	1243690	E2	PRC	MIA	E CO 2/1	1952/02/12	None	Gary	IN	1951/06/28
Morris, David Wesley	USA	ER35145756	E4	CPL	POW	D CO 38TH INF	1951/02/12	None	Madison	IN	1951/06/17
Morris, Russell F	USA	ER35169826	E5	SGT	MIA	HQ CO 3 38TH INF	1951/02/13	None	Delaware	IN	1954/03/05
Mullett, Richard Everett	USMC	0550847	E7	MSGT	MIA	VMF 513 MAG 12	1952/06/15	F–73N	Butler	IN	1953/12/17
Myers, Donald William	USMC	0655408	E2	PFC	MIA	C CO 1/7	1950/12/02	None	Ft. Wayne	IN	1953/12/04
Neiswinger, Thomas W	USA	RA15420168	E4	CPL	MIA	F CO 38TH INF	1950/09/06	None	Clay	IN	1953/12/31
Nicholson, Richard L	USA	RA15276162	E4	CPL	MIA	E CO 7TH CAV	1950/09/06	None	Henry	IN	1953/12/31
Northcutt, Charles Jr	USA	RA15417798	E4	CPL	MIA	C CO 3RD ENGR BN	1950/07/20	None	Montgomery	IN	1953/12/18
Olcott, Richard Lee	USAF	AO–736315	O2	1LT	KIA	39TH FTR INT SQ	1951/10/06	F–51	Ft Wayne	IN	1951/10/31
Phillips, Virgil L	USA	RA35813775	E5	SGT	MIA	K CO 8TH CAV	1950/11/02	None	Martin	IN	1951/10/31
Pickens, Russell B	USA	RA16310805	E4	CPL	MIA	A BTRY 63RD FA	1950/07/20	None	Allen	IN	1953/12/31
Pleiss, Lewis Peifer	USAF	AO–1912244	O2	1LT	MIA	25TH FTR INT SQ	1951/09/23	F–80	New Albany	IN	1953/12/31
Plump, James	USA	RA34014959	E8	MSG	KIA	C CO 24TH INF	1950/11/27	None	St Joseph	IN	1950/11/27
Pothast, Bobby Lee	USMC	1181849	E2	PFC	KIA	F CO 2/1	1952/06/13	None	Indianapolis	IN	1952/06/13
Rider, Alexander David	USMC	443270	E6	TSGT	KIA	4–2 MORT CO 7TH MAR	1950/12/06	None	Gary	IN	1950/12/06
Riley, Charles D	USA	RA16314614	E4	CPL	POW	B CO 2ND ENGR BN	1950/11/28	None	Delaware	IN	1951/02/28
Rodman, Marvin L	USA	US55200683	E7	SFC	MIA	K CO 32ND INF	1952/10/20	None	Washington	IN	1953/12/31
Ross, Edward F	USA	ER35540297	E5	SGT	MIA	H CO 7TH INF	1951/04/25	None	DeKalb	IN	1953/12/31
Ross, Robert Lewis	USAF	AF22998208	E5	SSG	MIA	28TH BOMB SQ	1952/06/10	B–29	Rockville	IN	1954/02/28
Ruby, Gene Robert	USMC	1082534	E2	PFC	KIA	HQ BTRY 3/11	1950/11/30	None	Roanoke	IN	1950/11/30
Rush, John Earl	USMC	520559	E3	CPL	MIA	I CO 3/7	1950/12/02	None	South Bend	IN	1954/01/14
Scott, Marle D	USA	RA15278294	E3	PFC	KIA	B BTRY 57TH FA	1950/11/29	None	Fountain	IN	1950/11/29
Scott, Richard Dale	USN	2916861	E6	BM1	MIA	USS MAGPIE	1950/10/01	Ship	Peru	IN	1951/10/02
Sechman, Donald R	USA	RA15275776	E4	CPL	MIA	I CO 34TH INF	1950/07/20	None	Montgomery	IN	1954/01/20
Selman Clifford Gene	USAF	AO–1864097	O2	1LT	MIA	13 BOMB SQ, LT	1953/05/17	B–26	LaFayette	IN	1954/05/18
Shepler, Gerald Ivin	USA	RA15419662	E4	CPL	KIA	K CO 187TH ABN	1950/11/29	None	Union	IN	1950/11/29
Simmons, Wallace Jr	USA	RA35569696	E8	MSG	MIA	HQ BTRY 7TH INF	1950/12/06	None	Marion	IN	1953/12/31
Sizemore, Charles E	USA	RA16311923	E4	CPL	MIA	HQ HQ CO 8TH CAV	1950/11/02	None	Marion	IN	1953/12/31
Smith, Charles E	USA	RA16314105	E3	PFC	MIA	B CO 29TH INF	1950/07/27	None	St. Joseph	IN	1953/12/31
Smith, Leland Ford	USA	RA23021038	E4	CPL	POW	K CO 35TH INF	1950/11/28	None	Steuben	IN	1951/02/28
Spangler, Donald E	USA	RA15275871	E3	PFC	MIA	B CO 8TH CAV RGT	1950/11/02	None	Delaware	IN	1953/12/31
Stebbens, Alvin Lowell	USA	RA16312837	E4	CPL	MIA	A CO 32ND INF	1950/12/02	None	Grant	IN	1953/01/26
Strawser, Paul P	USA	RA15212417	E4	CPL	POW	A CO 34TH INF	1950/07/06	None	Steuben	IN	1950/11/22
Sturdivant, Charles	USA	ER52005770	E3	PFC	POW	I CO 38TH INF	1951/02/12	None	Huntington	IN	1953/12/31
Sturgeon, Gene Alfred	USMC	0450033	E3	CPL	KIA	B CO 1/7	1950/11/28	None	Connersville	IN	1950/11/28
Surber, Harold Paul	USA	US55031109	E4	CPL	POW	C CO 38TH INF	1951/05/18	None	Marion	IN	1951/07/31
Tabaczynski, Edwin Felix	USAF	AO–2221757	O1	2LT	KIA	16TH FTR INT SQ	1951/08/20	F–80	Mishawaka	IN	1952/08/01
Talley, James Willis	USA	RA16324102	E3	PFC	KIA	C CO 24TH INF	1950/11/26	None	Lake	IN	1950/11/26
Thurman, John Edward	USAF	AF16346460	E4	AIC	NBD	1 ST SHORAN SQ	1952/10/16	C–46	Greensboro	IN	1952/11/07
Titus, Robergt Eli	USA	RA16312767	E3	PFC	POW	C CO 19TH INF	1950/07/16	None	Grant	IN	1950/12/31
Toops, William Wilbur	USAF	AO–1911692	O2	1LT	KIA	8TH FTR BMBR SQ	1952/06/16	F–84E	Anderson	IN	1952/06/16
Turner, Robert William	USN	2914368	E7	ENC	KIA	USS PLEDGE, AM–277	1950/10/12	AM	Logansport	IN	1950/10/12
Wagner, Gene Lewis	USA	RA15275693	E4	CPL	POW	A CO 19TH INF	1950/07/16	None	White	IN	1950/10/31
White, Robert Lee	USA	RA16312975	E4	CPL	POW	A BTRY 38th FA	1950/11/30	None	Henry	IN	1951/04/04
Wilder, Robert Dewitt	USMC	1176607	E3	CPL	KIA	G CO 3/7	1952/10/06	None	Evansville	IN	1952/10/06
Williams, Grover Lois	USMC	0593728	E3	CPL	MIA	E CO 2/7	1950/11/28	None	Walkerton	IN	1953/10/22
Wilson, Merble Eugene	USA	RA15242639	E3	PFC	POW	L CO 5th CAV RGT	1951/02/15	None	Tippecanoe	IN	1954/03/05
Woliung, John George	USAF	AO–826818	O3	CPT	MIA	12th FTR BMBR SQ	1952/11/05	F–51	Greencastle	IN	1953/10/28
Zekucia, Bernard M	USA	US55061590	E4	CPL	KIA	38th INF	1951/08/27	None	Lake	IN	1951/08/27
Bender, Victor Vernon	USA	RA15277459	E7	SFC	MIA	L CO 38th INF	1950/11/27	None	Marion	IN	1953/12/31
Byard, Billie Jack	USA	RA15418425	E3	PFC	KIA	C BTRY 58th FA BN	1950/11/28	None	Marion	IN	1950/11/29
Coleman, James Allen	USA	RA15246539	E7	SFC	KIA	I CO 19th INF	1951/04/25	None	Vermillion	IN	1951/04/25
Conde, Louis Bernard	USA	US55170838	E5	SGT	MIA	B CO 15th INF	1952/01/29	None	Lake	IN	1953/12/31
Constant, James L	USA	RA16320424	E3	PFC	MIA	A CO 23RD INF	1950/09/08	None	Marion	IN	1953/12/31
Dalton, Howard Dale	USA	RA15418915	E4	CPL	POW	E CO 21ST INF	1951/04/27	None	Tippecanoe	IN	1954/01/05
Drew, Donald D	USA	RA15419313	E4	CPL	MIA	M CO 34TH INF	1950/07/20	None	Washington	IN	1953/12/31
Hamilton, Donald Sewell	USA	RA15275073	E5	SGT	MIA	MED CO 32ND INF	1950/12/02	None	Greene	IN	1953/12/31
Hodge, William M	USA	RA15258056	E2	PVT	MIA	I CO 24TH INF	1950/07/26	None	Lake	IN	1953/12/31
Inman, Richard George	USA	O–00066536	O1	2LT	MIA	HV MORT CO 17TH	1953/07/07	None	Knox	IN	1953/07/07
Jochim, Cornelius A	USA	RA15416759	E7	SFC	MIA	MTR CO 31ST IN R	1950/11/28	None	Vanderburgh	IN	1953/13/31
Lykins, Earl Paul	USA	RA15419183	E4	CPL	POW	D CO 34TH INF	1950/07/20	None	Randolph	IN	1950/10/27
Mace, Delbert Ulysses	USA	US55031792	E7	SFC	KIA	A CO 21ST INF	1951/12/12	None	Porter	IN	1951/12/12
Martin, Albert F	USA	US55201362	E4	CPL	MIA	G CO 179TH INF	1952/10/29	None	Jay	IN	1953/12/31
McDaniel, Charles H	USA	RA17000585	E8	MSG	MIA	MED CO 8TH CAV REG	1950/11/02	None	Jennings	IN	1953/12/31
McKeehan, Herbert V	USA	RA16311516	E3	PFC	KIA	B CO 70TH TNK BN	1950/11/02	None	La Porte	IN	1950/11/02
Meshulan, Morris	USA	RA15277708	E4	CPL	POW	D CO 82ND AAAWBN	1950/12/01	None	Marion	IN	1951/01/11
Murdock, Jackie Lee	USA	RA16314045	E3	PFC	POW	B CO 34TH INF	1950/07/06	None	Montgomery	IN	1950/10/29
Pearson, Raymond Edward	USA	O–02014734	O2	1LT	POW	SVC BTRY 63RD FA BN	1950/07/14	None	Montgomery	IN	1951/02/28
Reynolds, Bernard Clayton	USA	US55049102	E4	CPL	MIA	D CO 38TH INF REG	1951/05/18	None	Randolph	IN	1953/12/31
Serwise, Luther Dean	USA	ER35096963	E7	SFC	MIA	A CO 38TH INF	1951/02/12	None	Lake	IN	1954/02/17
Wasiak, Richard L	USA	RA16311250	E4	CPL	MIA	G CO 32ND INF	1950/12/02	None	Lake	IN	1953/12/31
White, Robert Louis	USA	RA16320481	E5	SGT	MIA	HQ CO 1BN 9INF	1950/11/30	None	Decatur	IN	1953/12/31
Soderstrom, Marvin W	USA	US55091639	E3	PFC	MIA	E CO 35TH INF	1951/09/09	None	Porter	IN	1954/02/15
Rice, Donald Ray	USA	RA16311222	E5	SGT	POW	L CO 23RD INF	1951/05/18	None	Porter	IN	1951/10/31
Davis, Norman Glen	USAF	AF15209199	E6	SSG	MIA	8 BOMB SQ, LT	1951/09/12	B–26	Hymera	IN	1954/02/28
Criswell, Reed A	USA	RA16314940	E4	CPL	POW	A BTRY 15TH FA	1951/02/13	None	Washington	IN	1951/04/05
Tucker, Robert Jerome	USA	RA35724130	E4	CPL	MIA	E CO 24TH INF	1950/11/27	None	Gibson	IN	1950/11/27

Count Total: 195.

HONORING THE BRAVERY OF MISSOURI TASK FORCE ONE

Mrs. CARNAHAN. Madam President, during the course of the past week, we have witnessed extraordinary acts of bravery. Americans from all walks of life have reached deep into their souls and sought to bring forth comfort to those who have suffered the unimaginable. Their efforts range from simple acts of kindness to the emotionally numbing tasks of searching through the aftermath for survivors. Today I rise to applaud the efforts of a special team of Americans, Missouri Task Force One.

Created in the early '80s by the Federal Emergency Management Agency, the philosophy behind urban search and rescue was to compile a team of highly trained and motivated rescue and medical specialists that could find and return people in collapsed buildings. This past week the 62 volunteers that make up Missouri Task Force One have used the full range of their skills in the New York City rescue mission.

Searchers work in 12-hour shifts. They search around the clock. The effort is slow and methodical and emotions run high. ''It's sensory overload in every aspect,'' said team member Doug Wasar, a firefighter from St. Louis. Yet, despite the fatigue and anguish they face, they must be forced to stop and eat. When the shift is over, they are reluctant to stop. They are driven by an inner force they find hard to explain.

Their job is as difficult and challenging as perhaps any task that has been undertaken since the attack, but their focus remains true. As the days and weeks progress and the chances of finding survivors wane, they press on, their hope and determination strong.

On behalf of all Missourians I express my sincere and heartfelt appreciation

to the heroes and heroines who make up Missouri Task Force One. They are shining examples of the best Missouri has to offer and an inspiration to the world.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam 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 November 30, 1993 in Tyler, TX. Nicholas West, a 23-year-old gay man, was abducted from a park known as a meeting place for gays, robbed and shot to death. Donald Aldrich, 29, David Ray McMillan, 17, and Henry Dunn Jr., 19, were charged with 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.

IN MEMORY OF TWO BRAVE CALIFORNIA PILOTS, LARRY GROFF AND LARS STRATTE

Mrs. BOXER. Madam President, I rise today to commemorate the tragic deaths of Larry Groff and Lars Stratte, pilots who were killed on August, 27, 2001 in a mid-air tanker collision while fighting the Bus Fire in Northern California. Both pilots were flying Gruman S–2 aircraft and were making fire retardant drops on the fire when they collided.

Larry Groff and Lars Stratte were established and dedicated pilots who have recorded numerous hours of flying time. Both pilots were employees of San Joaquin Helicopters, Incorporated. Larry Groff was a 20 year Navy Veteran pilot and Lars Stratte was Past President of the Redding Area Pilots Association.

We will never forget the service of these pilots to their community. In a difficult and dangerous occupation, they demonstrated outstanding courage and extraordinary ability to fight fires from the air in their service with the California Department of Forestry and Fire Protection.

Larry Groff, from Windsor, CA, leaves behind his wife Christine, his six children and two grandchildren. Lars Stratte, from Redding, CA, leaves behind his wife Terri and two children.

Larry Groff and Lars Stratte served their community and the people of California with great distinction. I am honored to pay tribute to these brave men today and I encourage my fellow colleagues to join me in celebrating their lives and service, mourning their passing and extending our condolences to their families.

IN RECOGNITION OF DAVID BOHLEY

Mr. BOND. Madam President, I ask the Senate to pause long enough to recognize an outstanding member of my staff who is moving on to new challenges and new opportunities. Dave Bohley has been a member of my Small Business Committee staff since 1998. Since that time he has set a high standard of excellence and knowledge in handling banking and related matters for the Committee. He was also deeply involved in the Small Business Innovation Research program reauthorization we passed last year, and in the Small Business Technology Transfer program legislation currently working its way through the Congress.

Dave's expertise recently attracted him into a new career at Fannie Mae, the financial services company. Although I am happy for him to have this new opportunity, I am sorry to see him leave my staff. Fannie Mae's gain is truly our loss. I wish him every success and thank him so very much for his exemplary service to me and to the Senate.

NATURALIZATION EXTENSION ACT OF 2001

Mr. KOHL. Madam President, I rise today as an original cosponsor of the Bruce Vento Hmong Veterans Naturalization Extension Act of 2001. This important piece of legislation will ensure that the sizable Hmong population in Wisconsin is able to take advantage of a status adjustment opportunity extended to them unanimously by this Congress last year. The Hmong, and particularly the Lao Veterans of America, deserve our respect and honor for all their help during the conflict in Vietnam.

The Hmong Veterans Naturalization Act of 2000 waives the English language requirement and provides for a translator during administration of the Civics test for all Hmong Veterans of the Special Forces in Laos and their spouses and widows applying for U.S. citizenship. However, the Hmong veteran community only had the benefit of this legislation for 18 months. Since enactment, fewer than half of all Hmong veterans and their family members have been able to seek citizenship under these standards. The legislation introduced today would give those eligible an additional 18 months to apply for citizenship under the Naturalization Act.

I commend my colleague Senator WELLSTONE for his efforts on behalf of the Hmong population living in the upper midwestern United States, and I urge expeditious consideration of this legislation.

CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB, MUSLIM AND SOUTH ASIAN AMERICANS

Mr. FEINGOLD. Madam President, I rise to join with my colleagues in support of H. Con. Res 227 condemning bigotry and violence against Arab, Muslim, and South Asian Americans.

I am sincerely grateful for and proud of the tremendous response of the American people who have shown true courage and loyalty in the face of the horrific attacks on our country on September 11, 2001. No one should doubt the resolve of this Nation to meet the challenge before us in fighting terrorism. But as we continue to wrestle with deep and conflicting emotions of sadness, pain, anger, and fear, we must ensure that the spirit of America, that ability to transcend differences in race, religion, and ethnicity to achieve greatness, is not only preserved, but strengthened as a result of this tragedy.

As history has shown, America has always triumphed when we are united. That is why it is so important in this chapter in our history, as we prepare to defend and preserve our Nation, that we stay united as one Nation. This should not be an occasion for irrational impulses of fear, hate or violence towards Arab-Americans, Muslim Americans, South Asian Americans, or any other person in this country. Such actions are wrong. The idea of ''America'' knows no racial, ethnic, or religious boundaries, and no American should have to live in fear as a result of this situation. I stand together with my colleagues, and with Americans of all backgrounds, in condemning such actions. We must renew our commitment to protect our fellow Americans and our Nation against those who want to divide us with hate.

Unfortunately, there has been a rash of acts of hate during the last week, compounding the anxiety of Americans in communities throughout this Nation. I have been saddened to hear of incidents in my own State. Ashraf ''Mike'' Khaled, a Wisconsin resident of Jordanian descent and gas station owner, has been the victim of several incidents of hateful statements and threats of his safety by customers and passerby. He reminded us of why our country is so great and why these actions of hatred can be so damaging. He said, ''I love this country because I found my freedom here.''

This is a critical moment for America. One in which we must all live by and honor our Pledge to live as ''One Nation, under God, indivisible, with liberty and justice for all.''

ADDITIONAL STATEMENTS

TRIBUTE TO BISHOP TIMLIN

• Mr. SPECTER. Madam President, I seek recognition today to acknowledge the service of my friend, Bishop James C. Timlin, D.D., of the Diocese of

Scranton, who is today celebrating 25 years since his elevation to the rank of bishop. Recently, on July 16, 2001, Bishop Timlin also observed the 50th anniversary of his priestly ordination.

Bishop Timlin was born in Scranton on August 5, 1927. He attended Holy Rosary High School and St. Charles College in Catonsville, MD. He then attended St. Mary's Seminary in Baltimore and the North American College in Rome, Italy, where he completed his studies for the priesthood. Bishop Timlin was ordained on July 16, 1951, in Rome by the Most Reverend Martin J. O'Connor, D.D. Bishop Timlin continued his studies in theology there before returning to the Diocese of Scranton, where he was appointed Assistant Pastor at St. John Evangelist Parish, Pittston, in 1952.

On June 12, 1953, he became Assistant Pastor of St. Peter's Cathedral in Scranton, where he served until September 12, 1966, when he was named Assistant Chancellor of the Diocese of Scranton. He was named Chaplain to His Holiness Pope Paul VI on August 3, 1967, Chancellor of the Diocese of Scranton on December 15, 1971, and Prelate of Honor to His Holiness on April 23, 1972. He was named the Auxiliary Bishop of Scranton on August 3, 1976, and Pastor of the Nativity of Our Lord, Scranton, in September 1979. Cardinal John J. O'Connor, the seventh Bishop of Scranton, appointed him Chairman of the Board of Advisors for St. Pius X Seminary and Chairman of the Preparatory Commission for the Scranton Diocesan Synod in 1983.

Pope John Paul II appointed him the eighth Bishop of Scranton on April 24, 1984, and his installation followed on June 7, 1984. Bishop Timlin has served two terms as a member of the Administrative Board and the National Advisory Council of the National Conference of Catholic Bishops. He also served as a member of the Board of the North American College, as well as a consultant on the Liturgy Committee. He is presently a consultant to the NCCB's Ecumenical and Migration committees.

For his leadership and spiritual shepherding of 340,000 Catholics in the 11 counties of the Diocese of Scranton, I would like to extend the gratitude and recognition of the United States Senate to Bishop James Timlin.●

IN MEMORY OF ROSE ANN VUICH

● Mrs. BOXER. Mr. President, I rise today to recognize the recent passing of Rose Ann Vuich, an extraordinary public servant and Californian who died on August 30th at the age of 74, after a long battle with Alzheimer's.

Rose Ann Vuich was California's first woman State senator, serving in the California State Senate for 16 years until her retirement in 1992. With the election of Senator Vuich in 1976, she became an icon in California's political history and helped to write a new era in the history of the California State Senate.

Rose Ann Vuich set a high level of integrity and decency. To this day, there is a Rose Ann Vuich award recognizing other great public servants who meet her high standards. She was a woman of great determination and dedication, who worked tirelessly for her constituents and was loved and respected by so many.

Rose Ann Vuich was the daughter of Yugoslav immigrants and was from the small farming community of Dinuba in Tulare County, California. Senator Vuich was dedicated to agriculture, family, community and promoting the San Joaquin Valley. She will be greatly missed by all.

On behalf of the Senate, I extend our thoughts and prayers to the Vuich Family on the loss of an extraordinary woman. I ask that the Fresno Bee Editorial from August 31, 2001 be printed in the RECORD.

[From the Fresno Bee, Aug. 31, 2001]

ROSE ANN VUICH—VALLEY LAWMAKER LEFT AN ENDURING LEGACY OF ETHICAL, HONEST BEHAVIOR

At a time when there's so much cynicism about government, Rose Ann Vuich reminded us that public service is noble. Sen. Vuich, who died Thursday, was California's first woman state senator, but her mark in Sacramento was made with her integrity and a commitment to her Valley constituents.

A Democrat from Dinuba, Sen. Vuich represented the region for 16 years until retiring in 1992. She served at a time when the Legislature was controlled by special interests and laws limiting gifts from lobbyists were not as strict as they are today. Many legislators had their hands out, and the special interests were only too happy to grease them. But they could not get to Sen. Vuich, although they tried.

Sen. Vuich had earned a reputation for voting her conscience and, didn't look kindly on so-called ''juice bills,'' which were bills that had no value other than attracting campaign contributions for lawmakers. In Sacramento, FBI agents played a tape that had a witness saying a bill shouldn't go to the Banking and Commerce Committee, which Sen. Vuich chaired, because she didn't ''play ball.''

In 1998, an award for ethical leadership was established in Sen. Vuich's name. The aim was to raise the ethical bar in the region, which was sorely needed after the many indictments in the local Operation Rezone case.

Sen. Vuich also was a role model for women in government. It was difficult being California's first woman state senator, but she broke into that men's club with humor and dignity. She kept a bell on her desk in the Senate chamber, and when her male colleagues referred to the ''gentlemen of the Senate'' or ''fellow senators,'' she rang the bell loudly. The Senate soon became more sensitive to gender-biased language.

Sen. Vuich was instrumental in getting the local freeway system built and the centerpiece of her 1976 campaign was completing Freeway 41, which she called ''the freeway to nowhere.''

Sen. Vuich remains a role model for all of us. The lessons she taught us must endure.●

IN MEMORY OF SARAH MAE SHOEMAKER CALHOON

● Mr. CARPER. Mr. President, I rise today to commemorate the passing of a wonderful woman, mother, and American. Sarah Mae Shoemaker Calhoon died on July 7, 2001 outside of Columbus, OH, (Hilliard), after a courageous battle with cancer. Mrs. Calhoon was 75 years old.

Mrs. Calhoon was born on August 31, 1925 in Philadelphia, PA to the late Samuel and Sarah Mae Shoemaker. She spent her childhood in Philadelphia, where she would graduate from Cheltenham High School. On August 29, 1947, just two days before her 22nd birthday, Sarah Mae Shoemaker was married to J. Thomas Calhoon, a Marine from Grandview Heights, a suburb of Columbus, OH.

The new Mr. and Mrs. Calhoon had their first child, Thomas F. or ''little'' Tom as they often called him early in their marriage. In September of 1948, Tom, Sarah, and ''little'' Tom moved to Columbus, OH, where, over the next four years they would become the proud parents of three more sons, Sam, Don, and Bob. Their only daughter, Susie, would be born in April of 1961.

Although I did not know Sarah Mae Calhoon personally, I have known her son Tom for more than half of my life. We met as undergraduates at the Ohio State University in the 1960s and have been fraternity brothers for more than three decades. Despite living so far from each other, Tom and I have managed to keep in touch over the years. It is often said that all children are a reflection of their parents. If Tom is even a faint reflection of his mother, it is a great tribute to the values she carried throughout her life and instilled in her children.

Since her recent passing, I have heard and read many wonderful things about Sarah Mae Calhoon. I have learned about her strong commitment to the community of Columbus, whether it be through her active membership in a variety of organizations like the PTA, 4–H, the Lions Auxiliary or in her unofficial role as the ''zoning watchdog'' of the Calhoon's neighborhood on Old Cemetery Road. I have read about her great success as a multi-million dollar producer in the real estate industry. I have heard, from both former customers and competitors alike, about the dedication, loyalty, and integrity that she brought to her job every day.

Most importantly, however, I have learned about her unfailing commitment to being a mother and wife. Nothing was more precious to Sarah Calhoon than her family and she did all she could to ensure that all of her children grew up in a loving and nurturing

environment that would enable them to go on to lead valuable and fulfilling lives. She consistently put the needs, concerns and feelings of her family and others, before her own wishes, never asking for much but always giving a great deal. Her life served as an example, providing inspiration to women everywhere struggling to maintain the careful balance between career and family, a task that she carried out with admirable grace and skill.

Everything that I have learned about Sarah Mae Calhoon since her death has only confirmed what I had always pictured my good friend Tom's mother would be like: the epitome of an exemplary wife, mother, business woman, and citizen.

In closing, I would like to extend my greatest condolences to her husband, their five children, seven grandchildren, and countless others whose lives were touched by this wonderful woman. As we celebrate her remarkable life, let it be known that Sarah Mae Calhoon will be dearly missed, yet never forgotten.●

IN HONOR OF SHOSHONA GREENBAUM

● Mrs. BOXER. Mr. President, a suicide bombing occurred in Jerusalem during the Congressional recess that claimed the life of a young American woman, Shoshona Greenbaum. Ms. Greenbaum, four months pregnant with her first child, is yet another tragic victim in the numbing string of suicide bomb attacks perpetrated by Palestinian extremists against innocent Israeli citizens.

Shoshona Greenbaum was one of 15 people killed on August 9th in a downtown Jerusalem pizzeria, after a Palestinian terrorist detonated a bomb studded with nails, screws and bolts that he had strapped to his body. She died instantly, and with her died the hopes and dreams of a young, idealistic woman, a wife, a devoted school teacher and mother-to-be.

Ms. Greenbaum spent most of her life in Southern California, and her parents, Alan and Shifra Hayman, still live in Los Angeles. My heart goes out to her family, her many friends, and to her grieving husband Steven for their cruel and unexpected loss.

I have had the opportunity to talk with Shoshona's father, and I know what a deep loss this is for the entire family. I condemn this cowardly attack that robbed a husband of his beloved wife and child, devastated a family and took a remarkable young woman from a community that adored her.

It is time for the terrorism to stop. It is time for the suicide bomb attacks to stop. It is time for the Palestinian leadership to renounce the use of violence and to rein in those individuals and elements who seek only to destroy Israel and forever destabilize the region.

In the name of Shoshona Greenbaum and the other innocent victims of these attacks, we must seek to understand the roots of terrorism in the Middle East and bring to an end the ever-escalating cycle of violence. I can think of no more appropriate memorial to Shoshona than to ensure one day that the people of Israel can live in freedom and safety, secure in their knowledge of a peaceful and productive future.●

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.)

MESSAGE FROM THE HOUSE

At 9:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which is requests the concurrence of the Senate:

H.R. 1900. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes.

H.R. 2061. An act to amend the charter of Southeastern University of the District of Columbia.

H.R. 2657. An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. SKEEN, Mr. REGULA, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. SABO, and Mr. OBEY.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. CALLAHAN, Mr. ROGERS of Kentucky, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WICKER, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Ms. ROYBAL-ALLARD, and Mr. OBEY.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. SUNUNU, Mr. GOODE, Mr. ADERHOLT, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, Mr. FATTAH, and Mr. OBEY.

The message further announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. LEWIS of California, Mr. LAHOOD, Mr. SHERWOOD, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. HOYER, Ms. KAPTUR, and Mr. OBEY.

The message also announced that the House agrees to the resolution (H. Res. 240) returning to the Senate the bill (H.R. 2500) 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, and, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate.

At 11:59 a.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 bill, in which it requests the concurrence of the Senate:

H.R. 2904. An act making appropriations for military construction, family housing,

and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1900. An act to amend the Juvenile, Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes; to the Committee on the Judiciary.

H.R. 2061. An act to amend the charter of Southeastern University of the District of Columbia; to the Committee on Governmental Affairs.

H.R. 2657. An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes, to the Committee on Governmental Affairs.

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes;

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1447. A bill to improve aviation security, and for other purposes.

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–3988. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to civilian personnel, property disposal or transfer, and contractor claims; to the Committee on Governmental Affairs.

EC–3989. A communication from the General Counsel of the Office of Government Ethics, transmitting, pursuant to law, a draft of proposed legislation entitled ''To Amend the Ethics in Government Act of 1978, as Amended, to Streamline the Financial Disclosure Requirements for Executive Branch Employees''; to the Committee on Governmental Affairs.

EC–3990. A communication from the Counsel to the Inspector General, United States Services Administration, transmitting, pursuant to law, the report of the discontinuation of service in acting role in the position of Inspector General, received on August 14, 2001; to the Committee on Governmental Affairs.

EC–3991. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Regulations That May be Adopted on Interest Allocation'' (Notice 2001–59) received on September 18, 2001; to the Committee on Finance.

EC–3992. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to Federal Firefighters Retirement Age Fairness Act; to the Committee on the Budget.

EC–3993. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled ''Executive Compensation'' (RIN2550–AA13) received on September 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3994. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Attorney General, received on September 19, 2001; to the Committee on the Judiciary.

EC–3995. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Attorney General, Environment and Natural Resources Division, received on September 19, 2001; to the Committee on the Judiciary.

EC–3996. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Community Relations Service, received on September 19, 2001; to the Committee on the Judiciary.

EC–3997. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Bureau of Justice Assistance, received on September 19, 2001; to the Committee on the Judiciary.

EC–3998. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention, received on September 19, 2001; to the Committee on the Judiciary.

EC–3999. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC–4000. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of Assistant Attorney General, Office of Legal Counsel, received on September 19, 2001; to the Committee on the Judiciary.

EC–4001. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC–4002. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC–4003. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Office for Victims of Crime, received on September 19, 2001; to the Committee on the Judiciary.

EC–4004. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC–4005. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report entitled ''Response to Conference Report Accompanying the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001''; to the Committee on Armed Services.

EC–4006. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report entitled ''Chemical and Biological Defense Program Annual Report and Performance Plan, July 2001''; to the Committee on Armed Services.

EC–4007. A communication from the United States Office of Special Counsel, transmitting, pursuant to law, the Commercial Activities Inventory, and the FAIR Annual Management Report for 2001; to the Committee on Governmental Affairs.

EC–4008. A communication from the Chair and Chief Executive Officer of the Armed Forces Retirement Home Board, transmitting, the report of the Commercial Activities Inventory for year 2001; to the Committee on Governmental Affairs.

EC–4009. A communication from the Chairman of the United States Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the Annual Report on Audit and Investigative Coverage for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–4010. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Commercial Activities Inventory Report for the year 2001; to the Committee on Governmental Affairs.

EC–4011. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4012. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4013. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4014. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4015. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Management, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4016. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of

acting officer for the position of Assistant Administrator, Bureau for Global Programs, Field Support and Research, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4017. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4018. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4019. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4020. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4021. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4022. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4023. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4024. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4025. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4026. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4027. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4028. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4029. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4030. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4031. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4032. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4033. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4034. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4035. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Management, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4036. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Global Programs, Field Support and Research, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4037. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4038. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4039. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC–4040. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 2001 Summer Flounder, Scup and Black Sea Bass Commercial Quotas'' (I.D. 090601A) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4041. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closes Pollock in Statistical Area 630 of the Gulf of Alaska'' received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4042. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Clarify the Definition of Length Overall of a Vessel'' (RIN0648-AN23) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4043. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Rule Regarding Imports of Illegally Harvested Patagonian or Antarctic Toothfish Seized by Foreign Law Enforcement Authorities and Placed into International Commerce'' (RIN0648-AP35) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes C Season Pollock Fishery in Statistical Area 610, GOA'' received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4045. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Swordfish Quota Adjustment'' (I.D. 070201A) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Postponement of Closure; Fishing Season Notification'' (I.D. 082901B) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4047. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries;

Atlantic Bluefin Tuna Fisheries; Adjustment of Daily Retention Limit; Inseason Quota Transfer'' (I.D. 082701D) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4048. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Recreational Fishery; Retention Limit Adjustment'' (I.D. 080201B) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4049. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Tunas Reporting; Fishery Allocations and Regulatory Adjustments'' (RIN0648–AN97) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4050. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting'' received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4051. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 9'' (RIN0648–AO97) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4052. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shallow—Water Species Fishery Using Trawl Gear, Gulf of Alaska'' received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4053. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closes Trawling in Steller Sea Lion Protection Areas in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4054. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Research and Special Programs Administration, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4055. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Motor Carrier Safety Administration, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4056. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, Office of the Secretary, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4057. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Zoxamide 3 ,5-dichloro-N- (3-Chloro-1-ethyl-1-methly-2-oxopropyl)- 4-Methylbenzamide; Pesticide Tolerance'' (FRL6803–7) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4058. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfosate; Pesticide Tolerances'' (FRL6801–8) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4059. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerance'' (FRL6802–9) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4060. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propamocrab Hydrochloride; Pesticide Tolerances'' (FRL6797–2) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4061. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Paraquat; Pesticide Tolerances'' (FRL6799–2) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4062. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances'' (FRL6803–1) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4063. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 41 and 140—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions'' (RIN3038–AB82) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4064. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR 41 (CFTC)—Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index; Joint Final Rule'' (RIN3235–AI13) received on September 19, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4065. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 39—A New Regulatory Framework for Clearing Organizations'' (RIN3038–AB66) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4066. A communication from the Administrator of the General Service Administration, transmitting, the report of lease prospectuses that support the Fiscal Year 2002 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–4067. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Astragalus holmgreniorum (Holmgren milk-vetch) and Astragalus ampullarioides (Shivwits milk-vetch)'' (RIN1018–AG02) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4068. 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 for Colorado and Montana: Transportation Conformity'' (FRL7055–4) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4069. 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 Plan; Texas; Revisions to General Rules and Regulation for Control of Air Pollution by Permits for New Sources and Modifications'' (FRL7063–2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4070. 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; Indiana'' (FRL7056–2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4071. 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; New York Ozone State Implementation Plan Revision'' (FRL7057–5) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4072. 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 State Plans for Designated Facilities and Pollutants: California'' (FRL7058–5) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4073. 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 State Plans for Designated Facilities and Pollutants: South Carolina'' (FRL7062–1) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4074. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Permits Program; State of New Hampshire'' (FRL7064–1) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4075. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Finding of Attainment;

Spokane, Washington Particulate Matter (PM–10) Nonattainment Area'' (FRL7064–3) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4076. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport—Federal NO_X Budget Trading Program, Rule Revisions'' (FRL7058–2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4077. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2001'' (Rev. Rul. 2001–49) received on September 20, 2001; to the Committee on Finance.

EC–4078. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Calculation of Average Weekly Trading Volume under Rule 144 and Termination of 10b5–1 Trading Plan'' received on September 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4079. A communication from the Acting Director of the Fish and Wildlife Service, Endangered Species, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List Silene spaldingii (Spalding's Catchfly) as Threatened'' (RIN1018–AF79) received on September 20, 2001; to the Committee on Environment and Public Works.

EC–4080. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Annisqualm River, MA'' ((RIN2115–AE47)(2001–0094)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4081. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Bayou Lafourche, LA'' ((RIN2115–AE47)(2001–0099)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4082. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Selfridge Air National Guard Base, Michigan'' ((RIN2115–AA97)(2001–0103)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4083. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Chelsea River Blasting, Boston, Massachusetts'' ((RIN2115–AA97)(2001–0101)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4084. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations: San Francisco Bay, CA'' ((RIN2115–AA98)(2001–0001)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4085. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY'' ((RIN2115–AE47)(2001–0095)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4086. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Bayou Lafourche, LA'' ((RIN2115–AE47)(2001–0097)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4087. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Old River, California'' ((RIN2115–AE47)(2001–0092)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4088. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Charleston, South Carolina'' ((RIN2115–AA97)(2001–0104)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4089. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; Sunset Lake, Wildwood Crest, New Jersey'' ((RIN2115–AE46)(2001–0032)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4090. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: Atlantic Ocean, Atlantic City, New Jersey'' ((RIN2115–AE46)(2001–0033)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4091. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Shaw Cove, CT'' ((RIN2115–AE47)(2001–0093)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4092. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Napa River, California'' ((RIN2115–AE47)(2001–0091)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4093. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Highbridge Road Drawbridge, Atlantic Intracoastal Waterway, Volusia County, Florida'' ((RIN2115–AE47)(2001–0098)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4094. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mullica River'' ((RIN2115–AE47)(2001–0096)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment:

S. 746: A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes. (Rept. No. 107–66).

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. MCCONNELL:

S. 1444. A bill to establish a Federal air marshals program under the Attorney General; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. FRIST, and Mr. HUTCHINSON):

S. 1445. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. KERRY, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. BREAUX, Mr. BURNS, Mr. REID, Mr. CLELAND, Mr. SMITH of Oregon, Mr. EDWARDS, Mr. NELSON of Florida, Mrs. CARNAHAN, Mr. WELLSTONE, Mr. WYDEN, Mrs. BOXER, Mrs. CLINTON, Ms. MIKULSKI, Mr. DASCHLE, Mr. DORGAN, Mr. INOUYE, and Mr. HARKIN):

S. 1447. A bill to improve aviation security, and for other purposes; read the first time.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1448. A bill to enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Ms. MIKULSKI, Mr. DURBIN, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1449. A bill to establish the National Office for Combatting Terrorism; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1450. A bill to preserve the continued viability of the United States air transportation system; considered and passed.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1451. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. GRASSLEY, Mr. LEAHY, and Ms. CANTWELL):

S. 1452. A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 1453. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for, and respond to, terrorist attacks, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. ALLEN, Mr. WELLSTONE, Mr. DURBIN, Mr. ROCKEFELLER, Mr. CLELAND, and Mr. DAYTON):

S. 1454. A bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. STEVENS):

S. 1455. A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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. A 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.

By Ms. LANDRIEU (for herself, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. CARNAHAN, Mrs. HUTCHISON, Ms. CANTWELL, Mrs. FEINSTEIN, Ms. STABENOW, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. BOXER, Mr. HATCH, and Mrs. CLINTON):

S. Res. 163. A resolution designating the week of September 23, 2001, through September 29, 2001, as ''National Ovarian Cancer Awareness Week''; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. HAGEL):

S. Con. Res. 69. A concurrent resolution expressing support for tuberous sclerosis awareness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. ALLEN):

S. Con. Res. 70. A concurrent resolution expressing the sense of the Congress in support of the ''National Wash America Campaign''; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Con. Res. 71. A concurrent resolution designating the week of October 7 through October 13, 2001, as ''National Mental Health Awareness Week''; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Ms. COLLINS, and Ms. STABENOW):

S. Con. Res. 72. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Governmental Affairs.

By Mr. NICKLES (for himself, Mr. INHOFE, Mr. SCHUMER, Mrs. CLINTON, Mr. ALLEN, Mr. MCCONNELL, Mr. CRAPO, Mr. LUGAR, Mr. WARNER, Mr. ROBERTS, Mr. MCCAIN, Mr. LEVIN, Mr. BIDEN, Mr. BAYH, Mr. JOHNSON, Mr. SARBANES, Mr. FITZGERALD, Mr. CLELAND, Ms. CANTWELL, Mr. NELSON of Florida, Mr. KOHL, Mr. KERRY, Mr. FEINGOLD, Mr. BREAUX, Mr. LIEBERMAN, Ms. COLLINS, and Mr. HUTCHINSON):

S. Con. Res. 73. A concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 181

At the request of Mr. SHELBY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits.

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 351

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 521

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 521, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 627

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 753

At the request of Mr. BREAUX, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 753, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arizona (Mr. KYL) 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. 905

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from

North Dakota (Mr. CONRAD) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 950

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1136

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1136, a bill to provide for mass transportation in certain Federally owned or managed areas that are open to the general public.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. NELSON) 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 name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor 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. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor 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.

At the request of Mrs. CARNAHAN, the name of the Senator from Oklahoma (Mr. INHOFE) was withdrawn as a cosponsor of S. 1250, supra.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor 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. 1429

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1429, a bill to provide for the improvement of security at airports and seaports.

S. 1430

At the request of Mr. JOHNSON, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Missouri (Mrs. CARNAHAN) 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. 1432

At the request of Mr. SMITH of Oregon, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Alaska (Mr. MURKOWSKI) 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. 1433

At the request of Mr. ALLEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of 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.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Massachusetts (Mr. KERRY), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of 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.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. CORZINE) 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. 160

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. CAMPBELL), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. ALLEN), the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Florida (Mr. NELSON), the Senator from New York (Mr. SCHUMER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. CORZINE), the Senator from Tennessee (Mr. THOMPSON), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr.

VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as ''Family History Month.''

S. RES. 161

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 161, a resolution designating October 17, 2001, as a ''Day of National Concern About Young People and Gun Violence.''

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of 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.

AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the names of the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 1583 proposed to H.R. 2590, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL.

S. 1444. A bill to establish a Federal air marshals program under the Attorney General; to the Committee on Commerce, Science, and Transportation.

Mr. MCCONNELL. Madam President, two unmistakable American voices have emerged from the aftermath of September 11.

One voice expressed a newfound hesitancy to fly. Passengers have canceled scheduled flights en masse and I, for one, can hardly blame them. Just this week we heard chilling reports that more acts of terror may be planned in our skies, and, even after the tragic events of September 11, we continue to hear anecdotes of lax security at our Nation's airports. Almost overnight, air travel, a way of life for millions of Americans every day, is now limping along. Families who gather to celebrate holidays, businesspeople who depend upon air transport, and Americans who simply prefer the speed of airplanes, now all must deal with the awful reality of terrorism. The hard economic truth of September 11 is that it scared so many passengers from airlines that it threatens to destroy our multi-billion dollar aviation industry.

But a second, more inspiring, voice emerged from Americans after the acts of September 11, a visceral, instinctive urge to serve their country in some way after the attack on American soil. Minutes after Tuesday's tragedy, we saw real-life armies of compassion come to the aid of those whose lives were destroyed. We saw police and fire rescue units risk their lives to save their fellow citizens. We saw American families generously pour nearly $200 million of relief money to charitable organizations such as the Red Cross, the United Way, and the Salvation Army. And in memorial services and vigils all over the country, we saw Americans rallying together to pause, to pray, and to pledge that the American spirit will not be broken. Still today, in a remarkable show of patriotism, there is a chorus, especially those in law enforcement, asking ''what can I do?'' to protect and defend our fellow countrymen from future terrorist tragedies.

What we need to do is harness this spirit in order to make our airlines safe again for American families. So, today, I am introducing legislation that authorizes the Attorney General, as our Nation's top law enforcement official, to establish a comprehensive Federal Air Marshal program to secure airports from curbside to cockpit. And to capitalize on the desire of so many Americans to serve our country in the fight against terrorism, the legislation specifically authorizes the Attorney General to use active and retired Federal, State, and local law enforcement officials to serve in the Air Marshal program.

America needs a uniform Federal Air Marshal program to combat potential terrorism from the minute passengers arrive at an airport until the time they arrive safely at their intended destinations. This requires a professional law enforcement team to police airport points of entry, operate x-ray machines, and serve as undercover air security marshals on board commercial aircraft. While we have an existing FAA Federal Air Marshal program on board aircraft, we need to expand Federal aviation security to put Federal marshals on more flights and to stop terrorism on the ground before it can board an aircraft. For a comprehensive Air Marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, whose primary purpose is to facilitate and manage air travel, and entrust that obligation to the Department of Justice, whose primary mission is to enforce Federal law, and most important, to safeguard and protect us from terrorism.

Obviously this new Federal Air Marshals program will require additional manpower and financial resources. And that is where we intend to harness the spirit espoused by so many of our law enforcement personnel throughout the country. The new Federal Air Marshals program not only will recruit new full-time active professional marshals but will augment that program with Deputy Federal Air Marshals drawn from retired military personnel, as well as from active or retired Federal, State, and local law enforcement officers, anyone from a DEA agent to a local law enforcement officer who wants to serve his country by securing our airports and aircraft. It is also crucial that we retain a sufficient measure of cost-sharing with private and State and local entities. Private airlines and airport authorities should share a responsibility, as they do now, to help fund a portion of airport security.

The Attorney General will, of course, determine how to deploy the Deputy Air Marshals most effectively, and will ensure that they are properly trained to perform the task required of them, be it thwarting hijackers on board an aircraft or searching suspicious packages in the terminal. What is certain, however, is that tapping this reservoir of knowledgeable and experienced law enforcement officers to serve this vital national security function will allow us to put more Marshals both in the air and on the ground. Our goal should be to secure as many airports and as many aircraft as possible using the most experienced and professional staff available.

We already have models in place for the type of curbside to cockpit security envisioned in this bill. Our Federal courthouses currently are secured by our United States Marshals, who also employ Court Security Officers, CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These CSOs are themselves retired Federal, State, and local law enforcement personnel. Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before one enters the actual courtroom. Our democracy now demands, in the interest of our national security, that we make sure our cockpits are every bit as secure as our courthouses.

In times and events such as these, the Federal Government is not only the best answer, but the only answer. The challenge we face in securing our airports and airlines is not a matter of free market economics, it is a matter of national security, as the tragic events of September 11 made so

horrifyingly clear. That is why it is imperative that we entrust this national security item with the resources, expertise, and experience of our Nation's top law enforcement agency, and that we do so immediately.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1444

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 ''Federal Air Marshals and Safe Sky Act of 2001''.

SEC. 2. PROGRAM ESTABLISHED.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

''§ 570. Federal air marshals program

''(a) DEFINITIONS.—In this section:

''(1) AIRCRAFT.—The term 'aircraft' has the meaning given that term in section 40102 of title 49.

''(2) AIR TRANSPORTATION.—The term 'air transportation' has the meaning given that term in section 40102 of title 49.

''(3) PROGRAM.—The term 'program' means the program established under subsection (c).

''(4) UNITS OF LOCAL GOVERNMENT.The term 'units of local government' includes an airport authority.

''(b) RESPONSIBILITY FOR AIRPORT AND AIRCRAFT SAFETY.—This section shall govern the security at airports and on board commercial aircraft.

''(c) FEDERAL AIR MARSHALS PROGRAM.—

''(1) GOAL.—The goal of the program is to provide maximum security at airports and on board commercial aircraft by having the Federal Government be responsible for all phases of security for air passengers.

''(2) ESTABLISHMENT OF FEDERAL AIR MARSHALS PROGRAM.—

''(A) ESTABLISHMENT.—The Attorney General shall establish a Federal Air Marshals program consisting of Federal Air Marshals, including the Federal Air Marshals participating in the Federal Air Marshals Program being administered by the Federal Aviation Administration before the effective date of this section, and Deputy Federal Air Marshals in order to provide maximum security at airports and on board commercial aircraft.

''(B) FEDERAL AIR MARSHALS.—Federal Air Marshals shall serve for the purpose of enforcing Federal laws that regulate security at airports and on board commercial aircraft, including laws relating to acts of terrorism, hijacking, or aircraft piracy and laws relating to violent, abusive, or disruptive behavior by passengers in air transportation.

''(C) DEPUTY FEDERAL AIR MARSHALS.—

''(i) IN GENERAL.—The Attorney General shall deputize individuals described in clause (ii) as Deputy Federal Air Marshals for the purpose of augmenting and assisting Federal Air Marshals.

''(ii) PERSONNEL.—The Attorney General shall utilize retired military personnel, retired Federal, State, and local law enforcement personnel, and active-duty Federal, State, and local law enforcement personnel from other government departments and agencies as Deputy Federal Air Marshals.

''(iii) COMPENSATION.—The Attorney General may employ personnel described in clause (ii)—

''(I) as volunteers;

''(II) by paying a reasonable per diem;

''(III) by employing a fee-for-service or contract arrangement; or

''(IV) using any other method authorized by law.

''(4) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

''(A) the United States Government (including the Administrator of the Federal Aviation Administration or his designated representative); and

''(B) State and local governments in any geographic area in which the program may operate.

''(5) CERTIFICATION, TRAINING AND EXAMINATION OF AIR MARSHALS; PRIOR APPROVAL OF EMPLOYER TO SERVE AS DEPUTY AIR MARSHAL.—

''(A) IN GENERAL.—Under the program, the Attorney General shall provide appropriate training and supervision of all air marshals, as well as appropriate background and fitness examination of eligible candidates as part of their certification.

''(B) EMPLOYER APPROVAL.—Active Federal, State, or local law enforcement officers who serve as Deputy Federal Air Marshals shall receive approval to participate in the program from their employer.

''(d) POWERS AND STATUS OF FEDERAL AIR MARSHALS AND DEPUTY AIR MARSHALS.—

''(1) IN GENERAL.—Subject to paragraph (2), Federal Air Marshals and Deputy Federal Air Marshals may arrest and apprehend an individual suspected of violating any Federal law relating to security at airports or on board aircraft, including any individual who violates a provision subject to a civil penalty under section 46301, 46302, 46303, 46314, 46318, 46502, 46504, 46505, or 46507 of title 49, or who commits an act described in section 46506 of title 49, or who violates a provision subject to a criminal penalty under sections 32 and 37 of title 18.

''(2) LIMITATION.—The powers granted to a Deputy Federal Air Marshal shall be limited to enforcing Federal laws relating to security at airports or on board aircraft.

''(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

''(1) grant any Federal Air Marshal or Deputy Federal Air Marshal the power to enforce any Federal law that is not described in subsection (d); or

''(2) limit the authority that a Federal, State, or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable law.

''(f) REGULATIONS.—The Attorney General shall promulgate such regulations as may be necessary to carry out this section.

''(g) COST SHARING.—The costs of the program shall be paid by—

''(1) the airlines in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the airlines were paying for airport security on the date before the effective date of this section;

''(2) State and units of local government in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the States and units of local government were paying for airport security on the date before the effective date of this section; and

''(3) the Federal Government.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as may be necessary.

''(2) LIMITATION.—The Federal share of carrying out this section shall be limited to the cost of the program after payments by airlines and States and units of local government pursuant to subsection (g).''.

SEC. 3. REPEAL.

Section 44903 of title 49, United States Code, is repealed.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. FRIST, and Mr. HUTCHINSON):

S. 1445: A bill to amend the Higher Education Act of 1965 to expand the opportunities of higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I am pleased to have this opportunity to introduce the Internet Equity and Education Act of 2001 in the Senate. This important legislation, which is based on the findings of the bipartisan Web-Based Education Commission on which I served, will accomplish the critical goal of giving more students in both rural and urban areas access to distance education by expanding Internet-based educational opportunities at the post-secondary level.

Specifically, this legislation, which is cosponsored by Senators DORGAN, FRIST and HUTCHINSON, will remove three regulatory barriers that are slowing the growth of distance education in our nation. First, it will modify the Department of Education's ''50 percent rule'' that requires institutions that are eligible for Title IV student aid programs under the Higher Education Act to offer at least 50 percent of their instruction in a classroom-based environment. This legislation will instead allow institutions to offer more than 50 percent of their classes by telecommunications methods if the institution already participates in the student loan programs and their student loan default rate is less than 10 percent for the three preceding years. This ensures that distance education options are available to schools with a proven track record of successfully administering federal financial aid programs.

Second, it will eliminate the ''12 hour rule.'' This rule defines a week of instructional time to mean 12 hours of ''regularly scheduled instruction, examinations, or preparation for examination'' for programs that are offered in non-standard terms. This legislation will instead require that programs offered on a non-standard term, such as those offered by the University of Wyoming and the Western Governors University, be held to the same accountability standards as those offered on a traditional semester or quarter basis.

Third, this legislation will clarify the incentive compensation restrictions that were passed by Congress in 1992 with the intent of prohibiting colleges and universities that participate in federal student financial aid programs from paying any commission, bonus, or other incentive payments to third parties based on their success in enrolling new students. These restrictions, while well intentioned, have had the unintended consequence of preventing some

higher education institutions from using third-party Web portals. This practice, which is fairly common and often necessary for many distance education and Internet based education programs, provides prospective students with access to information about the programs they offer and admissions requirements. This legislation clarifies the incentive compensation prohibitions in the Higher Education Act by allowing the use of third-party Web portals and allowing schools to appropriately reward employees for their job performance. The bill preserves the intent of the 1992 law by stating that non-salary payments to those directly involved in recruiting students or awarding financial aid are not allowed. It will also allow the Secretary of Education to impose appropriate sanctions against an institution if a violation occurs. This change to the regulation will continue to ensure that Federal student aid programs are free from fraud and abuse, while allowing prospective students to gain information about all of the post-secondary educational opportunities that are available.

As some of you may know, I have a very personal interest in the issue of distance education. I saw how effective it can be because my wife, Diana, received her masters degree in adult education by taking classes through the University of Wyoming while living here in Washington. After witnessing the high quality of the course work, the responsiveness to students' needs, and the ''technology flexibility'' that enabled Diana's experience, I have become a strong advocate for distance learning.

I am especially pleased to be able to sponsor this legislation at a time when the University of Wyoming is experiencing record breaking enrollment in Online UW, the web-based educational arm of the University of Wyoming Outreach School. I was impressed to learn that as of August 28, 2001 class enrollments totaled 1,164, which is a dramatic increase over the 140 students who enrolled in the spring of 1999 when the University launched this program. In addition to the enrollment growth, the number of courses that are being offered is also expanding. During the fall 2001 semester 43 online courses are available at the University of Wyoming, supporting seven degree programs or certificates. It is my hope that with the passage of this legislation, programs like those at the University of Wyoming will be able to expand even further to serve more interested students.

In closing, I would like to take this opportunity to extend my thanks to Congressman JOHNNY ISAKSON and his staff. As the Vice Chair of the Web-Based Education Commission, Congressman ISAKSON introduced this legislation in the House earlier this year and has successfully steered it through the House Education and the Workforce Committee, where it passed overwhelmingly on August 1, 2001. I look forward to the same success here in the Senate so that we might open up the possibilities of distance education to a new generation of students.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1448. A bill to enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Ms. MIKULSKI, Mr. DURBIN, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1449. A bill to establish the National Office for Combatting Terrorism; to the Committee on Governmental Affairs.

Mr. GRAHAM. Madam President, it has now been 10 days since our Nation was struck by a well-coordinated series of terrorist attacks. It has been 10 days since we all witnessed the horror of hijacked airliners crashing into the World Trade Center and the Pentagon. It has been 10 days since we vowed to track down and bring to justice those who assisted, financed, and harbored these terrorists and to treat them as terrorists.

Today, as the investigation proceeds, I believe it is time we begin to look beyond the crisis of September 11. It is time we begin to develop a long-term response to the continued threat of terrorism.

Terrorism ultimately is not a crisis. It is a cancerous condition, a condition that all Americans must come to grips with as we strive to return to normalcy.

Today, with several of my colleagues, I am introducing a pair of bills that offer a prescription for the condition of terrorism.

The first bill will make changes to a number of laws, including the Foreign Intelligence Surveillance Act of 1978, to enhance our ability to infiltrate terrorist cells, to collect information necessary to guarantee America's security, and to coordinate more effectively our domestic efforts against terrorism.

There are four primary goals of this legislation. The first relates to data collection to assure that our foreign intelligence should be brought into line with the laws that control domestic law enforcement actions. In a number of areas, we have different standards if we are collecting information for domestic law enforcement than when we are collecting analogous information for purposes of foreign intelligence.

Second, many regulations have not kept pace with the rapid changes we have seen, particularly in communication technology, and need to be updated.

Third, as we saw on September 11, most terrorist acts have both a criminal and an intelligence component. Our foreign intelligence and domestic law enforcement agencies need to be able to share information in order to protect our citizens.

Fourth, there are some strategic changes we need to make in the laws, such as better training of our local law enforcement so that they can play their appropriate role in responding to terrorism before the act to prevent terrorist actions, as opposed to just, as we are doing now at the Pentagon and in New York City, picking up the pieces of the consequences of a terrorist act that has been executed.

I emphasize that the Senate Select Committee on Intelligence has been working on these proposals for several months. We have worked closely with the appropriate Federal agencies, as well as within the Senate Judiciary Committee, the Governmental Affairs Committee, and the Armed Services Committee.

It is my hope that we will develop a consensus around the proposals other Members of Congress may have that the Attorney General has recently submitted. We do not purport that our list is exclusive. We think it represents a well-researched, solid beginning against a very serious challenge to our Nation, and we look forward to fully reviewing those recommendations that have been made within the last 72 hours by the Attorney General.

I also want to make it clear that I am mindful of the concerns we are beginning to hear from various organizations that we might overreact and impinge upon the civil liberties of our people. We would hand the ultimate victory to terrorists if we were to allow them to coerce our great Nation into compromising our highest values, personal freedom, and civil rights.

Madam President, in many ways we are here today much as the country was in the 1920s. It was at that time that America launched a national crusade against organized crime. The Nation committed itself to rooting out the corrupt captains of crime who had infiltrated labor unions, run gambling operations, trafficked in illegal drugs and, in the course of their activities, accumulated great wealth and, in many communities, great political influence.

We can take pride that over several decades an earlier generation of American leaders managed to put many of these domestic enemies behind bars and diminish their influence and their corrosive effect on our society.

I take this experience of the 20th century, our ability to begin to roll back the influence of organized crime in the United States, as a hopeful sign, a sign that we can pass on to our children and our grandchildren a world that has greatly diminished the threat we now face from terrorists. It is our hope that these two legislative proposals will be a step in that direction.

Under our proposal, the President will appoint the Director of the National Office for Combating Terrorism

subject to Senate confirmation. This individual will be accountable to the President, to the Congress, and to the Nation.

One of the key responsibilities of this new office would be budget coordination to assure that all of the agencies—and there are now as many as 40 agencies that have some piece of antiterrorism activity—are operating from a coordinated plan and that resources to carry out their portions of the plan are properly coordinated. To do that will require the statutory authority from Congress.

Madam President, the second bill has as its objective to assure that the dozens of Federal agencies that have counterterrorism as one of their missions are working together in a coordinated way to detect and disarm terrorists.

There have been over the past several years several independent commissions which have reviewed the issue of terrorism. Two of our former colleagues, Senators Rudman and Hart, have headed one of those commissions. All of those commissions have endorsed the principle of a stronger central coordination of the Federal Government's efforts against terrorism.

Just this past week, the General Accounting Office issued yet another study of this issue. I quote a portion of that General Accounting Office study:

> Key interagency functions are resident in several different organizations, resulting in fragmented leadership and coordination. These circumstances hinder unity of effort and limit accountability. However, the current attention being focused on this issue provides an opportunity to improve the overall leadership and coordination of programs to combat terrorism.

In other words, we need to assign responsibility to someone who will be the leader of our national effort to make certain that all of the agencies are on the field, from the Central Intelligence Agency to the FBI, and are following a common set of objectives. I am pleased that President Bush endorsed this approach in his address to the Nation.

The President called, by Executive order, for the creation of a position of homeland defense within the White House. He has assigned that responsibility to the current Governor of Pennsylvania, Tom Ridge.

I believe we should build on what the President has recommended by going a step further and making this position a statutory position.

Mr. ROCKEFELLER. Madam President, in the wake of the tragic events of September 11, 2001, it is not with pride exactly, but with a firm resolve that I join with my good friend and colleague Senator BOB GRAHAM, the chairman of the Senate Select Committee on Intelligence, in cosponsoring two important pieces of legislation: Bills to establish the National Office for Combating Terrorism and the Intelligence to Prevent Terrorism Act of 2001.

While we strive to go on and do the work that the people sent us here to do, we cannot help but feel heartsick as a Congress, and I am quite sure as individuals, when we consider the unimaginable loss of human life and the magnitude of the destruction wrought by these malicious and misguided men. But grieve though we must, it is our solemn responsibility as representatives of the American people to look into this abyss and find the lessons that may be there for us.

When a relatively large group of foreign terrorists who had lived and even trained in this country carried out a despicable and unfortunately well-choreographed wave of terror attacks months or years in the planning, it cast a harsh light on a range of deficiencies in our Nation's efforts to combat terrorism. We are made to feel vulnerable by the sheer enormity of the evil and by the realization that any of us could become targets of the next fanatical assault. Our dread might even turn to despondency if we consider the agonizing possibility that our law enforcement and intelligence establishments might have been able to prevent the horror of last Tuesday if they had had adequate mechanisms with which to collaborate on strategy, share information, and assist in investigation and apprehension of men capable of these heinous crimes.

Rather than feeling despondent, however, it is our duty as a Congress to act. This Nation and this Congress can no longer tolerate a situation in which competing missions of agencies—or competing personalities of public officials—put our citizens and our property at risk. We must create an environment of coordination between the intelligence community, our Federal, State, and local law enforcement agencies, the military, public health authorities, and all the other parties who can play a role in combating terrorism. I believe these two pieces of legislation, which establish a centralized authority to coordinate the activities and responsibilities of a multifaceted group of agencies, and provide both the intelligence community and law enforcement with valuable tools to combat terrorism-related crimes, do just this.

Briefly, the bills introduced today in the Senate would do the following:

Establish a ''National Office for Combating Terrorism'' to provide a greater level of coordination among the Nation's law enforcement establishment, the intelligence community, the military, public health authorities, and State and local governments to create a coherent, functional strategy for combating terrorism out of a current system a blue-ribbon Presidential Commission has called fragmented, uncoordinated, and politically unaccountable.

Ensure that terrorism-related intelligence gathered under the Foreign Intelligence Surveillance Act—FISA—is used to further the overall antiterrorism strategy. The legislation clarifies that the Director of Central Intelligence—DCI—is the primary government official responsible for coordination and dissemination of intelligence gathered under, while retaining the FBI as the agency with operational authority for intelligence gathering from foreign nationals.

Require law enforcement agencies to share with the DCI any terrorism-related intelligence information gathered in criminal investigations.

Mandate cooperation between the DCI and the Treasury Department to root out and cut off the international money trail terrorists use to finance their activities.

Develop training programs for State and local law enforcement agencies and public officials to help them detect terrorist activity, and to improve their understanding and use of intelligence shared with them.

Establish a National Virtual Translation Center to enable intelligence information collected anywhere in the world to be transmitted over secure electronic lines, translated and analyzed by experts elsewhere, and shared with relevant law enforcement and government personnel throughout this country, as well as by policymakers in Washington and intelligence agents overseas.

Make explicit that U.S. Government officers, acting in their official capacity, may recruit any person who has information about terrorist, terrorist groups, or those who assist or harbor them—including foreign governments.

The reactions to last week's attacks have ranged from shock, to horror, to sadness, to rage, and now, as I said at the beginning of my remarks, to resolve. Just over a week after the worst act of terrorism, indeed, the worst crime, in the history of the country, we are united as a people behind our President, our armed forces, and our law enforcement agencies, resolved to root out and defeat terrorism wherever this particular breed of hatred is fostered. Part of that resolve may be seen in the package of legislation introduced here today, although it would be incorrect to characterize this legislation as a reaction to the nightmare of September 11. These bills are the product of a longstanding concern about a lack of coordination between our law enforcement and intelligence resources and are the result of several months of hard work on the part of Chairman GRAHAM, several other members of our committee, and Intelligence Committee staff. I believe these bills represent good first steps.

I have not had the privilege of being a member of the Intelligence Committee for very long, but from the very first day I have been enormously impressed with the careful balance the committee strikes between the intelligence gathering needs of this nation, and the civil liberties enjoyed by its citizens. However, in this time of heightened tension and increased security, I must admit that I share some of the concerns of many Americans, from across the political spectrum, who fear that well-meaning reforms may unduly infringe on the liberties we cherish.

While I am confident that in crafting this legislation Senator GRAHAM has taken those concerns very much to heart and has protected the rights of law-abiding Americans, I will closely monitor the progress of this legislation. I cannot overestimate the importance of ensuring that in our zeal to prevent another terrorist assault on this Nation we do not contribute to an atmosphere of fear and mistrust of our fellow citizens.

I will also be looking for an understanding of these concerns from our colleagues on the various committees of referral, and in the Senate as a whole. We must commit ourselves and our Nation that, despite the grave seriousness of combating terrorism, we will always safeguard civil liberties as we consider this or any other piece of legislation introduced to combat terrorism. What is needed—and what this package of legislation provides—is greater coordination, efficiency, and effectiveness among our existing antiterrorism resources, without a surrender of the rights and liberties that make this the greatest nation in the history of the world.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1450. A bill to preserve the continued viability of the United States air transportation system; considered and passed.

Mr. DASCHLE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1450

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 ''Air Transportation Safety and System Stabilization Act''.

TITLE I—AIRLINE STABILIZATION

SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed $10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to $5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term ''Board'' means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term ''financial obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term ''obligor'' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the ''Air Transportation Stabilization Board'') to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) $4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) $500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded $300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term ''total compensation'' includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, $120,000,000 for fiscal year 2002.

(c) SECRETARIAL OVERSIGHT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' has the meaning such term has under section 40102 of title 49, United States Code.

(2) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) INCREMENTAL LOSS.—The term ''incremental loss'' does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

TITLE II—AVIATION INSURANCE

SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) IN GENERAL.—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''foreign-flag aircraft—'' and all that follows through the period at the end of subparagraph (B) and inserting ''foreign-flag aircraft.'';

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

''(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

''(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

''(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

''(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

''(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.'';

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting '', or reimburse an air carrier under subsection (b) of this section,'' before ''only with the approval''; and

(B) in the second sentence—

(i) by inserting ''or the reimbursement'' before ''only after deciding''; and

(ii) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''; and

(5) in subsection (d) (as so redesignated) by inserting ''or reimbursing an air carrier'' before ''under this chapter''.

(b) COVERAGE.—

(1) IN GENERAL.—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting '', or reimburse insurance costs, as'' after ''insurance and reinsurance''; and

(B) in paragraph (1) by inserting ''in the interest of air commerce or national security or'' before ''to carry out the foreign policy''.

(2) DISCRETION OF THE SECRETARY.—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed $100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds $100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) REINSURANCE.—Section 44304 of such title is amended—

(1) by striking ''(a) GENERAL AUTHORITY.—''; and

(2) by striking subsection (b).

(d) PREMIUMS.—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.''.

(e) CONFORMING AMENDMENT.—Section 44305(b) of such title is amended by striking ''44302(b)'' and inserting ''44302(c)''.

SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities' liability coverage, as determined by the Secretary.

TITLE III—TAX PROVISIONS

SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

(a) EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.—

(1) IN GENERAL.—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for ''November 15, 2001'' each place it appears—

(A) ''January 15, 2002'', or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) ELIGIBLE AIR CARRIER.—For purposes of this subsection, the term ''eligible air carrier'' means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such

transportation is available to the general public.

(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term ''airline-related deposit'' means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

TITLE IV—VICTIM COMPENSATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''September 11th Victim Compensation Fund of 2001''.

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) AIR TRANSPORTATION.—The term ''air transportation'' means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) CLAIMANT.—The term ''claimant'' means an individual filing a claim for compensation under section 405(a)(1).

(4) COLLATERAL SOURCE.—The term ''collateral source'' means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual determined to be eligible for compensation under section 405(c).

(7) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SPECIAL MASTER.—The term ''Special Master'' means the Special Master appointed under section 404(a).

SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

(1) forms to be used in submitting claims under this title;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this title; and

(5) other matters determined appropriate by the Attorney General.

SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

SEC. 409. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

TITLE V—AIR TRANSPORTATION SAFETY

SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

Congress affirms the President's decision to spend $3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

SEC. 502. CONGRESSIONAL COMMITMENT.

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

TITLE VI—SEPARABILITY

SEC. 601. SEPARABILITY.

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1451. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

Mr. REID. Madam President, I rise today for myself and for Senator ENSIGN to introduce the Clark County Public Shooting Range Conveyance Act.

Clark County and the Las Vegas Valley have experienced tremendous population growth over the past decade from about 770,000 in 1990 to over 1.4 million people today. This growth has had a tremendous impact on uses of the outlying public lands, including traditional recreational activities such as hunting, fishing and target shooting. There are literally dozens, if not hundreds, of makeshift shooting ranges across Las Vegas Valley which pose extreme danger to nearby homes and increasingly busy roads.

My bill provides the foundation for the establishment of a world-class shooting range, sports park and firearms training facility by conveying 2,880 acres of public land to Clark County. This facility will be used by residents of, and visitors to the Las Vegas Valley for recreation, education, competitive and marksmanship events, and training related to firearms. Firearms training facilities owned and operated by the Metropolitan Police Department and the North Las Vegas Police Department are also being encroached upon by residential and commercial development. Special facilities will be provided at the Clark County facility to accommodate law enforcement training for firearms qualification and certification.

This facility will provide a great public benefit by creating a safe centralized location for this important purpose. It will enhance public safety by reducing indiscriminate shooting. This facility will also provide economic incentives to the Las Vegas Valley in the form of jobs and support services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety;

(2) there is a need to designate a centralized location in the Las Vegas valley where target shooters can practice safely; and

(3) a central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas valley; and

(2) to provide the public with—

(A) opportunities for education and recreation; and

(B) a location for competitive events and marksmanship training.

(c) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (d).

(d) LAND DESCRIPTIONS.—The parcels of land to be conveyed under subsection (c) are the parcels of land described as follows:

(1) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 25, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(2) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 26, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(3) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 27, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(4) Approximately 640 acres of land in Clark County, Nevada, in sec. 34, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(5) Approximately 640 acres of land in Clark County, Nevada, in sec. 35, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(6) Approximately 640 acres of land in Clark County, Nevada, in sec. 36, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(e) USE OF LAND.—

(1) IN GENERAL.—The parcels of land conveyed under subsection (c)—

(A) shall be used by Clark County for the purposes described in subsection (b) only; and

(B) shall not be disposed of by the county.

(2) REVERSION.—If Clark County ceases to use any parcel for the purposes described in subsection (b), title to the parcel shall revert to the United States, at the option of the United States.

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

(g) RELEASE OF LAND.—Congress—

(1) finds that the parcels of land conveyed under subsection (c), comprising a portion of the Quail Springs Wilderness Study Area, NV–050–411, managed by the Bureau of Land Management and reported to Congress in 1991, have been adequately studied for wilderness designation under section 603 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1782); and

(2) declares that those parcels are no longer subject to the requirements contained in subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. GRASSLEY, Mr. LEAHY, and Ms. CANTWELL):

S. 1452. A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a

criminal record; to the Committee on the Judiciary.

Mr. KENNEDY. Madam President, it is a privilege to join my colleagues Senators BROWNBACK, LEAHY, GRASSLEY, and CANTWELL in introducing immigration legislation that will enhance our intelligence capabilities and improve our border security.

These critical functions are an important part of the massive challenges now facing the country in the wake of last week's terrorist attacks. These functions are the shared responsibility of the FBI, the INS, and the State Department. This legislation will provide U.S. consular officers and the INS, including inspectors at our ports of entry, with electronic access to information located within certain FBI databases, such as the National Crime Information Center's Interstate Identification Index, the Wanted Persons File, and other files maintained by the National Crime Information Center. Electronic access to this information will enable the State Department and the INS to act immediately to identify high-risk criminals seeking admission to the United States or seeking other immigration benefits.

Clearly, we must improve the security and intelligence capabilities of the Nation. But we must do so without violating the basic rights and liberties of the American people. Our legislation includes provisions to protect individual privacy. It authorizes the Secretary of State to draft regulations which will appropriately limit the use of the FBI's information. These regulations will require the information to be safeguarded from unnecessary dissemination, so that it is used only for the purpose of making decisions on the issuance or denial of visas or immigration benefits, and so that its confidentiality will be maintained to protect the privacy rights of those who are the subject of the information.

These steps are needed now. We must also examine other ideas to improve safety at the Nation's borders and strengthen our overall ability as much as possible to prevent future terrorist attacks.

I urge all of my colleagues to support this important legislation.

By Ms. SNOWE (for herself and Mr. STEVENS):

S. 1455. A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I am sure I am not alone in finding that one of the more disturbing revelations of the investigation into the September 11 terrorist attack on the World Trade Center and Pentagon is that over half of the hijackers received flight instruction at American facilities. Investigators have named ten separate flying schools across the United States, from California to Oklahoma to Florida, where the hijacking suspects may have engaged in flight training in one form or another. In addition, it is believed that one of these suspects was able to gain legal entry into the United States through the assistance of a flight school that provided immigration documentation.

I know that this ironic turn of events, the schools dedicated to the safety of the airline industry were unwittingly utilized to facilitate the worst airline disaster in history, has school administrators and instructors asking themselves, ''What if . . .'' as they look in the mirror every morning.

We need to take action now to remove the doubts of the instructors as well as restore confidence in student pilots engaged in valid training. That is why I am introducing legislation to require thorough background checks on foreign nationals seeking advanced flight or jet aircraft training in American flight schools.

At present the Federal Aviation Administration FAA, regulates course content at these schools and does it well, the U.S. has the best training program in the world and pilot certification from the FAA is considered the industry ''gold standard.'' That is why a large number of foreign students are attracted to American schools. And we want to continue to encourage foreign participation at our schools, it assures aviation safety world wide.

However, the FAA does not regulate who can participate in pilot training, be it glider plane basics or 757 advanced training. More specifically, the requirement for foreign students is limited to demonstrated English proficiency and proper immigration documentation.

Given the events of September 11, it is imperative that the screening process for pilot trainees be improved. As such, the legislation I am introducing today mandates the completion of security checks before foreign nationals may commence advanced jet training. Specifically, by requiring that the Attorney General carry out background investigations on individuals seeking such training, the legislation ensures a comprehensive review against records held by such agencies as the FBI, INS, and DEA will be carried out prior to starting training on any simulator or jet powered aircraft. Also, given the recent tragedies in New York, Washington DC, and Pennsylvania, all foreign nationals currently in training would be required to stop until a satisfactory background check is completed.

I want to urge my colleagues to join me in taking this small but critical step to prevent a repeat of unintentionally training those who would terrorize our cities and skies and ask for their support in increasing security requirements for flight training.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 162—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 resolution; which was considered and agreed to:

S. RES. 162

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.

SENATE RESOLUTION 163—DESIGNATING THE WEEK OF SEPTEMBER 23, 2001, THROUGH SEPTEMBER 29, 2001, AS ''NATIONAL OVARIAN CANCER AWARENESS WEEK''

Ms. LANDRIEU (for herself, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. CARNAHAN, Mrs. HUTCHISON, Ms. CANTWELL, Mrs. FEINSTEIN, Ms. STABENOW, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. BOXER, Mr. HATCH, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 163

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until the cancer has spread beyond the ovaries;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and Members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23, 2001, through September 29, 2001, as ''National Ovarian Cancer Awareness Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 69—EXPRESSING SUPPORT FOR TUBEROUS SCLEROSIS AWARENESS

Mr. WARNER (for himself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 69

Whereas at least two children born each day will be affected with tuberous sclerosis;

Whereas nearly one million people worldwide are known to have tuberous sclerosis;

Whereas tuberous sclerosis affects all races and ethnic groups equally;

Whereas tuberous sclerosis is caused by either an inherited autosomal disorder or by a spontaneous genetic mutation;

Whereas when tuberous sclerosis is genetically transmitted as an autosomal dominant disorder, a child with a parent with the gene will have a 50-percent chance of inheriting the disease;

Whereas two-thirds of the cases of tuberous sclerosis are believed to be a result of spontaneous mutation, although the cause of such mutations is a mystery;

Whereas diagnosis takes an average of 90 days with consultation of at least three specialists;

Whereas tuberous sclerosis frequently goes undiagnosed because of the obsecurity of the disease and the mild form the symptoms may take; and

Whereas the Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the need for increased funding for research, detection, and treatment of tuberous sclerosis and to support the fight against tuberous sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that——

(1) all Americans should take an active role in the fight against tuberous sclerosis by all means available to them, including early and complete clinical testing and investigating family histories;

(2) the role played by national and community organizations and health care providers in promoting awareness of the importance of early diagnosis, testing, and ongoing screening should be recognized and applauded;

(3) the Federal Government has a responsibility to——

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, tuberous sclerosis;

(B) increase funding for research so that the causes of, and improved treatment for, tuberous sclerosis may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health care services for detecting and treating tuberous sclerosis; and

(4) the Director of the National Institutes of Health should take a leadership role in the fight against tuberous sclerosis by acting with appropriate offices within the National Institutes of Health to provide to the Congress a five-year research plan for tuberous sclerosis.

Mr. WARNER. Madam President, I rise today to introduce a resolution to help increase the awareness of tuberous sclerosis or TS. Even though 1,000,000 people worldwide are affected with this disease, few are even aware of it.

TS is a genetic condition characterized by lesions of the skin and central nervous system, tumor growth and seizures, and TS is transmitted either through genetic inheritance or as a spontaneous genetic mutation. It is the leading known cause of epilepsy, and may also cause brain, eye or kidney tumors, hydrocephalus, and disfiguring growths on the skin. At least two children born every day will be affected by TS, which affects 1 million people worldwide of all races and ethnic groups. Infants and children too often spend their lives being misdiagnosed, possibly leading to irreparable brain damage, Kidney failure, and even premature death.

Because there is no cure for this disease, early intervention is important in helping to overcome developmental delays. Passage of this important resolution will help to raise the importance of early detection and proper treatment of TS; encourage increased funding for research and treatments; and call upon the National Institutes of Health, NIH, to develop a research plan for TS.

For all of the families that are affected by this terrible disease, I ask that my colleagues support this important legislation. By helping America to learn about and understand tuberous sclerosis, we will help to improve the quality of life for many Americans.

SENATE CONCURRENT RESOLUTION 70—EXPRESSING THE SENSE OF THE CONGRESS IN SUPPORT OF THE ''NATIONAL WASH AMERICA CAMPAIGN''

Mr. WARNER (for himself and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 70

Whereas on September 11, 2001, the United States was victim to the worst terrorist attack on American soil, as hi-jacked aircraft were deliberately crashed into the World Trade Center in New York, New York, and the Pentagon outside Washington, D.C.;

Whereas the tragic events of September 11, 2001, have inflicted enormous emotional pain on Americans of all ages;

Whereas young Americans, who are generally unable to donate blood, help with rescue efforts, or make financial contributions, are nevertheless sharing in the Nation's pain and are especially in need of a way to make a difference and help their country;

Whereas four young sister, Ashley, Aubrey, Alyssa and Alana Welsh, from Annandale, Virginia, whose father serves in the military and narrowly avoided the Pentagon disaster, resolved that they could make a difference by holding local car washes to raise funds for the American Red Cross and to ''help wash away the hurt'';

Whereas within forty-eight hours the young girls had involved hundreds of others and raised more than $10,000, all in one Northern Virginia community;

Whereas there are more than 100,000 schools across the United States, whose teachers, students, and parents are searching for ways to unite and help rebuild the Nation as the Welch sisters have done in their home town;

Whereas a National Wash America Campaign has been created with its own Internet site, www.WashAmerica.org, to help other communities launch similar efforts on the weekends of September 22 and 23, September 29, and 30, and October 6 and 7, 2001; and

Whereas the American Red Cross is designating an account to receive all Wash America funds, giving the children of this campaign the opportunity to participate in one of its largest fund-raising drives ever: Now, therefore, be it

Resolved, by the Senate (the House of Representatives concurring), That is is the sense of the Congress that——

(1) salutes the young Americans who take part in Wash America events in their communities to help raise funds for the American Red Cross efforts in the wake of the terrorist attacks on the United States on September 11, 2001, and thanks them for doing their part to ''Help Wash Away the Hurt'' across the Nation.

Mr. WARNER. Madam President, September 11, 2001 was indeed one of the most tragic days in America's history. While our lives will never be the same, I know that we will be better and stronger as a Nation.

Regrettably, these loathsome, cowardly acts of terrorism have deeply wounded our country, but they have not, and will never dull, the spirit and resolve of the American people. My thoughts and prayers are with those who lost loved ones on that horrific day. My thanks and deep appreciation go out to the many thousands who stepped up in the face of danger to assist in the devastating aftermath, and who continued to work tirelessly at the Pentagon, the World Trade Center, and the Pennsylvania crash site.

During this time of crisis it is important that we come together as a nation. Thus far, the American people have responded in many different ways: by donating blood, sending money, even participating in the rescue efforts underway in Virginia and New York.

But, for one group of people, young Americans, it has been especially difficult for them to find a meaningful outlet for their tremendous need to be involved.

That is why I am so proud today to rise in support of four Virginia youngsters, and to introduce a resolution on their behalf that will help share their remarkable and uplifting story with a country in need of such stories.

The Welch sisters, Ashley, Aubrey, Alyssa and Alana, might not have their father, Lt. Col. Tracy Welch, here today had a meeting he was due to attend at the Pentagon in the morning of September 11, 2001, not been postponed.

After the cowardly attacks on our country, the Welch sisters, like so many other Americans, went to donate blood. However, because they were underage, they were turned away.

Some might have stopped there, but these girls, aged 10–16, were determined to make a difference. So, in two days, they organized four local car washes and mobilized approximately one hundred of their friends to help them wash cars by urging their friends to ''Help Wash the Hurt Away.'' At the end of these two days, the Welch Sisters and their friends raised $10,000 for the American Red Cross. They called their effort ''Wash America.''

The Welch sisters are now taking their effort a step further, believing that what can be accomplished in two days in Annandale and Alexandria, Virginia, can happen in cities and towns and rural areas across this country. Accordingly, they decided to organize three consecutive ''National Wash America Weekends'' to reach out to millions of youth in more than 100,000 schools around America and to raise funds for the American Red Cross.

Today, they have a Web site, www.washamerica.org. a logo, and companies pledging support. I am honored that they asked me for support in the United States Senate.

The resolution I introduce today will support these young Americans' determination to create three, consecutive ''National Wash America weekends.'' This resolution will serve as a vehicle for my colleagues, by adding their names as cosponsors, to similarly support Wash America events within their states. And, most important, it salutes every young person in America who is doing his or her part to ''Wash Away the Hurt.''

I urge my colleagues to support this important resolution.

SENATE CONCURRENT RESOLUTION 71—DESIGNATING THE WEEK OF OCTOBER 7 THROUGH OCTOBER 13, 2001, AS ''NATIONAL MENTAL HEALTH AWARENESS WEEK''

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 71

Whereas mental health is defined by the state of emotional and psychological well-being in which an individual is able to use the individual's cognitive and emotional capabilities, to function in society, and to meet the ordinary demands of everyday life;

Whereas mental health disorders include, depression, substance abuse, anxiety, Alzheimer's disease, autism, bipolar illness, and panic attacks;

Whereas more than 51,000,000 individuals in the United States suffer from a mental illness in a single year, but only 8,000,000 seek treatment;

Whereas 40,000,000 adults in the United States are affected by 1 or more mental disorders;

Whereas 6,500,000 individuals in the United States are disabled by severe mental illness;

Whereas the Surgeon General has reported that 4 out of 10 of the leading causes of disability for persons age 5 and older are mental disorders;

Whereas 5.4 percent of the adult population in the United States suffers from a ''serious'' mental illness which interferes with some area of their social functioning;

Whereas children and adolescents, like adults, have mental health problems that can lead to school failure, family conflicts, drug abuse, violence, and suicide;

Whereas education and awareness about mental health and mental health services are necessary to detection and treatment; and

Whereas Congress, as an institution, and the Members of Congress, as individuals, have the unique possibility of raising awareness about mental health: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the week of October 7 through October 13, 2001, as ''National Mental Health Awareness Week'';

(2) encourages all Americans to find out more about mental health services in their communities and seek mental health treatment when necessary; and

(3) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 72—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED HONORING MARTHA MATILDA HARPER, AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED

Ms. LANDRIEU (for herself, Ms. COLLINS, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 72

Whereas Martha Matilda Harper, after spending much of the first 25 years of her life as a domestic servant, opened the Harper Method Shops and School, a health-conscious hair and skin care store in Rochester, New York, in 1888;

Whereas Martha Matilda Harper subsequently expanded the business to include 2 international manufacturing centers, 5 training schools, and over 500 beauty shops around the world;

Whereas Martha Matilda Harper shared the opportunity of business ownership with former servant women, and created the first franchise business model;

Whereas customers of Harper shops included world leaders, socialites, and suffragists, such as Presidents Woodrow Wilson and Calvin Coolidge, Kaiser Wilhelm II, Prime Minister Anthony Eden, First Ladies Jacqueline Kennedy and Lady Bird Johnson, and Susan B. Anthony;

Whereas Martha Matilda Harper's 19th century management practices, which included a customer-oriented focus, an equitable relationship with staff, a childcare center in each shop, and the manufacture and promotion of organic products and procedures, would be contemporary by today's standards;

Whereas franchising now dominates retail business (with a new franchise opening every 8 minutes) and generates more than $1,000,000,000,000 in revenues annually; and

Whereas, for her accomplishments, Martha Matilda Harper has been referred to by some as the ''mother of franchising'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a commemorative postage stamp should be issued honoring Martha Matilda Harper; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE PROFOUND SORROW OF CONGRESS FOR THE DEATHS AND INJURIES SUFFERED BY FIRST RESPONDERS AS THEY ENDEAVORED TO SAVE INNOCENT PEOPLE IN THE AFTERMATH OF THE TERRORIST ATTACKS ON THE WORLD TRADE CENTER AND THE PENTAGON ON SEPTEMBER 11, 2001

Mr. NICKLES (for himself, Mr. INHOFE, Mr. SCHUMER, Mrs. CLINTON, Mr. ALLEN Mr. MCCONNELL, Mr. CRAPO, Mr. LUGAR, Mr. WARNER, Mr. ROBERTS, Mr. MCCAIN, Mr. LEVIN, Mr. BIDEN, Mr. BAYH, Mr. JOHNSON, Mr. SARBANES, Mr. FITZGERALD, Mr. CLELAND, Ms. CANTWELL, Mr. NELSON, of Florida, Mr. KOHL, Mr. KERRY, Mr. FEINGOLD, Mr. BREAUX, Mr. LIEBERMAN, Ms. COLLINS, and Mr. HUTCHINSON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

S. CON. RES. 73

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;

Whereas following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, first responders reacted immediately in evacuating and rescuing innocent people from the buildings;

Whereas first responders also arrived quickly at the crash site of United Airlines flight 93 in southwestern Pennsylvania;

Whereas if it were not for the heroic efforts of first responders immediately after the terrorist attacks, numerous additional casualties would have resulted from the attacks;

Whereas as the first emergency personnel to arrive at the scenes of the terrorist attacks, first responders risked their lives in their efforts to save others;

Whereas while first responders were bravely conducting the evacuation and rescue after the terrorist attacks on the World Trade Center, the 2 towers of that complex collapsed, and many first responders themselves became victims of the attacks;

Whereas the everyday well-being, security, and safety of Americans depend upon the official duties of first responders;

Whereas in addition to their official duties, first responders around the Nation participate in planning, training, and exercises to respond to terrorist attacks;

Whereas emergency managers, public health officials, and medical care providers also invest significant time in planning, training, and exercises to better respond to terrorist attacks in the United States;

Whereas the Nation has not forgotten the heroic efforts of first responders after the bombing of the World Trade Center on February 26, 1993, and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995;

Whereas there are numerous Federal programs that help prepare first responders from across the Nation, including the Domestic Preparedness Program and other training and exercise programs administered by the Department of Justice;

Whereas there are also domestic preparedness programs administered by the Federal Emergency Management Agency, which together with the programs of the Department of Justice support State and local first responders with funding, training, equipment acquisition, technical assistance, exercise planning, and execution;

Whereas many of the first responders who participate in such programs do so on their own time;

Whereas an effective response of local first responders to a terrorist attack saves lives; and

Whereas in response to a terrorist attack, first responders are exposed to a high risk of bodily harm and death as the first line of defense of the United States in managing the aftermath of the attack: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its profound sorrow for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;

(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;

(3) honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;

(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and

(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and interagency communication and cooperation necessary to ensure that if an attack occurs, first responders will be as prepared as possible to respond effectively.

Mr. NICKLES. Madam President, it is with great honor that I introduce this concurrent resolution on behalf of Senator INHOFE, Senator SCHUMER, Senator CLINTON, and myself, as well as many other original co-sponsors.

The resolution expresses Congress' profound sorrow for the loss of life and injuries suffered by ''first responders'' as a result of their efforts to save innocent Americans in the aftermath of the World Trade Center, Pentagon and Pennsylvania disasters on September 11, 2001. It also expresses our deepest condolences to the families and loved ones of the first responders who will never again return home.

Last Tuesday, in New York City and at the Pentagon, law enforcement, firefighters, and emergency medical personnel (first responders) were the first public-service personnel on the scene. If it were not for their heroic efforts immediately after these attacks, the death toll would be much higher.

We also believe that it is important for America to better understand the daily activities and responsibilities of first responders. Our everyday well-being, security and safety depend upon first responders' official duties. In preparation for these tragedies, first responders around the country plan, train and exercise for mass-casualty events. Our resolution recognizes the hard work and dedication of ''first responder'' personnel and thanks them for the long hours of training that many participate in on their own time.

In addition, this resolution recognizes the hard work and dedication of first responders after the 1993 World Trade Center and the 1995 Oklahoma City bombings.

First Responders exemplify great courage and patriotism in the darkest of hours and for this we are most grateful.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1587. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table.

SA 1588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1589. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1590. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1591. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1592. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1593. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1594. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1595. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1596. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1597. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1598. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1599. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1600. Mr. LOTT (for himself, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1601. Mr. LOTT (for himself, Mr. BUNNING, Mr. HUTCHINSON, Mr. COCHRAN, Mr. STEVENS, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1602. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1603. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra ; which was ordered to lie on the table.

SA 1604. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra ; which was ordered to lie on the table.

SA 1605. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1606. Mr. ALLARD (for himself and Mr. SMITH, of New Hampshire) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1607. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1608. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1609. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1610. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1611. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1612. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1613. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1614. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1615. Mr. REID (for Mr. SARBANES (for himself and Mr. GRAMM)) proposed an amendment to the bill H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

SA 1616. Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2500, 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.

TEXT OF AMENDMENTS

SA 1587. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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 strengths for such fiscal year for the Armed Forces, and for other purpose; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 908. POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE (DEPUTY COMPTROLLER).

(e) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135 the following new section:

"§ 135a. Deputy Under Secretary of Defense (Deputy Comptroller)

''(a) There is a Deputy Under Secretary of Defense (Deputy Comptroller) appointed

from civilian life by the President, by and with the advice and consent of the Senate.

''(b) The Deputy Under Secretary of Defense (Deputy Comptroller) shall assist the Under Secretary of Defense (Comptroller) in the performance of his duties. The Deputy Under Secretary of Defense (Deputy Comptroller) shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 135 following new item:

''135a. Deputy Under Secretary of Defense (Deputy Comptroller).''.

SA 1588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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 strengths for such fiscal year for the Armed Forces, and for other purpose; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2003''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''January 1, 2000'' and inserting ''January 1, 2003''; and

(2) in paragraph (2), by striking ''March 1, 2000'' and inserting ''March 1, 2003''.

SA 1589. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. COMPLIANCE OF THE DEFENSE AUTOMATED PRINTING SERVICE WITH FEDERAL PRINTING REQUIREMENTS.

(a) REPEAL OF REQUIREMENT.—Section 195 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by striking the item relating to section 195.

SA 1590. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1027. REPEAL OF REQUIREMENT FOR MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.

(a) REPEAL.—Section 228 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 228.

SA 1591. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1027. CONTENT OF PERIODIC REPORT ON COMBAT SUPPORT AGENCIES.

Section 193(a)(1) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) a determination with respect to the effectiveness and efficiency of each such agency to support the armed forces; and''.

SA 1592. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 908. REPEAL OF LIMITATION ON NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) REPEAL.—Section 143 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 143.

SA 1593. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add 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 1594. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2466(c) of title 10, United States Code, is amended to read as follows:

''(c) WAIVER OF LIMITATION.—(1) The President may waive the limitation in subsection (a) for a fiscal year if—

''(A) the President determines that—

''(i) the waiver is necessary for reasons of national security; and

''(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; and

''(B) the President submits to Congress a notification of the waiver together with—

''(i) a discussion of the reasons for the waiver; and

''(ii) the plan for terminating the waiver and complying with the limitation within two years after the date of the first exercise of the waiver authority under this subsection.

''(2) The President may delegate only to the Secretary of Defense authority to exercise the waiver authority of the President under paragraph (1).''.

SA 1595. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

On page 380, after line 15, insert the following:

SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

(a) CONDITIONAL AUTHORITY.—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–348) is amended by striking sections 1503 and 1504 and inserting the following new section:

"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps stationed or deployed in the eastern United States.''.

(b) ACTIONS RELATED TO CLOSURE.—(1) Section 1505 of such Act (114 Stat. 1654A–353) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) TIME FOR TAKING ACTIONS.—The actions required or authorized under this section may only be taken upon the closure of the Vieques Naval Training Range by the Secretary of the Navy.'';

(B) in subsection (b)(1), by striking ''Not later than May 1, 2003, the'' and inserting ''The'';

(C) in subsection (d)(1), by striking ''pending the enactment of a law that addresses the disposition of such properties'';

(D) in subsection (e)(2), ''the referendum under section 1503'' and all that follows and inserting ''the Secretary of the Navy closes the Vieques Naval Training Range.''; and

(E) by adding at the end the following new subsection:

''(f) MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.—

''(1) TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.—Upon a declaration of war by Congress or a declaration of a national emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

''(2) TRAINING AUTHORIZED.—Training of the Armed Forces may be conducted in the Live Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

''(3) RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.—Upon the termination of the war or national emergency necessitating the transfer of administrative jurisdiction under paragraph (1), the Secretary of the Navy shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d).''.

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

"SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE.".

(c) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking ''the issuance of a proclamation described in section 1504(a) or''.

SA 1596. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

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 1597. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

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 by-products that are capable of obtaining economic values significantly greater than by-products 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 1598. Mr. LEVIN (for himself and Mr. WARNER) proposes an amendment to the bill S. 1438, 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; as follows:

At the appropriate place in the bill, add the following:

SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

(1) research, development, test and evaluation for ballistic missile defense; and

(2) activities for combating terrorism.

SA 1599. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FISCAL YEAR 2003 BUDGET REQUEST FOR THE NAVY FOR SHIPBUILDING AND CONVERSION.

Notwithstanding any other provision of law, the budget for fiscal year 2003 that is submitted to Congress by the President under section 1105(a) of title 31, United States Code, may set forth the amounts for the Navy for fiscal year 2003 for shipbuilding and conversion on an advance appropriations basis for all naval vessels.

SA 1600. Mr. LOTT (for himself, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

SEC. ___. MODIFICATION OF INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2902 the following new section:

"SEC. 2902A. INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND.

"(a) IN GENERAL.—Notwithstanding any other provision of this part, the only installations subject to closure or realignment under this part as a result of activities under this part in 2003 are the following:

"(1) Military installations located outside the United States (as that term is defined in section 2910(7)).

"(2) Notwithstanding section 2910(7), military installations located in the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other possession or territory of the United States.

"(3) Research, development, test, and evaluation facilities, whether located in the United States or outside the United States.

"(b) REFERENCE.—For purposes of any activities under this part in 2003, and activities under this part thereafter as a result of the approval of the closure or realignment of military installations under this part in 2003, any reference to military installations in the United States shall be deemed to be a reference to military installations referred to in subsection (a).".

SA 1601. Mr. LOTT (for himself. Mr. BUNNING, Mr. HUTCHINSON, Mr. COCHRAN, Mr. STEVENS, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

Strike title XXIX, relating to defense base closure and realignment.

SA 1602. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

Strike section 572 and insert the following:

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following:

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

"(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter on the grounds that the ballot was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud in the preparation or casting of the ballot by the voter.

"(2) CLEAR AND CONVINCING EVIDENCE.—For purposes of this subsection, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud (absent any other information or evidence).

"(3) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

In section 577(a), strike "shall carry out" and insert "may carry out".

In section 577(b), strike "the demonstration project" and insert "any demonstration project".

In section 577(c), strike "the demonstration project" and insert "any demonstration project".

At the end of subtitle F of title V, add the following:

SEC. 578. 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—

(1) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under";

(2) by striking "this section" and inserting "this subsection"; and

(3) by adding at the end the following:

"(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 section, 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 title 10, United States Code, 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:

''(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 AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.

(2) 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 in Federal, State, and local elections.''.

SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in subsection (f)(1)(D)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

SA 1603. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

SEC. 303. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of $71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, amounts shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

SA 1604. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

On page 346, line 20, insert after ''professional'' the following: ''or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander''.

SA 1605. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

On page 49, between lines 2 and 3, insert the following:

SEC. 233. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT

(a) PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2534 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

''(6) AMMUNITION AND AMMUNITION PROPELLANT.—Conventional ammunition and ammunition propellant used therein.''.

(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

''(j) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT.—(1) In addition to the requirement under subsection (a)(6), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

''(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

''(A) is a part of the national technology and industrial base; and

''(B) was selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

''(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

''(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technically appropriate for use in the product to be made by the manufacturer; and

''(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the aggregate amount of smokeless nitrocellulose to be furnished

to the manufacturer by all other participants in the competition.

''(4) This subsection sets forth procurement procedures expressly authorized by statute within the meaning of section 2304(a)(1) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to the procurement of ammunition and ammunition propellant by the Secretary of Defense on or after that date.

SA 1606. Mr. ALLARD (for himself, and Mr. SMITH of New Hamphsire) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle B—Organization and Management of Space Activities

SEC 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY OF SECRETARY OF DEFENSE TO ESTABLISH POSITION.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) NATURE OF POSITION.—

(1) IN GENERAL.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

''§ 137. Under Secretary of Defense for Space, Intelligence, and Information

''(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

''(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

''(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

''(3) The deployment and use of space assets.

''(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

''(5) The coordination of military intelligence activities within the Department.

''(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

''(7) The coordination of space activities of the Department with commercial and civilian space activities.

''(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

''(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.''.

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of that title is amended by striking ''nine Assistant Secretaries of Defense'' and inserting ''ten Assistant Secretaries of Defense''.

(3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—Section 138(b) of that title is amended by adding at the end the following new paragraph:

''(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.''.

(4) CONFORMING AMENDMENTS.—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) The Under Secretary of Defense for Space, Intelligence, and Information.''.

(5) PAY LEVELS.—(A) Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness'' the following:

''Under Secretary of Defense for Space, Intelligence, and Information.''.

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking ''(9)'' and inserting ''(10)''.

(6) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

''137. Under Secretary of Defense for Space, Intelligence, and Information.''; and

(B) by inserting after the item relating to section 139 the following new item:

''139a. Director of Defense Research and Engineering.''.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) REPORT.—(1) Not later than 30 days before an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

''CHAPTER 135—SPACE PROGRAMS

''Sec.
''2271. Responsibility for space programs.

''§ 2271. Responsibility for space programs

''(a) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

''(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

''(2) Efficient execution of the programs, projects, and activities.

''(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

''(c) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

''(d) COORDINATION OF DUTIES OF UNDER SECRETARY OF AIR FORCE.—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

''(e) SPACE CAREER FIELD.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

''(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

''(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

''(B) management of the space career field under paragraph (1).

''(f) JOINT PROGRAM MANAGEMENT.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

''(1) To carry out the space development and acquisition programs of the Department of Defense; and

''(2) To the Office of the National Security Space Architect.''.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

''135. Space Programs ..... 2271''.

SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

(a) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8584. Commander of Air Force Space Command

''(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

''(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8584. Commander of Air Force Space Command.''.

SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

SA 1607. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. . BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $15,100,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) $12,000,000 shall be available for the Big Crow program; and

(2) $3,100,000 shall be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by this division, other than the amount authorized to be appropriated by subsection (a), is hereby reduced by $15,100,000, which represents savings resulting from adjustments to foreign currency exchange rates.

SA 1608. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $1,800,000.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $1,800,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

(2) The amount made available by paragraph (1) for the Clara Barton Center for Domestic Preparedness is in addition to any other amounts made available by this Act for the Clara Barton Center for Domestic Preparedness.

SA 1609. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall, using amounts available under subsection (c), carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program shall be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(2) In entering into any contract for purposes of the pilot program, the Secretary shall take into appropriate account current Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (a). The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations at the Secretary considers appropriate regarding expansion or extension of the pilot program.

(c) FUNDING.—(1) The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $1,000,000.

(2) Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by paragraph (1), $1,000,000 shall be available for the pilot program under subsection (a).

SA 1610. Mr. SANTORUM submitted an amendment intented to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $5,000,000 shall be available for land forces readiness-information operations sustainment.

SA 1611. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

On page 22, line 22, increase the amount by $1,000,000.

On page 22, line 21, reduce the amount by $1,000,000.

SA 1612. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

Strike title XXIX and insert the following:

TITLE XXIX—COMMISSION ON DEPARTMENT OF DEFENSE INFRASTRUCTURE

SEC. 2901. COMMISSION ON THE DEPARTMENT OF DEFENSE INFRASTRUCTURE.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on the Department of Defense Infrastructure'' (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 13 members who shall be appointed, not later than 90 days after the date of the enactment of this Act, as follows:

(A) Seven members appointed by the President in consultation with the Secretary of Defense, including at least one member appointed from each of the Army, Navy, Air Force, and Marine Corps.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) Two members appointed by the Majority Leader of the Senate.

(D) One member appointed by the Minority Leader of the House of Representatives.

(E) One member appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The President shall designate one member of the Commission to serve as the Chairman.

(4) The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings for the Commission.

(c) DUTIES.—The Commission—

(1) shall evaluate the infrastructure of the Department of Defense inside and outside the United States, including the use of the infrastructure, in relationship to the requirements of the Department of Defense;

(2) shall develop a plan of actions that the Commission recommends for rationalizing and maximizing the use of the facilities of the Department of Defense and other elements of the infrastructure;

(3) if the Commission finds that the infrastructure is excess to the requirements of the Department of Defense, shall develop a recommended plan of actions for reducing the excess, which may include closure or realignment of installations and other facilities, basing of forces or workforces in urban areas, privatization of the operation of facilities, increasing the use of leasing, and any other actions determined appropriate by the Commission; and

(4) shall develop a recommended analytical process for evaluating the infrastructure of the Department of Defense on the basis of the factors described in subsection (d).

(d) CONSIDERATIONS.—In evaluating infrastructure and developing a plan or plans under subsection (c), the Commission shall take into consideration the following factors:

(1) Present and future force structure and mission requirements through 2020, consistent with the Joint Vision 2020 issued by the Joint Chiefs of Staff, including—

(A) mobilization requirements; and

(B) requirements for utilization of facilities by the Department of Defense and other departments and agencies of the United States, including—

(i) joint use by two or more of the Armed Forces; and

(ii) use by reserve components.

(2) The availability and condition of facilities, land, and associated airspace, including—

(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports;

(B) current, planned, and programmed military construction.

(3) Ranges and airspace factors, including—

(A) uniqueness; and

(B) existing or potential electromagnetic or other encroachment.

(4) Force protection.

(5) Anticipated costs and effects of relocating critical infrastructure in the case of a base closure or realignment, including—

(A) associated military construction costs at receiving installations and facilities;

(B) associated environmental costs, including costs of compliance with Federal and State environmental laws;

(C) termination costs and other liabilities relating to existing contracts and transactions that involve outsourcing or privatization of services, housing, or utilities used by the Department of Defense;

(D) impact on co-located organizations of the Department of Defense;

(E) impact on co-located Federal agencies; and

(F) costs of civilian personnel transfers and relocations and other workforce implications.

(6) Community support of military presence, including—

(A) opportunities for public and private partnerships in support of Department of Defense activities; and

(B) economic effects and other effects of base closures and realignments on local communities.

(7) Lessons learned from previous base closures and realignments, including those regarding disparities between anticipated savings and actual savings.

(8) Anticipated savings and other benefits of realigning or closing a base or facility, including—

(A) any enhancement of capabilities to make better use of remaining infrastructure; and

(B) ability to relocate units and other assets.

(9) Any other factors that the Commission considers significant.

(e) REPORT.—(1) Not later than 270 days after the date of the enactment of this Act, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) The plan or plans of recommended actions developed under subsection (c).

(C) The recommended analytical process developed under subsection (c)(4).

(f) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Secretary of Defense shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary to carry out its duties.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers necessary to carry out the purposes of this Act.

(3) The Commission may request directly from any department or agency of the Federal Government any information that the Commission considers necessary to carry out the provisions of this section. To the extent consistent with applicable requirements of law and regulation, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) COMMISSION PERSONNEL MATTERS.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The Chairman of the Commission may appoint staff, request the detail of Federal employees, and accept temporary or intermittent services in accordance with subchapter IV of chapter 31 of title 5, United States Code.

(h) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Commission, $5,000,000, to remain available until expended.

SA 1613. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. ADDITIONAL FUNDS FOR UNFUNDED PRIORITIES OF THE ARMED FORCES.

(a) INCREASE IN AMOUNT AUTHORIZED FOR ARMED FORCES.—The aggregate amount authorized to be appropriated by this division is hereby increased by $1,778,000,000, with the amount of such increase to be allocated in equal portions among the Army, Navy, Marine Corps, and Air Force, and available to meet the unfunded requirements of each Armed Force in accordance with the priority list of such Armed Force.

(b) DECREASE IN AMOUNT AUTHORIZED FOR DEPARTMENT OF ENERGY.—The aggregate amount authorized to be appropriated by title XXXI is hereby reduced by $1,778,000,000.

SA 1614. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UNITED STATES-CHINA MILITARY-TO-MILITARY EXCHANGES.

(a) INSTRUCTION IN THE LAW OF WAR AND THE HAGUE AND GENEVA CONVENTIONS.—United States-China military-to-military exchanges shall include instruction in the following for PLA officers participating in the exchanges:

(1) The principles, spirit, and intent of the 1907 Hague and 1949 Geneva Conventions.

(2) The law of war prohibiting unnecessary destruction.

(3) The law of war requiring humane treatment of prisoners of war (POWs), other captured and detained personnel, and civilians.

(4) The obligation not to commit war crimes.

(5) The obligation to report all violators of the law of war.

(6) The significant provisions of the Geneva Convention Relative to the Treatment of Prisoners of War, done on August 12, 1949.

(7) Full exposure to the Uniform Code of Military Justice (UCMJ) and the Soldier's Handbook.

(b) HUMAN RIGHTS VIOLATIONS BY CHINA.—None of the funds made available by this Act for military-to-military exchanges may be provided to any officers of the security forces of the People's Republic of China if the Secretary of State has credible evidence that such officers have committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that the Government of the People's Republic of China is taking effective measures to bring the responsible members of the security forces to justice.

(c) HUMAN RIGHTS VIOLATIONS BY OTHER FOREIGN COUNTRIES.—None of the funds made available by this Act may be used to support any exchange program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(d) WAIVER.—The Secretary of Defense may waive the provisions of this section if he determines that extraordinary circumstances require it. Within 15 days of issuing such a waiver, the Secretary shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the exchange program, the United States forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SA 1615. Mr. REID (for Mr. SARBANES (for himself and Mr. GRAMM)) proposed an amendment to the bill H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes; as follows:

On page 2, strike lines 9 through 14 and insert the following: ''2002''.

''SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

''Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking '2001' and inserting '2002'.''

SA 1616. Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2500, 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; as follows:

Strike section 404 of the Senate amendment.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a closed hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 26, at 9:30 a.m., in location to be announced.

The purpose of the hearing is to receive testimony on critical energy infrastructure security and the energy industry's response to the events of September 11, 2001.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Deborah Estes, U.S. Senate, Washington, DC 20510.

For further information, please call Deborah Estes at 202/224–5360.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN Mr. President, I ask unanimous consent that the Committee on Armed Services be Authorized to meet during the session of the Senate on Friday, September 21, 2001, at 8:30 a.m., in closed session to receive a briefing on current Department of Defense activities.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Friday, September 21, 2001, at 9 a.m., to conduct a hearing on following pending nominations: Brigadier General Edwin J. Arnold, Jr. to be a Member and President of the Mississippi River Commission; Nils J. Diaz to be a Member of the Nuclear Regulatory Commission; Marianne Lamont Horinko to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency; Patrick Hayes Johnson to be Federal Cochairperson, Delta Regional Authority; Paul Michael Parker to be Assistant Secretary of the Army for Civil Works, Department of Defense; Mary E. Peters to be Administrator of the Federal Highway Administration, Department of Transportation; Harold Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior; and Brigadier General Carl A. Strock to be a Member of the Mississippi River Commission.

The hearing will be held in the Rm. SD–406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 21, 2001, at 12 p.m., to hold a nomination hearing.

Nominees: The Honorable Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; Mr. Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, September 21, 2001, at 9:30 a.m., for a hearing entitled ''Responding to Homeland Threats: Is Our Government Organized for the Challenge?''

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

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Jimmie Keenan and Ray Ivie, fellows on the staff of Senator Hutchison, be granted the privilege of the floor for the duration of today's debate.

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

Mr. CLELAND. Mr. President, I ask unanimous consent that privileges of the floor be granted to my staff, Steve Tryon, during the discussion of this Defense authorization bill.

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

On September 19, 2001, the Senate amended and passed H.R. 2590, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2590) entitled ''An Act 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.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

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, 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: 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; of which 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; 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.

SEC. 121. 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.

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 counter-narcotics 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 $1,750,000 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 $2,500,000 shall be used for a newly designated HIDTA in the State of Utah, of which not 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.

SEC. 411. Section 410 of Appendix C of Public Law 106–554 (114 Stat. 2763A–146) is amended—

(1) by striking ''a 125 foot wide right-of-way'' and inserting ''up to a 125 foot wide right-of-way'';

(2) by striking ''northeast corner of the existing port'' and inserting ''southeast corner of the existing port'';

(3) striking ''approximately 4,750 feet'' and inserting ''and then west to a connection with State Highway 11 between approximately 5,000 and 7,000 feet'';

(4) by striking ''a road to be built by the County of Luna, New Mexico to connect to'';

(5) 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:''; and

(6) 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.

SEC. 413. 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 subsection (a) shall be deemed to be a reference to the G. Ross Anderson, Jr. 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, $23,302,000 is for the electronic records archive, $16,337,000 of which shall be available until September 30, 2004.

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: Provided, 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.

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.

SEC. 643. 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''.

SEC. 644. 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.''.

SEC. 645. 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.''.

SEC. 646. 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.''.

SEC. 647. (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.

SEC. 648. (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.

SEC. 649. (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.

TITLE VII—THE 9/11 HEROES STAMP ACT OF 2001

SEC. 701. SHORT TITLE.

This title may be cited as the ''9/11 Heroes Stamp Act of 2001''.

SEC. 702. 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:

(1) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(A) in paragraph (1), by striking ''of not to exceed 25 percent'' and inserting ''of not less than 15 percent''; and

(B) 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.

(c) LIMITATION.—For purposes of section 416 of title 39, United States Code (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 one semipostal may be offered for sale at the same time.

(d) 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. 703. 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.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2002''.

ORDER FOR SENATE TO RECEIVE HOUSE COMPANION BILL TO S. 1450

Mr. REID. Madam President, I ask unanimous consent that it be in order for the Senate to receive the House companion to S. 1450, the airlines stabilization bill, notwithstanding the adjournment of the Senate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 362, 384, 387, 388, and 389; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

DEPARTMENT OF TRANSPORTATION

Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, Department of Transportation.

NATIONAL TRANSPORTATION SAFETY BOARD

Marion Blakey, of Mississippi, to be Chairman of the National Transportation Safety Board for a term of two years.

Marion Blakey, of Mississippi, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2005.

DEPARTMENT OF TRANSPORTATION

Read Van de Water, of North Carolina, to be an Assistant Secretary of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2510 and the Senate proceed to its consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1615

Mr. REID. Mr. President, I understand that Senator SARBANES and Senator GRAMM have an amendment at the desk, and I ask unanimous consent that the amendment be considered; that the amendment be agreed to; and that the motion to reconsider be laid upon the table.

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

The amendment (No. 1615) was agreed to, as follows:

(Purpose: To provide for a one-year extension)

On page 2, strike lines 9 through 14 and insert the following: ''2002'.

''SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

''Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking '2001' and inserting '2002'.''

Mr. REID. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, with no intervening action.

The PRESIDENT pro tempore. Without objection, the several requests will be agreed to.

The bill (H.R. 2510), as amended, was read the third time and passed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to H.R. 2500, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

The PRESIDENT pro tempore laid before the Senate the message from the House of Representatives, as follows:

Resolved, That the amendment of the Senate to the bill (H.R. 2500) entitled ''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'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Senate amendment be amended with the language at the desk, and that the amendment be agreed to, and the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The amendment (No. 1616) was agreed to, as follows:

Strike section 404 of the Senate amendment.

The PRESIDENT pro tempore appointed 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 conferees on the part of the Senate.

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. Res. 162, submitted earlier today by Senators DODD and MCCONNELL.

The PRESIDENT pro tempore. The clerk will state the title of the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 162) providing for Members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, any statements and supporting documents relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 162) was agreed to.

(The text of the resolution is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

ORDERS FOR MONDAY, SEPTEMBER 24, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, September 24. I further ask unanimous consent that on Monday, 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 PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Monday, September 24, 2001, the Senate will convene at 12 noon and consider H.R. 2603, the Jordan Free-Trade Act, under a 2-hour time agreement, followed by a voice vote on the act.

At 2 p.m., the Senate will vote on the nomination of Kirk Van Tine to be general counsel to the Department of Transportation.

Following this vote, the Senate will resume consideration of the Department of Defense authorization bill under the direction of Senators LEVIN and WARNER.

Rollcall votes are expected on the amendments to the DOD bill all afternoon Monday.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement during morning business by the Senator from Alabama, Mr. SESSIONS.

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

Mr. REID. 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. SESSIONS. 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.

The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent that I be allowed to speak as in morning business.

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

DEFENSE BUDGETS

Mr. SESSIONS. Mr. President, we have for the most part today been dealing with the Defense authorization bill. As a member of the Armed Services Committee, it is something we wrestled with for some time. We realize how tight our budget is, and I thought it would be important for those Americans who care about those things, that remnant out there, that we give them some perspective as to where we are, what this authorization bill would mean, and how it would affect our Armed Forces.

In the early 1990s, our defense budget was as high as $326 billion, as I recall, well over $300 billion. After the collapse of the Soviet Union, President Bush commenced a decline in that budget. He had projected it out over a certain number of years and then it began to flatten out at a fairly substantial rate over $300 billion.

What happened was, in our glee over the collapse of the Soviet Union, we allowed that budget to continue downward. We reached as low as $286 billion, I believe, in the mid-1990s, $20 billion more or less than former President Bush had proposed, and as a result we reduced our personnel very rapidly.

We had problems in a number of areas funding our budget, and as a result, the military began to suffer. In particular, what suffered was our plans to recapitalize defense in America. I am talking about ships and planes and equipment that is pretty expensive. We paid the electric bills. We trained our men and women in uniform. We paid their salaries. We did the things we needed to do, but as one naval officer said, we created a bow wave out in front of the ship of increased capitalization needs. So we have been doing that for some years.

Gradually, we made a few increases since I have been in the Senate in the last 3 years, an increase in our defense budget, but it has not been much.

President Bush ran on the promise that he would do more for defense. He said, ''Help is on the way.'' We remember that phrase.

We do indeed, this year, have a Defense appropriations bill that shows the largest increase in probably well over a decade. I know the President pro tempore is so familiar with these numbers, there is no need for me to recall them for him. We made some progress, and as I read this budget, this authorization bill, we will take defense spending from $296 billion last year to $328. If you count the supplemental of $6 billion, we have a $35 billion increase in defense, which amounts to a little over around 10 percent of the budget.

I thought we would have more impact, but I have not seen it. It strikes me that presumably the money has gone to do the things we need to do. We promised and committed to higher pay and better medical care, as we promised our men and women in uniform. They received that, and they are pleased with it. Retention and recruitment and morale is up, for which we can certainly celebrate, but it has left us not nearly as much as we had hoped we would have to begin to do better about capitalization.

For example, it was not too many years ago we were looking for a 600-ship Navy. We are now down to around 315 ships. We have ships going out of service every year because of age and lack of serviceability, and the number of ships coming on are less. So at the present rate, we can expect our fleet to fall well below 300. Maybe that is wise. I doubt it. I think we are getting a bit thin. I say that simply to say the money is not there in this budget to build ships at the rate it needs to.

I served as the ranking member on the Sea Power Subcommittee and dealt with those numbers, along with Senator KENNEDY, and we did the best we

could with the moneys we had to allocate, but we are not where we need to be in shipbuilding.

So now we find ourselves in a war against terrorism. I think it is causing us to reevaluate what we have done with defense. As a percentage of our total gross domestic product, our spending on defense is at a low level, certainly since the midpart of the last century. We are at a low level in spending as a percentage of the gross domestic product.

I think we can do better. Right now, in short order, we will receive the QDR, the Quadrennial Defense Review, report. That should help us plan for the future. I hope it will be a bold and aggressive call for reform and change and innovation. I think it will have some of that in it, but I am not sure it will go as far as we would like it to go. We will be looking at that.

Then the Secretary of Defense is also completing his review, and he will analyze the situation and will make a recommendation to us for a reformation of our military, a transformation of our military, so it is more capable of dealing with conflicts of the kind we are discussing this very night, the television commentators are discussing: Are we ready to fight that kind of war?

I believe we need to be sure we are. I do not think it will cost us an amount of money that we cannot afford. I am not sure we are where we need to be with regard to transformation to go from a military that was capable and required to defend on the plains of Europe against massive attacks by tanks and infantry and troops from the Soviet Union to a world that is much more complex, much more diverse, requiring more speed, more maneuver, more mobility to transport troops around the country.

I salute Senator LEVIN and Senator JOHN WARNER, the ranking Republican on the committee, for working together to reach an accord at this critical time in our country that I can support at this time, and that was not easy. We had some differences of opinion, and when the bill came out of committee on a partisan vote, 13–12, we were distressed about that. In the days that have gone by since and after this terrorist attack, I think we all realized it was necessary we should reach an agreement on how to proceed.

I believe that was done. I can support this bill as I understand it today, and we will probably vote next Tuesday. We will have made a step in the right direction. Our challenge, of course, with $20 billion more in defense, is to confront terrorism around the world.

Our distinguished President pro tempore is a student of Roman history, the best in this Senate, probably one of the best in the United States. I thought I would share tonight a little bit of Roman history, Appian's Roman history; as someone referred to me, what the Romans did about terrorists.

This is the situation they faced: Pirates were developing throughout the Mediterranean. It became unsafe for Roman ships to sail. According to Appian, in a very short time these pirates increased in number to tens of thousands. They dominated now not only the eastern waters but the whole Mediterranean to the Pillars of Hercules. They now even vanquished some of the Roman generals in naval engagements, and among others the praetor of Sicily on the Sicilian coast itself.

No sea could be navigated in safety, and land remained untilled for want of commercial intercourse. The city of Rome felt this evil most keenly, her subjects being distressed and herself suffering grievously from hunger by reason of her own populousness. But it appeared to her to be a great and difficult task to destroy so large a force of seafaring men scattered everywither on land and sea, with no fixed possession to encumber their flight, sallying out from no particular country or any known places, having no property or anything to call their own, but only what they might chance to light upon. Thus, the unexampled nature of this war, which was subject to no laws and had nothing tangible or visible about it, caused perplexity and fear.

When the Romans could no longer endure the damage or the disgrace they made Gnaeus Pompey, who was then their man of greatest reputation, commander by law for 3 years, with absolute power over the whole sea within the Pillars of Hercules, and of the land of a distance of 400 stades from the coast to coast. They sent letters to all kings, rulers, peoples and cities, they should aid Pompey in all ways. They gave him the power to raise troops and to collect money from the provinces, and they furnished a large Army from their own muster-roll, and all the ships they had, and money to the amount of 6,000 Attic talents—

Perhaps the President would know how much that was; apparently it was a lot—

So great and difficult did they consider the task of overcoming such great forces, dispersed over so wide a sea, hiding easily in so many nooks, retreating quickly and darting out again unexpectedly. Never did any man before Pompey set forth with so great authority conferred upon him by the Romans. He had an Army of 120,000 foot and 4,000 horse, and 270 ships.

Pompey, like a king of kings, should move to and fro and stationed his people where he thought best.

He developed a brilliant scheme to deploy his forces. And he astonished all by the rapidity of his movement, the magnitude of his preparations, and his formidable reputation, so that the pirates, who had expected to attack him first, or at least to show that the task he had undertaken against him was no easy one, became straightway alarmed, abandoned their assaults upon the towns they were besieging, and fled to their accustomed peaks and inlets. Thus the sea was cleared by Pompey forthwith without a fight, and the pirates were everywhere subdued at their several locations.

According to Appian's history, whereas it was expected to take 3 years to win this war because they were so united, so determined, and so committed, within a matter of days the war was won, 10,000 of the pirates were killed and the rest surrendered.

I don't know and don't expect we can accomplish this much in dealing with our modern-day terrorist pirates, but I like the way they set about to do it. They recognized their nation was threatened and jeopardized, and when the disgrace could be stood no more, they took action to defend their just interest, and did so with a commitment that was total and complete, and they set about it and were successful far more quickly than people thought possible.

I don't know if this will occur more quickly than we think possible, but I know one thing: If we commit ourselves to it, just as the Romans, we can succeed. And even though these people move about and seem to have no place they call their own, and are difficult to locate, they can be located, they can be pressured, they can be attacked, and can be defeated. I hope and pray we will succeed in that.

I am honored to be a Member of this Senate—not the Roman Senate but this Senate. It is a great Senate, as the Presiding Officer is wont to remind us—the greatest since the Roman Senate. I believe, united as we are today, we can succeed in eliminating these modern-day terrorists who threaten our world, our prosperity, and our liberty.

I am honored to have the opportunity to speak tonight, and I yield the floor.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2001

The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 12 noon, Monday, September 24, 2001.

Thereupon, the Senate, at 7:43 p.m., adjourned until Monday, September 24, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 21, 2001:

DEPARTMENT OF DEFENSE

MICHELLE VAN CLEAVE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE BRIAN E. SHERIDAN.

WILLIAM WINKENWERDER, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE SUE BAILEY.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN H. MARBURGER, III, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE NEAL F. LANE.

DEPARTMENT OF STATE

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

LARRY MILES DINGER, OF IOWA, A CAREER MEMBER OF THE FOREIGN SERVICE, TO BE AMBASSADOR TO THE FEDERATED STATES OF MICRONESIA.

ENVIRONMENTAL PROTECTION AGENCY

KIMBERLY TERESE NELSON, OF PENNSYLVANIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE EDWIN A. LEVINE, RESIGNED.

THE JUDICIARY

CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE J. ROBERT ELLIOTT, RETIRED.

RANDY CRANE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT

MARY ANN SOLBERG, OF MICHIGAN, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY. (NEW POSITION)

SMALL BUSINESS ADMINISTRATION

THOMAS M. SULLIVAN, OF MASSACHUSETTS, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE JERE WALTON GLOVER, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

KETTY M. GONZALEZ
GUNTA I. OBRAMS

To be senior surgeon

VITO M. CASERTA
OLGA GRAJALES
MARY L. KAMB
DAWN L. WYLLIE

To be surgeon

ANDREW BLAUVELT
MICHAEL J. BOQUARD
J RUSSELL BOWMAN
MONICA E. PARISE
LISA G. RIDER
ABIGAIL M. SHEFER
DARRELL P. STONE

To be senior assistant surgeon

DAHNA L. BATTS-OSBORNE
STEPHEN M. HEWITT
JAMES F. LANDO
JOHN T. NING
ALEXANDER K. ROWE
STEPHEN M. RUDD
SEYMOUR G. WILLIAMS

To be senior dental surgeon

MICHAEL L. CAMPSMITH
A. ISABEL GARCIA

To be dental surgeon

RONALD E. BAJUSCAK
TANIA M. MACIAS
WILNETTA A. SWEETING
MICHAEL P. WINKLER

To be senior assistant dental surgeon

DAWN A. BREEDEN
KATHERINE T. COTTON
BRYAN S. DAWSON
STANLEY K. GORDON
MARIA-PAZ U. SMITH
VALARIE D. WILSON

To be senior nurse officer

ROBERT E. EATON
MARY I. LAMBERT
SUSANNE R. ROHRER
MARJORIE LYNN WITMAN

To be nurse officer

EILEEN D. BONNEAU
RUTH M. COLEMAN
TERRI L. DODDS
SUSAN D. HILLIS
BARBARA W. KILBOURNE
GWETHLYN J. SABATINOS
AMANDA S. WAUGAMAN

To be senior assistant nurse officer

THOMAS C. ARMINIO
DEBORAH M. CARTER
CHARLES D. DUKE JR.
KEYLA E. GAMMARANO
MARY C. KARLSON
JULIE D. KING
KIMBERLY M. MOCK
LISA S. PENIX
LAVERNE PUCKETT
KEYSHA L. ROSS
MICHAEL R. SANCHEZ
JEANNE D. SHAFFER
STEVEN M. WACHA

To be assistant nurse officer

BENJAMIN F. BROWN JR.
SERINA A. HUNTER
PATRICIA K. MITCHELL
TODD A. RIDGE
WILLIAM RUIZ-COLON
TONIA L. SAWYER
THOMAS R. STANLEY
ROBBIE K. TAYLOR

To be engineer officer

KEVIN B. MILNE

To be senior assistant engineer officer

DONALD C. ANTROBUS
MARK A. CALKINS
EDWARD A. CAYOUS
TRACY D. GILCHRIST
STEVEN M. MCGOVERN
DALE M. MOSSEFIN
JEFFREY S. REYNOLDS
HILDA F. SCHAREN-GUIVEL
JERRY A. SMITH
MICHAEL A. STOVER
DARRALL F. TILLOCK
MARY M. WEBER

To be scientist director

VICTOR KRAUTHAMER

To be senior scientist

YOUNG H. LEE
H. EDWARD MURRAY

To be scientist

KATE M. BRETT
ANGELA M. GONZALEZ
O'NEAL A. WALKER

To be senior assistant scientist

NELSON ADEKOYA
MEHRAN S. MASSOUDI
DARIN J. WEBER

To be sanitarian

JARET T. AMES
DAVID P. BLEICHER

To be senior assistant sanitarian

STEPHEN P. BERARDINELLI JR.
CALVIN K. COOK
CALVIN W. EDWARDS
WILLIAM T. GOING III
ROBERT W. GRUHOT
SUSAN D. MCCRACKEN
JOSEPH A. TERRA JR.
DAVID B. TIBBS
LINDA K. WEST

To be senior veterinary officer

MARK A. BRYANT
SHELLEY HOOGSTRATEN-MILLER
BARTON G. WEICK

To be veterinary officer

JUDITH A. DAVIS
MARISSA A. MILLER
ALFRED W. MONTGOMERY

To be senior pharmacist

JOHNNY W. BENSON
JAMES S. WILLIAMS III
STANLEY K. WORK

To be pharmacist

LAURIE B. BURKE
FLOYD J. KRIEGHOFF
JOSEPH F. MCGINNIS
RAELENE W. SKERDA
MATTHEW A. SPATARO
KIMBERLY A. ZIETLOW

To be senior assistant pharmacist

KARL D. AAGENES
CLINTON D. BULLOCK
RICHARD O. DECEDERFELT
DENISE M. DIGIULIO
SCOTT F. GIBERSON
MICHAEL J. GOODIN
JANE M. KREIS
JOHN R. MARTIN
TERRI J. MARTIN
SHEILA K. NORRIS
LISA M. ROSE
VANESSA G. THOMAS-WILSON
JEFFREY W. WALLING
TERESA A. WATKINS
TRAVIS E. WATTS

To be assistant pharmacist

TINA M. SPENCE

To be dietitian

SUSAN T. DETHMAN

To be senior assistant dietitian

CHARLENE G. SANDERS

To be therapist

REBECCA A. PARKS

To be senior assistant therapist

LAURA M. GROGAN
MICHAEL D. LAPLANTE
ERIC D. PAYNE
MATTHEW E. TAYLOR
DANIEL C. WEAVER

To be assistant therapist

COREY S. DAHL

To be senior health services officer

ILZE L. RUDITIS

To be health services officer

STEVEN M. GLOVER
DARLENE A. HARRIS
CARMENCITA T. PALMA
JULIA A. STOKES

To be senior assistant health services officer

SHERLENE BAILEY
KATHY L. BALASKO
MARINNA A. BANKS
JOSE H. BELARDO
JULIE WOFFORD BLACK
DAWN M. CLARY
SANDRA L. FERGUSON
KATHLEEN D. HEIDEN
MARY C. HOLLISTER
DAVID W. KEENE
SCOTT A. MIDDLEKAUFF
GODWIN O. ODIA
ELIZABETH A. PIERCE
BRIAN E. RICHMOND
RENEE S. ROBERSON
LISA D. STARNES
SCOTT W. TOBIAS
GILBERT E. VARNEY JR.
KIMBERLY A. WALKER

To be assistant health services officer

PARMJEET S. SAINI
AMANDA D. STODDARD

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JAMES C. OLSON, 0000
REAR ADM. (LH) JAMES W. UNDERWOOD, 0000
REAR ADM. (LH) RALPH D. UTLEY, 0000
REAR ADM. (LH) KENNETH T. VENUTO, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID F. BRUBAKER, 0000
COL. MICHAEL W. CORBETT, 0000

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

LT. GEN. LARRY R. JORDAN, 0000

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

LT. GEN. KEVIN P. BYRNES, 0000

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 general

LT. GEN. PAUL J. KERN, 0000

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. JOSEPH R. INGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL KEITH B. ALEXANDER, 0000
BRIGADIER GENERAL ELDON A. BARGEWELL, 0000
BRIGADIER GENERAL DAVID W. BARNO, 0000
BRIGADIER GENERAL JOHN R. BATISTE, 0000
BRIGADIER GENERAL PETER W. CHIARELLI, 0000
BRIGADIER GENERAL CLAUDE V. CHRISTIANSON, 0000
BRIGADIER GENERAL ROBERT T. DAIL, 0000
BRIGADIER GENERAL PAUL D. EATON, 0000
BRIGADIER GENERAL KARL W. EIKENBERRY, 0000
BRIGADIER GENERAL ROBERT H. GRIFFIN, 0000
BRIGADIER GENERAL JOHN W. HOLLY, 0000
BRIGADIER GENERAL DAVID H. HUNTOON JR., 0000
BRIGADIER GENERAL JAMES C. HYLTON, 0000
BRIGADIER GENERAL GENE M. LACOSTE, 0000
BRIGADIER GENERAL DEE A. MC WILLIAMS, 0000
BRIGADIER GENERAL RAYMOND T. ODIERNO, 0000
BRIGADIER GENERAL VIRGIL L. PACKETT II, 0000
BRIGADIER GENERAL JOSEPH F. PETERSON, 0000
BRIGADIER GENERAL DAVID H. PETRAEUS, 0000
BRIGADIER GENERAL MARILYN A. QUAGLIOTTI, 0000
BRIGADIER GENERAL MICHAEL D. ROCHELLE, 0000
BRIGADIER GENERAL DONALD J. RYDER, 0000
BRIGADIER GENERAL HENRY W. STRATMAN, 0000
BRIGADIER GENERAL JOE G. TAYLOR JR., 0000
BRIGADIER GENERAL N. ROSS THOMPSON III, 0000
BRIGADIER GENERAL JAMES D. THURMAN, 0000

BRIGADIER GENERAL THOMAS R. TURNER II, 0000
BRIGADIER GENERAL MICHAEL A. VANE, 0000
BRIGADIER GENERAL WILLIAM G. WEBSTER JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GEORGE M. GOUZY III, 0000
CARROL H. KINSEY JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEFFREY E. ARNOLD, 0000
BENJAMIN GUZMANTORRES, 0000
TIMOTHY L. SHEPPARD, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HENRY J. GOODRUM, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant

RICHARD D. ANDERSON III, 0000
JAMES P. INGRAM, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRADLEY J. SMITH, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 2001:

DEPARTMENT OF TRANSPORTATION

ELLEN G. ENGLEMAN, OF INDIANA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

NATIONAL TRANSPORTATION SAFETY BOARD

MARION BLAKEY, OF MISSISSIPPI, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

MARION BLAKEY, OF MISSISSIPPI, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2005.

DEPARTMENT OF TRANSPORTATION

READ VAN DE WATER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SHARON PROST, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

DEPARTMENT OF JUSTICE

DEBORAH J. DANIELS, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL.