United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, FRIDAY, OCTOBER 12, 2001 No. 137

Senate

The Senate was not in session today. Its next meeting will be held on Monday, October 15, 2001, at 3:30 p.m.

House of Representatives

FRIDAY, OCTOBER 12, 2001

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 12, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and Guide of nations.

Yesterday, Members of this House gathered for a memorial service at the Pentagon, that 5-pointed star of shining military power.

There, moved not by force or might of Earthly making, You touched the Nation by the sincerity of prayer and the revelation of Your silent Spirit working within us.

As we saw new resolve in the unified precision of united human forces and we heard the call raised in the song of true freedom, we know it is You who strengthen us, as we prayed for our fallen brothers and sisters of differing age, race, creed, language, and ethnic background.

Lord our God, You take our diversity and bring about greater unity in this world. Your Word is heard and we are brought to new life and a new awareness. In You our cause will remain right, our ways just. In You anger is transformed to commitment. Confessed vulnerability forms solidarity. In the depths of new found freedom, You lead us to greater creativity.

Your Spirit within us strengthens us for the task ahead. You alone can take the diversity of our opinions, our technology, our military, our willingness, and our alert and bring forth goodness upon the Earth and equal justice for all.

To You and You alone be glory, honor and power both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS 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.

PLEDGING SUPPORT FOR ISRAEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in the wake of disturbing reports. First, the Associated Press reported in newspapers around America yesterday that the State Department is preparing to pressure our friends in Israel to make territorial concessions including yielding part of Jerusalem to the establishment of a Palestinian state.

This morning in Israel there are reports that 2 weeks prior to the attacks on the United States of America there was an agreement signed by the State Department and the administration of Saudi Arabia to do just that, pressing Israel back to its pre-1967 borders.

Mr. Speaker, I stand today to urge the administration and the State Department to clarify the unqualified support of the United States of America for Jerusalem as the inviolate and eternal capital of Israel; and that the United States of America, Christians and Jews and all of Americans stand for the territorial integrity of Israel and so should this Congress.

SUPPORT FOR THE PATRIOT ANTI-TERRORISM BILL

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

Mr. KELLER. Mr. Speaker, I rise today as a supporter and original cosponsor of the PATRIOT anti-terrorism

Printed on recycled paper.

bill. Recently, President Bush told our Nation that our citizens should take their families on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando.

Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because so many people have been afraid to fly, theme park workers, convention workers, hotel workers, and cab drivers have lost their jobs.

It is critical to the people of Orlando that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. This anti-terrorism bill which passed the Committee on the Judiciary unanimously deserves our support. It is a powerful piece of crime-fighting legislation. It gives FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists, and at the same time it respects the civil liberties of our citizens.

I urge my colleagues to vote ''yes'' on the PATRIOT anti-terrorism bill.

RECESS

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

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2975, PROVIDE APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (PATRIOT) ACT OF 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–238) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Friday, October 12, 2001, providing for consideration or disposition of the bill (H.R. 2975) to combat terrorism, and for other purposes.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 263 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

This waiver will be applied to a special rule reported on the legislative day of Friday October 12, 2001, providing for the consideration or disposition of the bill, H.R. 2975, to combat terrorism and for other purposes.

I urge my colleagues to support the passage of this rule which will enable the House of Representatives to debate and consider the President's antiterrorism package later today.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules met at 8 o'clock this morning to begin taking testimony on the antiterrorism legislation. While the Committee on the Judiciary had reported a truly bipartisan bill by a vote of 36–0, which is somewhat miraculous, 2 weeks ago, we were not informed until 7 o'clock this morning that we would be taking testimony on a new bill, the content of which the Committee on Rules had not seen nor apparently had the members of the Committee on the Judiciary.

We now have under consideration a rule which waives the two-thirds same day consideration requirement because, during the night, a bipartisan bill was turned into a bill which most Democratic members of the Committee on the Judiciary cannot support. We are considering this waiver of the two-thirds consideration rule because so many Members understand the grave and long-lasting ramifications of this legislation. This legislation is so far reaching that they felt it necessary to come to the Committee on Rules earlier this morning to offer amendments to the new bill or to simply sit and try to get an explanation of what is actually contained in it.

Democratic Members of the Committee on Rules will not oppose this rule, but we will oppose the rule reported a few minutes ago to provide for the consideration of the new bill. We will oppose that rule because of the process and because we strongly believe it is important to maintain bipartisan cooperation in matters such as this. While we believe the President should have the tools he needs to fight this war against terrorism, we cannot give up the role of Congress in doing so.

The majority has usurped a committee's jurisdiction and has therefore set back the hard-won bipartisan efforts of a committee not known for working in such a collegial and bipartisan manner. Both Chairman SENSENBRENNER and Ranking Member CONYERS presented to the House a fair and balanced package designed to give the administration what it needs to ferret out the terrorists among us, and they are to be commended. But to undo their work is unfair and unbalanced.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I wonder if I could ask the gentleman from Georgia a few questions here. I have not seen a copy of the bill, and nobody on this side has been able to explain to me what is in the bill. I know in an hour that it would be very difficult to explain the intricacies of a terrorism bill which would last for some period of time.

Could you tell me the difference between the bill that the Committee on the Judiciary reported out and this particular bill that we are talking about here?

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, both the Senate and the House took up, at the beginning, a base bill proposed by the administration. Both the Senate and the House added provisions to the bill. In the compromise last night with the Senate, both took the most egregious provisions out. The ones that concerned me the most were the Senate bill at one point had reversed the McDade law. That has been taken back out. The Senate provisions had reversed our efforts of several years by the gentleman from Illinois (Mr. HYDE) to change the forfeiture laws. That has been removed. So we have pretty much the beginnings of the House bill here stripped down from the additions. I have not read them. I have asked for explanations. That is the best I can do.

Mr. MURTHA. I thank the gentleman.

Mr. LINDER. Also, the Senate had no provision for sunsetting or review. The House provisions had a 2-year plus 3-year, so about a 5-year provision for sunsetting.

Mr. MURTHA. Could I ask the gentleman, and he may not be able to answer this question, but could we not have gone to conference since the other bill was reported out unanimously? I just wonder, is there some reason that

we felt like we had to take up the Senate version of the bill? Were there enough changes in your estimation that it warranted taking up the Senate version amended?

Mr. LINDER. I think the decision was made to prevent a conference so the President could get access to this bill as quickly as possible. The Senate is out for the weekend. I would be happy to sit down and chat with the gentleman in just a moment.

Mr. MURTHA. I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to read into the RECORD in just a moment a statement by the gentleman from Michigan (Mr. CONYERS) who is the ranking minority member in answer to the gentleman from Pennsylvania's question:

''What we have before us is a tale of two bills. One bill was crafted by the standing committee of the House. The other was crafted by the Attorney General and the President. One bill is limited in scope and sunsets after this crisis will have passed. The other bill is a power grab by prosecutors that can be used not just in terrorism cases but in drug cases and gun cases. This administration bill would last for the remainder of the President's term of office, long after the bombing stops and the terrorists are brought to justice.

''We must all rally around the flag at a time like this, but we also shouldn't take leave of our senses. Benjamin Franklin said it best: 'They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.' ''

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. I thank the gentlewoman for yielding time.

Mr. Speaker, I would like to follow along in terms of the comments that the gentleman from Pennsylvania had put forward.

In the aftermath of the September 11 terrorist attacks, Congress acted quickly to pass measures requested by the administration to address the immediate and long-term security, recovery, and financial needs of the country. On September 14, the House and Senate passed, by near-unanimous votes, a $40 billion emergency supplemental appropriations package for antiterrorism initiatives and disaster recovery and a joint resolution authorizing the use of force against those responsible for planning and carrying out the September 11 attacks. The House passed a $15 billion airline bailout package by a vote of 356–54. The Senate then quickly passed the measure by voice vote to clear it for the President.

This antiterrorism package has met with greater congressional resistance and concern. The measures being enacted here have decidedly much more of an impact on individual rights and civil liberties and with no particular document in front of us with which to review and to question. When I posed questions to members of the Committee on the Judiciary just a few moments ago to ask them what was in the package and what was not in the package that we would be taking up shortly, they were unaware of it, had not been briefed on it, had not seen any actual language.

The concern that I have is that they were able to fashion a 36–0 report in a committee that tended to be fairly divided over a good number of votes a good number of years that I have been here and for them to all come together like that and recognize that they must do something, they must make sure that security measures are passed and surveillances are increased and the degrees in terms of security and preventing accidents, or terrorism attacks from occurring in the future we must prevent. But at the same time to make sure that there was a sunset provision, so that we knew that it was not going to last forever.

Those are things that are of a great deal of concern to many people, not just the people who I represent in the State of Maine but, I am sure, throughout the country. I think we should carefully deliberate before we start to allow ourselves to go down a track which will give evidence to the terrorists that they have won because they have changed the way that we do operate. I thought the message was that we had to get back to work, we had to get back to school, we had to get back in our communities and show them that we were much stronger than they had expected, we were much more united than they thought they would be able to fractionalize and to divide us up and that we are stronger as a country.

I have met so many young people that have told me that Tom Brokaw is going to have to write a new book about this generation because he felt that his generation was going to be the greatest generation. There is a lot of pride and support and patriotism in our country. I am very impressed by the unity of this Congress and in the way the committees have been able to operate on the House side and would like to see that continued. I think that this is going to present a major impediment in terms of our future being able to work together in the interest of these issues.

I would encourage the majority, if they have a way of being able to give us the deliberation on this matter, be able to have the discussions on this matter, and then be able to expedite on this matter, I think will bode well for the way that we deal with this and the way history judges the way we dealt with this because of the importance of our individual rights and civil liberties which is the foundation of this country, the land of opportunity.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I am speaking on the rule, which I support and hopefully will be passed, but also really in terms of the underlying base bill and supporting the underlying base bill that will be introduced.

This bill is very much different than the bill that passed out of the Committee on the Judiciary. The Committee on the Judiciary bill, I think, was really a major problem. The Judiciary bill had some very, very specific problems and was really a nonacknowledgment of the situation that we find ourselves in in the United States of America today.

I have the same perspective that the President of the United States does and I believe the vast majority of Americans do, that we, in fact, are at war. We are at war with an enemy that has attacked this country with horrific results, 6,000 people dying in an instance at the World Trade Center, the Pentagon being attacked as well. But as we also know, these are an enemy that almost for sure has biological and chemical weapons available. It is unclear whether or not they have nuclear weapons, but it is only a matter of time before they do. And the only thing that is preventing their delivery of those biological and chemical weapons are a lack of a delivery system.

So what we are faced with at this point in time is literally the potentiality of not thousands, as horrific as that is, but literally millions if not tens of millions of Americans whose lives could end in an instance.

□ 1115

Now, in the specifics of the Committee on the Judiciary bill in the area of terrorism, the committee, I think, made several major mistakes, including not allowing the use of classified material for cases where property could be seized.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the majority for providing me a copy of the bill. This is still warm. It just came off the Xerox machine.

This is not the bill that was adopted by a unanimous 36 vote of Democrats and Republicans on the Committee on the Judiciary. These are critical issues. This is what we are fighting for. These are our civil liberties.

We need to give law enforcement the proper tools, yes, we do; and we need to strengthen laws where they need to be strengthened and give them more effective tools. But we also have to be careful that we do not dredge up some of the worst ideas of the past, of the fifties, of the McCarthy era, of the Hoover era.

There could be problems. I do not know. I just asked a Member of the Committee on the Judiciary who voted for the bill in committee, a unanimous vote, a bipartisan vote, agreed upon the tools we needed with the limits we needed to protect our precious civil liberties, what is in the bill. He said, who

could know what is in this? It was just handed to him.

We are going to be required to vote on it in the next few hours. Why? Will these laws go into effect this weekend and make a difference in protecting people and making them more safe? No. We could be taking up an aviation security bill. We have not done a damn thing on aviation security in the House of Representatives since this incident. The Senate acted unanimously yesterday. We are being prevented from bringing forward a bill by a minority of the majority who is so set against more Federal employees that they do not want to do the right thing on screening, and they do not care about all the other issues in aviation security that are even bigger than screening.

We are being prevented from doing that, while this bill, still warm in my hand, is being rushed forward. I do not know what is in it. I am not a lawyer. I go to my friends on the Committee on the Judiciary who are lawyers who helped craft a unanimous vote in the committee on this bill and ask them what is in it, and they said we cannot tell you; we do not know. Our copies are still warm in our hands too.

This is not the way to defend liberty and fight terrorism. I fear that this bill, since I do not know what is in it, could be the Gulf of Tonkin Resolution for civil liberties, rather than the tools our law enforcement agencies really need.

I would urge the majority to withdraw this marshal law resolution, withdraw this bill, give us a weekend to read it, and let us take it up Monday morning. Hey, I will come in and vote at 7 o'clock on Monday morning, if it is that urgent, or we can vote on Sunday. Give us at least a day to read it and understand what we are voting on.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH), so he can complete his comments.

Mr. DEUTSCH. Mr. Speaker, I really appreciate that courtesy.

Let me mention to my good friend from Oregon, the bill has been available in its present form since 8 o'clock this morning. I have had a chance to review it, staff has had a chance to review it. But in substance, this is the same bill that the Senate passed last night. It is the same bill that has been available for several weeks now. These issues are not new issues. Again, I support the efforts to take this bill up under this rule at this time.

I was going through a list of provisions in this bill that the Committee on the Judiciary passed out. Again, it was a unanimous vote, but sometimes unanimity can be the lowest common denominator, not the highest common denominator.

I specifically talked about one provision, again, dealing just with terrorism. Again, if you do not accept my premise that we are at war, or the President's premise, if you do not accept the fact that these people have weapons of mass destruction available today, that we literally are talking about national security issues and we are weighing it, I ask my colleagues to look at specifics, look at the specifics in the bill.

Another provision that the Committee on the Judiciary eliminated was the ability for non-American citizens or resident aliens, for law enforcement to get education records for those people. As we know, many of those people came to the United States specifically theoretically under their visa applications for that. But the Committee on the Judiciary bill provides none of that.

Let me read you something specific again in the Committee on the Judiciary bill. This only applies to terrorists. In order to prosecute someone, the standard that the Committee on the Judiciary put in: ''has committed or is about to commit a terrorist act.'' Has committed.

Now, the bill that is in front of us I think has a much more reasonable provision, which I believe if my colleagues read this, a vast majority of my colleagues on the floor will support and the vast majority of the American people will support: ''reasonable grounds to believe that the person being harbored will commit a terrorist act.''

These are dramatically different standards, standards which, again, I believe the vast majority of Americans would support.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this is a very dangerous time we are in today. It is dangerous for two reasons: our country is at war, and we face danger from enemy action. We also face danger from our own action. The history of this country is that in most of our wars in this century, we have taken actions against our liberties that we have regretted and apologized for later. I refer to the Espionage Act of 1917, which no one will today defend, the Japanese internment of World War II, the COINTELPRO operations of Vietnam, and today we are asked to buy a pig in a poke. Why a pig in a poke? A 187-page bill, hot off the press, that we have not had a chance to read or analyze.

I am a member of the Committee on the Judiciary. I voted for a terrorism bill with strong provisions that I thought was balanced and reasonable and protective of civil liberties, as well as giving the Government the tools it needs to deal with terrorism. But, no, that bill does not come up.

Why did it not come up? We are told we have to vote on this bill right away. We cannot wait until next Tuesday. We ought to wait until Tuesday. We ought to have a chance to analyze this bill over the weekend, to send it out to the law schools and the civil liberties people and others and let them read it and let them give us their comments so we vote in an informed manner, and so that we can offer amendments on the floor and have a well-crafted bill that protects us against terrorism, but also does not do violence to our civil liberties.

But, no, we are told, we must rush right now, we must have this marshal law resolution to enable us to vote before anybody can read the bill. Why? Some people would say because if we read the bill, there are those who are afraid we would not pass it. I am not that cynical. But because the President is pushing us, we have got to pass it right away. The times demand it.

Well, why did we not take up the committee bill on the House floor earlier this week? We could have passed that bill and gone to conference with the Senate and had a full bill, a conference report, ready to adopt today or Monday, properly considered.

To vote on a bill that may do violence to our liberties, and it has to be very carefully balanced, to ask the Members of this House to vote on a bill that may do violence to our liberties, that may go way beyond what we need to legitimately combat terrorism, is an insult to every Member of this House, it is an insult to the American people, it should not be permitted; and I am asking to have a ''no'' vote on this marshal law rule and the regular rule because we are being stampeded into doing something we may very well live to regret and that history tells us we will regret.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time. I rise in support of the rule, and I rise in support of the underlying bill.

For those who claim that they need more time to read this, this is basically the same product that the President sent over requesting several weeks ago. It has been analyzed and reanalyzed. And to contend that we need to reanalyze this further I think is disingenuous. We have a very serious problem in this country. There are terrorists in our country, right now. They have come over here in many instances fraudulently, on student visas or other types of visas; and their intent is to do us harm right here in the country.

There are people sympathetic to the terrorists who raise money in this country to support terrorist activities. Essentially all of these people are people from these countries in the Middle East who are either terrorists themselves or sympathetic, and they take advantage of the liberties that we have in this country in order to do us harm.

I believe that this bill is a very carefully crafted bill. For example, there is a lot of concern about grand jury secrecy. In order for a prosecutor to share with CIA or FBI the grand jury

secrecy content, it has to pertain to a terrorist action. They cannot just blithely share information with CIA, unless it has some bearing on the activities of these terrorists. Furthermore, there is a provision in the bill that if there is any inappropriate information that is shared, that the citizen could pursue recourse in the courts.

The long and short of it is I think this bill is badly needed. I think it is something the American people will support. Most of the people in my congressional district are prepared to see some of our civil liberties modified in order to enable us to better or effectively fight these terrorists.

I urge a ''yes'' vote on the rule and a ''yes'' vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding me time.

We have three matters up this morning. One is the so-called marshal law rule that would bring the bill to the floor right away; the second is the rule itself; and then there is the bill.

Now, the previous speaker, the gentleman from Florida, tells us we have got to move really fast because there is a national emergency that requires us to get this bill into law before we have even seen it or read it. But the fact of the matter is that there are going to be two different bills that will come before the House, and we are going to conference. So there is not any emergency whatsoever. We will not have a conference until next week, and we do not know how long that is going to go. I am not even sure which provisions are going to be conferenced, because the Senate just passed their bill late last night; and the bill that the House should have been considering, passed unanimously by the Committee on the Judiciary, something that has not happened before in my career on the committee, has been sidelined, and we are piecing together another bill.

So I am making an appeal to my Republican friends in the House to join me on at least a couple of occasions here today.

First of all, let us reject the martial law that will allow this bill to throw procedure into the waste basket and bring the rule and the bill up right away. It has been said by the leadership that we will be out of here by 2 o'clock this afternoon. It is now 11:27 a.m. Will somebody explain to me what is going to be the difference if we take this bill up after the 435 Members have had a chance to read some nearly 200 pages of it? I will yield to anybody on that if they would like to explain that.

There is no reason. It feeds this emergency nonsense that keeps coming from the White House and the Department of Justice, that we have got to do this right away or the poor Attorney General's hands are tied, he really cannot do anything. Well, we passed an anti-terrorist law in 1996 that gives him some of that, which has more power in it than the one we are going to consider here today or next week.

Mr. Speaker, I urge my colleagues to reject the rule that would expedite bringing this bill to the floor.

□ 1130

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to address a subject that is a concern of mine. I will support the various rules. I think we need to bring this legislation before us and support the legislation. But I went before the Committee on Rules and have otherwise talked about it, along with the gentleman from Arizona (Mr. FLAKE) and the gentleman from Georgia (Mr. DEAL), of the Visa Integrity and Security Act. I also just asked the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, a conference about it, because I assumed from the beginning it probably would not be included in this legislation today, and he indicated that when this is done, it is the issue of next importance that his Committee on the Judiciary wants to address.

But if we look at the record, even of the individuals who were the terrorists who came into this country, if we looked at the testimony of the head of INS yesterday, we will find that they do not even know where some of these people came from. They have no record of them at all. In other cases they were dealing with expired visas, students or workers who were here on expired visas.

Our whole visa system of tracking these millions, and it is millions, of people who are in the United States of America on visas is frankly in a state of total disrepair and needs immediate addressing. Our legislation that was not included today but, hopefully, will be included in the legislation that will come forward before this House in the next few weeks, addresses this issue. It has an entry-exit tracking system which, by the way, is in the law but we are not enforcing now so that we will know in real-time where people are; it provides to our consulates overseas information to the various agencies, CIA, FBI, whatever it may be, INS, various lists of people who may not be desirable in the United States of America. It has a tracking system for students. Right now, they do not even have to report to the school, so we do not know they are in this country, which is exactly what happened in a case here. But if they fail to arrive, it would be reported and that information would go forward, their visa would be terminated automatically.

There is a visa waiver pilot program included in that, because in some countries, some of our closer allies, Canada, et cetera, there are certain waivers to participate in that, we would raise the standards somewhat, and with the H1–B visas, which we are very fond of here, which are basically for the higher tech community, when people come into this country and they do not come to work at that particular company, they would have an obligation to report that as well.

We need to get a much better handle on what is going on in the United States of America with people visiting our borders. We are a free country; we are an open country. I do not think what happened on September 11 is going to change that, nor should it change it necessarily. But we have the right and the responsibility to know exactly who is in the United States of America. Are they here legally in the United States of America? What they are doing here? And if, indeed, their time is up, we have the responsibility to make sure that they have left the United States of America and perhaps in that way, we can prevent some of the terrorism, the problems which we have had.

So obviously, I would have liked to have had it in this legislation; but I understand the reasons why, so I will continue to support it. But I hope that this is something we could address soon.

Ms. SLAUGHTER. Mr. Speaker, before I yield to the next speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS) for the purpose of a colloquy.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Georgia (Mr. LINDER) for yielding me time.

I see the gentleman raises a question. I would like to assure the gentleman that we have a Department of Justice that makes sure it knows who is in this country and who is not. It is called the Immigration and Naturalization Service, and it has thousands and thousands of people at both borders working the airports. We do not need this bill to find that out. So if that is why the gentleman thinks we have to rush this through, I would like him to rest more comfortably over the weekend.

Mr. CASTLE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I agree completely. Obviously we have that service, we all know about INS; but I will tell the gentleman it is dysfunctional in terms of the way it is working. I think that is a concern that all of us have. It is not that we do not have it or do not even have somewhat of a system in place, it just does not function particularly well. I am not talking about just the terrorists in this circumstance, I am talking about the broad pattern of the problems that we have with Immigration and Naturalization Service visas and all of the transgressions that take place.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, the Committee on the Judiciary worked long and hard on this particular bill. We spent several weeks of research and deliberation, but apparently an intelligent, deliberative process is not welcomed, and now here we are under martial law considering a completely different bill than that that was reported from the Committee on the Judiciary.

There was one amendment that was not accepted in the Committee on Rules that I think we need to take some time to deliberate. That is an amendment that I offered that would have required government officials who get one of these roving wiretaps to listen only to the target of the investigation, not to innocent people who also might be using the same phone that the target might be using. Now, that is a complicated issue, and that is why we need time to deliberate. Remember, this is not just for terrorism; this is all wiretaps. So we need to be careful and notice how this thing works.

First of all, under present law, there is no incentive to abuse this process of a roving wiretap under the Foreign Intelligence Surveillance Act, because if you got anything from that, you could not use it in a criminal investigation. But now, we are changing things. We want to share the information. So now there is an incentive to get that information. Under FISA, there is a very low standard. You do not need to show probable cause that a crime is being committed, all you have to show is that you are investigating something involving foreign intelligence. You do not even have to show that that is the primary cause of getting the wiretap, just a significant cause. Which begs the question: What is the primary cause? Is it a criminal investigation without probable cause, or is it just political surveillance? What is the primary cause of getting this wiretap? We do not know. And if we are listening to different people's conversations, I would like to know how this thing got started.

But who you listen to, if you have gotten a right to follow a person along and find out that he is using a pay phone, you can put a bug on that pay phone. My amendment would have required you to listen only to the target on that pay phone, not everybody else, but that amendment was not accepted. So you could have people listening in on people using the pay phone. You have wide latitude, because once the search wiretap warrant is issued, you can follow the person around. Nobody is questioning whether you put it on the pay phone or the phone in the country club or the neighbor's phone, so long as the prosecutor thinks well, we might be able to get some information.

We need to deliberate on this. One of the factors that created the unanimous vote in the Committee on the Judiciary was the 2-year statute of limitations which required us to quickly, with dispatch, deliberate on this issue and come to a final judgment.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think this is really a sad day for the House of Representatives and the legislative branch of government. Others will go through the details, but I would like to explain to the Members of the House, who were not a part of the Committee on the Judiciary process, what we went through. I personally participated in lengthy meetings where Republican and Democratic staff of the committee sat down with the Justice Department, the FBI, the intelligence community; and we went through the proposal line by line.

We did not do anything that the Justice Department objected to. In fact, there were huge sections of the bill that would have been thrown out because they were unconstitutional; and we fixed them in the process that we had. Ultimately, we had a unanimous vote on a very tough measure, and I think some people are confused that we did something at odds with the professional staff. We did not. This is a tough measure.

Now, is it the perfect answer? Perhaps not. We could work further with the administration. We have worked on a bipartisan basis to make this a good, tough law.

The problem is, we are going to have a conference anyhow. The Senate is going to insist that we have a conference, and rather than going through the regular order and taking up the bill that was unanimously passed that would probably get 400 votes here in this Chamber, and then having our conference in the regular order, making additional changes in collaboration with the White House, we are taking a bill that most of the Members will not even know what is in the bill when they vote for it. This is not respectful of the United States Government. This is not respectful of the United States House of Representatives. I think it is a mistake.

I voted for the Committee on the Judiciary bill. I am a cosponsor of the bill. It creates wide-ranging authority that I think is appropriate, given the threat that faces this Nation. It allows FISA wiretaps without a warrant. U.S. citizens will be subject to wiretap without judicial review. That is a big deal. That is a very big deal, and I am prepared to do that with some constraints that the Justice Department and the FISA experts agreed with.

I believe that on both sides of the aisle, if Members rush to judgment on this, and it is not necessary; we can have this done next week and it would follow the regular order; if Members rush to vote and to do it in this flawed process, we will end up regretting this on both sides of the aisle. The constituency for freedom in America is not limited to Democrats or Republicans. We know that patriotic Americans are aware we are at risk in two ways. One, from the terrorists, and also from destroying the foundations of liberty in this United States.

Mr. LINDER. Mr. Speaker, I continue to reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I thank the gentleman from Georgia (Mr. LINDER). I appreciate the fact that the Committee on Rules had to meet this morning at 8 a.m. and many of us were there promptly to engage in what we would hope would have been an affirmation of H.R. 2975.

Let me add my voice to the complete dissatisfaction with the process that we are now engaged in, with the recognition that we are in a crisis, Mr. Speaker. It is important that we say to the American people the truth, that we are in a crisis. But we can be in a crisis and be of sane mind of cautiousness and of balance. That is what H.R. 2975 represented.

This was a piece of legislation that members of the committee, and I serve as a member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, this is a process where each of us were engaged in our respective areas of responsibility in a bipartisan way. It means that those who are on the Subcommittee on Immigration and Claims, Democrats and Republicans, were speaking to each other about the specifics of addressing the question of how we balance immigration and the laws of this land; the fact that immigration does not equate to terrorism. We provided that balance. And in that balance, we were able to assure that there would not be endless detention, if you will, for those individuals who were not, in fact, guilty of any acts.

Just a few days ago, the FBI called in a practicing physician from San Antonio of Muslim faith to come all the way across country and determine that he was not engaged in any activities. If we have this bill where there would be no opportunity for judicial review in that process, innocent persons would be involved. In the instance of H.R. 2975 there were opportunities for the appeals of those individuals who were held without an opportunity to present their case to appeal their situation all the way up to the Supreme Court.

This bill was called the PATRIOT Bill, and I want to remind my colleagues of what a patriot was in the early stages of this Nation. It was an individual who was willing to lay down his or her life so that the civil liberties

and the Bill of Rights and the Constitution could be protected. It was people who ran away from a despotic government in order to seek freedom in the United States. Yes, there is terrorism; and might I say that there is sufficient terrorism that the Department of Justice saw fit to put a random Web site indicating that this Nation would face terrorist acts. I wonder whether that was put on to simply threaten the United States Congress into not doing its job, but rather to be frightened into passing an antiterrorist bill that really does not balance the rights of the American citizens along with the rest of the needs that we have.

Let me simply conclude by saying, Mr. Speaker, that we should vote down this particular marshal rule, vote down the rule, we should be on the floor supporting the federalizing of security in airports and airlines, and give us time to work to put a bill together that all of America can be proud of and that the FBI can go out and find the terrorists and bring them to justice. This is not this bill.

□ 1145

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

(Mr. SWEENEY asked and was given permission to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise today in support of this important legislation, with some apprehension, solely because there are a number of provisions I would have liked to have seen added into this process. But I recognize that time is of the essence. It is important that this body move forward to show the American people the seriousness of the nature of our need to improve our intelligence and security systems.

Specifically, I was hoping to have offered, along with the gentleman from Louisiana (Mr. TAUZIN), an amendment relating to student visas and the need for us to take action in this House immediately to tighten up the system of student visas; in fact, to create a system regarding the tracking of student visas by the intelligence community.

Mr. Speaker, currently there are 600,000 international students studying in colleges and universities all over this Nation, many of whom are contributing greatly to those universities and colleges, and therefore our society.

Nevertheless, the INS, in the failure to develop a system of tracking those students, has led to incredible breaches of security that should concern us all. Indeed, in fact, one of the hijackers on September 11 was in this country on a student visa, never having reported even to the college or university that that person was supposed to.

I am going to rise in support of today's move forward, but I would call upon my colleagues in this body to move forward expeditiously, as well, with all of the other important pieces, because America demands it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I have never seen the legislative process more degraded than it is by this process. The Committee on the Judiciary worked very hard and very thoughtfully and very seriously to make significant changes in the bill so we gave the House a bill that enhances law enforcement authority, as is appropriate, but to the maximum extent possible, gave protections against the abuse of that.

It was not perfect, but it was a very thoughtful effort. But it turned out we were engaged in a game of bait and switch, because once the committee bill came forward, it was dumped; and we have today an outrageous procedure: a bill drafted by a handful of people in secret, subjected to no committee process, comes before us immune from amendment.

I have a question: What is it about democracy that the Republican leadership thinks weakens us? Why, after an open process of a bipartisan sort, coming out with a reasonable product, are we not even allowed to offer it on the floor and debate it? What is it about the process of open discussion that people see somehow as a distraction?

In fact, it is bait and switch for this reason. There are a number of important issues that now may never get debated because, having worked on that compromise bill, many of us assume that we had achieved some agreement on the balance to be struck, and at the last minute that is thrown aside so the important issues that were debated will never be debated here.

I know, this allows the motion to recommit, the great catch-22 of parliamentary procedure. On the one hand, they say, you can offer it in the motion to recommit. On the other hand, Members on that side will be told, this is a party issue. This is a partisan issue. The motion to recommit has a whole 5 minutes of debate on each side. So all of that thoughtful process, all of the compromise, all of the anguishing decisions we had to make about how do we balance self-defense with protections against abuse, that is all to be compressed into a 5-minute partisan motion.

Shame on the people who have brought this forward.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule, to the martial law, and to the underlying bill. We are just learning how far this recently-crafted legislation called the PATRIOT Act goes beyond the powers necessary to fight terrorism.

The people I represent in Marin and Sonoma Counties in California recognize that law enforcement may need some extra tools to combat terrorism and to ensure our safety, but my constituents and the majority of Americans in general know the difference between inconvenience and loss of civil liberties. They have made it overwhelmingly clear that they do not embrace proposals that encroach on our civil liberties, proposals that ultimately make us less free.

For example, Mr. Speaker, this bill, as I understand it, lifts limits on CARNIVORE, the tool to read private e-mail correspondence, allowing the FBI to read and use information at their own discretion. My constituents are right to worry about how gathered information under this legislation could and would be used.

Mr. Speaker, we must not allow the Bill of Rights to become the next victim of the September 11 attack. I urge my colleagues, withdraw this rule, withdraw this bill. Instead, why are we not voting on airport safety, something that everyone in this country is waiting for and is worried about, and something that passed out of the other body last night 100 to zip?

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, we are debating a rule that is going to determine whether or not we vote on one of the most important items perhaps in some of our careers. We are talking about whether or not we are going to take a product that was produced by the Senate in the wee hours of the morning on one of the most important issues we will ever debate in this Congress, and rush it to the floor and vote on it, where significant changes have been made. There is a significant difference in what the Senate produced and what the House produced.

What normally happens in this process is we have the House bill that is heard; we have the Senate bill that is heard. When there are differences, they go to conference and we try and work it out. We worked very hard in the Committee on the Judiciary in order to have a product that everybody could embrace. The right wing came together, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the left, the gentlewoman from California (Ms. WATERS), myself; and the gentleman from Michigan (Mr. CONYERS) and others.

We gave a lot. We worked on this to make sure that we could get a bill that would respect the civil liberties of the people of this country, and now it has all been undone because of one person on that side who will not allow them to bring it up.

I would ask the Members of this Congress to reject that kind of action.

Mr. BLUMBENAUER. Mr. Speakerr, it is with great sadness that I vote against the rule and the Surveillance Act that it authorizes.

We united as a country after the tragic events of Sepetmber 11. We were firm in our resolve that it would not be business as usual

and that we would do what is necessary to root out the hateful individuals who unflicted such loss on our citizens.

Part of our responsibility was to reach out on a bi-partisan basis and give the American people our best. The work product that was produced by our Judiciary Committee was an example of giving our best. Thirty-six widely disparate men and women under the leadership to Chairman SENSENBRENNER and Ranking Member CONYERS have perhaps the widest array of opinions found on any committee in the House. Yet they were able to come together unanimously with a balanced, well thought-out measure that could serve as a focal point for the House of Representatives. This work product of our committee system was swept aside by the House Republican leadership. At the last minute we received a 175-page substitute, without the opportunity for any amendments.

This is not a question that needs to be decided by a partisan power play. The American public cares about rooting out the terrorist elements in our country and everywhere else. They have every reason to expect that the rights of the American public will be respected. A few days or even a few hours of work could have achieved that objective. I will vote against the bill because I reject the notion that in these times of crisis, the legislative process can not work, that partisanship must prevail over the openness and strength of America's democratic system.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 10, as follows:

[Roll No. 382]

YEAS—216

Abercrombie
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—10

Aderholt
Barton
Blunt
Dicks
Gillmor
McHugh
Miller (FL)
Schrock
Towns
Wexler

□ 1216

Mr. HOLDEN, Mrs. JONES of Ohio, and Mr. MEEKS of New York, changed their vote from ''yea'' to ''nay.''

Mr. TAUZIN changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHROCK. Mr. Speaker, today I was in my district attending the memorial service for the victims of the USS *Cole*, which was attacked by terrorists on October 12, 2000. As a result, I missed rollcall vote 382. Had I been present, I would have voted ''yea'' on this rollcall vote.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message also announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 25. Joint resolution designating September 11 as ''National Day of Remembrance''.

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction on the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my dear friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 246 is a closed rule providing for the consideration of H.R. 2975, the Provide Appropriate Tools Required to Intercept and Obstruct Terrorism bill, or the PATRIOT bill for short.

House Resolution 264 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also provides an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted.

The rule waives all points of order against the bill, as amended.

And finally, House Resolution 264 provides for one motion to recommit, with or without instructions.

As I stated before, Mr. Speaker, this is a closed rule which will allow for expedited consideration of the critical issue before the Congress today.

Mr. Speaker, the United States is at war. The American people have been attacked on our own soil by evil men who have learned to skirt many of our laws that are designed to protect Americans. The underlying legislation has been crafted to give our Nation's law enforcement officials additional necessary tools for the war on terrorism. We must do everything within our power so that the events of September 11 never again happen.

It is no secret, Mr. Speaker, that there are some Members of this body who are displeased with the legislation before us because they consider that it goes too far. I can assure my colleagues, Mr. Speaker, that there are many Members of Congress who believe that this legislation does not go far enough.

We have heard a number of them on the floor today. The gentleman from New York (Mr. SWEENEY), the gentleman from Florida (Mr. DEUTSCH), the gentleman from Delaware (Mr. CASTLE), and others.

This bill reflects the essence of compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) and other members who have crafted this critical legislation, legislation which is similar to the Senate bill, that it passed last night, will give the President of the United States and various law enforcement departments and agencies tools needed to wage an effective campaign against terrorism in the wake of the September 11 terrorist attacks.

We will have ample opportunity during this coming hour of debate on this rule as well as the subsequent debate on the underlying legislation to bring out the details of the legislation. At this initial point, Mr. Speaker, what I would like to do is urge my colleagues to join me in passing this rule so that the House may proceed quickly to consider the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Florida for yielding me the customary half an hour.

Mr. Speaker, I rise in strong opposition to this closed rule and to the underlying legislation. While all of us understand the need to give law enforcement the tools it needs to combat terrorism, the bill goes too far. In the name of protecting Americans, it eats away at some of our most cherished freedoms.

The events of September 11 are etched in all of our hearts and minds. Last week, I attended services for two constituents who were lost at the World Trade Center, a 52-year-old businessman and a 28-year-old consultant. Both had long, fulfilling lives ahead of them, and both were innocent victims of terror.

We have to track down the perpetrators of these heinous crimes and ensure such atrocities can never be repeated. In order to do so, Congress is prepared to give the law enforcement community unprecedented powers to engage in surveillance, wiretapping, and collection of evidence.

At the same time, however, we must balance the need to pursue terrorists against the need to protect the civil rights of law-abiding Americans. On September 19, Attorney General John Ashcroft outlined his proposal to combat terrorism. Since that time, the Committee on the Judiciary majority and minority staffs have been working nonstop, including weekends, to develop compromise language that would accommodate many of the administration's requests.

On Monday, October 1, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the ranking member, announced an agreement on a compromise bill. The bill was reported unanimously by the Committee on the Judiciary by a vote of 36 to 0.

At that time, the leadership of both sides of the aisle wisely refused to be stampeded into abandoning civil liberties by approving the proposals that the administration hastily pulled together last month. This was Congress at its best. The underlying bill demonstrated bipartisan resolve in response to a Nation in crisis.

Unfortunately, that bipartisan bill has now been abandoned in favor of an extreme proposal that threatens the civil rights of all Americans. The bill presented in the House today contains a variety of provisions that, at any other time and place, would never receive serious consideration in this Chamber. Only the current crisis is persuading Congress to throw caution and civil rights to the wind.

As a result, some of the most important compromises developed in the committee process have been renounced. Under the new bill, our own citizens can be wiretapped by the CIA. Immigrants can be deported for donating money to groups they did not know were linked to terrorism. The government can introduce information obtained from illegal wiretaps in court; and significant new restrictions are placed on the disclosure of information from grand jury proceedings, changes which were made with no input, there was no decisions given by Federal judges, by the lawyers, by any members of the bar as to the constitutionality and the fitness of these changes, and perhaps most critically, the 2-year sunset provision was deleted.

The bill essentially allows changes to stand for 5 years before Congress has any obligation to review them. If we are truly concerned about the civil rights of our constituents, surely we should not allow 5 years to lapse before exercising oversight over these expanded powers.

The Members of this Chamber need to understand that the bill before us today is no longer just about terrorism. These sweeping new powers can be used in the pursuit of any criminal case against any American citizen or immigrant.

No one doubts that we and our constituents are at risk for further attacks. Law enforcement, as I said, needs to have the tools to confront this new threat. Included in this bill are worthy provisions from the administration's proposal. For example, the bill would let the government seek court approval to place a wiretap not just on a particular phone but on a person, regardless of which phone they will use. But these positive provisions are tainted by the inclusion of unnecessarily broad proposals that will erode the civil rights of all Americans.

Given the opportunity, Members of the House could mitigate some of the

most problematic provisions of this bill. However, we are being denied that opportunity. The closed rule allows no amendments to the civil rights bill of this generation.

We cannot fight terrorism by destroying those very things that make our Nation special. If we are going to cut into civil rights laws, we should use a scalpel, not a scythe. I urge my colleagues to oppose this closed rule and to vote against the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise in support of the rule. Although I would have preferred an open rule, I think that there is one glaring hole in this legislation. It is an antiterrorism piece, but we are not dealing with the greatest source of right now. We are not dealing with immigration in any meaningful sense.

We ought to be strengthening the process that we have to issue visas. We have introduced legislation. We had an amendment to go on this bill, the gentleman from Delaware (Mr. CASTLE) and myself, which would have tightened that process. It would have also tightened the process by which we screen people currently in the country.

We found out yesterday that of the 19 terrorists who were here in the country, 10 of them were here legally. Three of them had overstayed their visas, and 6 of them we had no clue where they came from or how they got here. That is unacceptable, and it would have been good to deal with as part of this bill. If we cannot, and the rule is closed so we will not, we need to deal with that separately.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, in light of the great confusion and dissatisfaction about the process that has led us to this point on the pending measure covered by the proposed rule, it seems to me that we ought rather to be spending our time dealing with aviation security.

If we defeat the motion on the previous question, it will be the purpose of the minority side to bring up the Transportation Security Enhancement Act of 2001, which has been drafted largely in cooperation with the Republican majority on our committee, but with some significant differences.

One of those key differences has to do with how screening is performed at the Nation's airports. Let me put this in context because the screener issue has been very largely overstated and not stated in the context of overall aviation security.

First, what we would propose to do, and we have done this in agreement with the majority on our committee, is establish a transportation security administration within the Department of Transportation; and this approach differs significantly from the bill which just last night passed the other body on a vote of 100 to zero, to elevate security to all modes of transportation to the level of an Under Secretary of Transportation so that all modes would be considered concurrently; transfer all aviation security functions to the Transportation Security Administration except for air marshals which would stay, as they always have been, within the FAA; designate this Under Secretary to be the primary liaison to intelligence and law enforcement communities; allow the Secretary to develop the regulations to carry out the security functions.

Mr. Speaker, under this general regulatory authority, because we are dealing in an area of urgency and of national significance, the Under Secretary would consider the costs, but not be required to undertake the usual time-consuming cost benefit analysis which places a monetary value on human life and has regularly been the subject of airline interference and dragging out the regulatory process when it comes to safety and security.

We would consider the costs, but not be bogged down by a regulatory process which holds up rules literally for years; permits this Under Secretary to issue emergency rules or security directives without cost-benefit analysis, but opportunity for comment; create a transportation security oversight board consisting of the Secretary of Transportation, the Attorney General, the Secretary of the Treasury, the Secretary of Defense, and a representative of the Office of Homeland Security.

Further, to require the President to begin a review of whether security should be conducted within the Department of Transportation as we proposed in the legislation, or whether the President on his counsel should transfer that function to another Department or office.

The key to this is the status of those who perform security at the Nation's airport security checkpoints. This has been the Achilles' heel of aviation security.

The screener workforce I distinguish from functions that are performed by airlines. There are airline responsibilities in aviation. There are airport responsibilities in aviation, and there is a national security responsibility in aviation.

I make that distinction based on my experience from 11 years ago in the aftermath of the Pan Am 103 crash when I was a member of a Presidential commission on aviation security. It was called the Pan Am 103 Commission. We recommended that there be a comprehensive security effort on all of aviation and that security should be seen as a matter of national responsibility.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule. I highlight one key provision in this bill. I note that no provision in this bill lasts more than 5 years. There is one key section, section 502, regarding the State Department rewards program, and the public should know there is already a $5 million reward out for the arrest of Osama bin Laden. This program has been very successful in the past and has led to charts like this, showing the results of the United States embassy bombing outside our embassy in Kenya in which 12 Americans and 300 Kenyans and Tanzanians were killed.

It is this program which led to the arrest of Mr. Kansi, who led the attack against CIA employees outside that agency, and also many Yugoslav war criminals.

The underlying bill which will be supported by this rule gives Secretary Powell the authority to raise the amount for a reward for a terrorist up to $15 million. I introduced legislation along with the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. GILMAN), and the gentleman from California (Mr. LANTOS), H.R. 2895, to raise the full amount for the rewards program to $25 million.

Secretary Powell has already mentioned this State Department rewards program and the $25 million figure in his public diplomacy. This bill and subsequent appropriations are a first step to dramatically enhancing the State Department's rewards program, and I think it should receive the support of this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, our Founding Fathers created the Bill of Rights not so they would be there in easy, convenient times; but so they would be enforceable in tough times. This is one of those tough times.

We have had a bipartisan bill developed in the Committee on the Judiciary, and Members have been able to ask questions about that for a number of days. We were all feeling pretty comfortable with it.

But now in a last ditch action, that bill has essentially been thrown out and now we have a back-room quick fix going on, and I venture to say that virtually no one in this Chamber outside of perhaps a few people on the committee have any idea what is in the bill. Why should we care? It is only the Constitution. It is only individual liberty at stake.

Mr. Speaker, we have a 140-page bill coming at us. There is no section-by-section analysis, so we do not have any idea what is in the bill. We are going to be asked to vote blind, and we will be blind. This bill ought to be delayed until Monday. Instead, what we ought to have on the floor right now is the

bill that passed the Senate 100 to nothing on airline security. That is what ought to be on this floor right now.

It has been one full month since the disastrous events of September 11; and yet because of the hang-ups that a few people in this institution have about the size of government, we cannot get to the floor a bill that would federalize and professionalize the airport inspection service. That is harebrained. It is wrong.

Mr. Speaker, that legislation ought to come first. We ought to bring that bill up here on the floor now. That would speed the day when we do have airline security, and it would give us more time on a bipartisan basis to analyze what is actually in this bill. I am sure there are many good things in the bill. That is not the question.

The question is if you are defending liberty, and we have a responsibility each and every one of us to do that, the question is to know what is in the detail. The devil is in the detail. The Constitution is there not to protect bad people, but to protect every innocent American.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in favor of the rule and the bill with some understanding about commitments that I have from our House leadership.

I am speaking here today as a representative of a district that lost more than 100 constituents in this terrible tragedy at the World Trade Center. I want to deal with it in a realistic way and a sure way so we can avoid this happening again. But I must say that as much as I support this bill, we will be making a mockery out of these reforms if we do not have a companion piece, if not in this bill, then a companion piece that deals with illegal money laundering and bulk cash smuggling.

There is every reputable authority, whether it is the FBI or other international organizations which are authorities on terrorists, which have identified bulk cash smuggling and money laundering as a system for financing terrorists around the globe. We cannot have true reform unless that is prevented.

Now, yesterday the Committee on Financial Institutions passed out an excellent bill, and I believe we will be voting for the rule and the bill with the understanding that we have a firm commitment from our House leadership that they will expedite the consideration of the bulk cash smuggling and money laundering bill, and that we will have it on the floor next week.

Mr. Speaker, we have to make this first giant step, but then put the foundation of the reforms in with the bulk cash smuggling and money laundering legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, this is one of those moments when we are truly tested. Can we rise to the call to defend our country and at the same time have the wisdom and courage to do it in a way that is true to the principles that make our country unique among the family of nations?

I was one of the 36 members of the Committee on the Judiciary who joined together in unanimous support for the bill reported out of committee; and our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the ranking member, the gentleman from Michigan (Mr. CONYERS), worked tirelessly with members on both sides to strike a proper balance between national security and the values of a free society. They did this House, they did the committee, and they did the Nation a great service; and they do deserve our gratitude.

Unfortunately, that carefully crafted bill is not the measure we are going to consider today. This morning, as others have said, the Committee on Rules replaced it with a new 187-page bill which nobody had the time to even peruse. While it appears to retain some features of the original bill, it apparently modifies or eliminates a number of the compromises which enabled us to come to that consensus.

Just one example: it makes a dramatic departure from American criminal jurisprudence by allowing the sharing of grand jury evidence without a court order. History has taught us that sweeping new powers, once given to the Government, are prone to abuse. Remember, too often in times of crisis our government has sacrificed essential liberties to claims of national security. The Alien Sedition Acts, the suspension of habeas corpus during the Civil War, the internments of the Second World War and the ''red-baiting'' by the McCarthy and the House un-American Activities Committee.

Today everyone deplores those excesses, but we must not forget that decent, patriotic Americans acquiesced in those measures under the pressures of the moment.

□ 1245

I am not claiming that this bill falls into that category. What I am saying is that we should be willing to pause to reflect and examine exhaustively the provisions in light of that experience in the bill before us today so that unintended consequences can be corrected and any potential abuses that arise from our actions can be discovered and addressed. We have not done that today. I suggest if we proceed and do not defeat this rule, that we will have failed in our responsibility to the Constitution and to the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill before us, H.R. 3108, a bill that we have just learned about a couple of hours ago. There are glaring deficiencies in this bill, and the action today is an affront to the Members who serve on the Committee on the Judiciary who passed a bill out in that committee 36–0.

I was willing, Mr. Speaker, to vote on that bill, H.R. 2975, and had an amendment that required the Secretary of Transportation to consult with all Federal departments and agencies to conduct an assessment of terrorist-related threats to all modes of public transportation. We have heard from the ranking member of the Committee on Transportation and Infrastructure. We need an aviation security bill on this floor. We do not need bills that have come to us in the cloak of night that will circumvent us from really giving the confidence to the American people, a bill that they deserve.

Mr. Speaker, we should not move forward with this legislation that infringes on the civil rights of this country and would not adhere to the Committee on the Judiciary members who did give us a bill, H.R. 2975, that we could have voted on.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to this bill. We must bring terrorists to justice and make our country safe, but we must not sacrifice our Constitution in a mad rush to rewrite our laws in the middle of the night. This is one of the most important bills we will address this year, but we have not had a chance to even read the bill. The Committee on the Judiciary unanimously passed an antiterrorism bill that has all but disappeared. This is not the way to make laws.

This bill expands the scope of surveillance powers far beyond the scrutiny of suspected terrorists. We hear that intelligence sharing will not be limited to those suspects. We cannot once again go down this path. African Americans have very clear memories of how civil liberties have been warped before through illegal surveillance and the COINTEL program. Dr. Martin Luther King, Jr., a man who preached peace, was wiretapped by the FBI.

We must move carefully. We must avoid the pitfalls of racial profiling. Arab Americans and Muslims must not become government targets because of their race or faith. We cannot let terrorists rewrite our Constitution. We must think about the consequences of our actions.

I urge this body to oppose the rule and oppose the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the rule. By voting on the exact language

reported out of the other body, we would effectively negate the hard work and thoughtful input of the entire House of Representatives. As a New Yorker, I am appalled that the provision increasing the funding for the fallen public safety officers is not included. The bill does not include the expedited implementation of the Student and Exchange Visitor Information System which would help ensure that student visas do not become passports for terrorists. The sunset provision has been eliminated.

Finally, I want to emphasize that any final terrorism package must address illegal money laundering, and this bill does not include the federalization of airport security which is needed deeply in this country. In developing the best possible bill to combat terrorism, the House should advocate, not abrogate on their responsibility.

I urge a ''no'' vote on both sides of the aisle.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and the principal architect of this legislation in the House.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot of complaints about process from the other side of the aisle and a lot of those complaints are really misdirected.

First, the bill that will be considered as the text, once we get to it, has been out there for over a week. It is the text that was introduced in the Senate by the Democratic leader of the Senate, the Senator from South Dakota (Mr. DASCHLE). A version of the bill passed the Senate last night by a vote of 96–1, with only one Senator voting against it. So no one should be surprised at what was in the text of the Senate-passed bill.

The difference between the Senate-passed bill and what I hope we will be considering after this rule passes is that the negotiations over the last 48 hours have taken provisions in the Senate-passed bill out, and they will not be considered in the context of the substitute amendment that is contained in this self-executing rule. What has been placed into the Senate-passed bill were ideas that were either adopted by the Committee on the Judiciary when we marked up H.R. 2975 or modifications that were suggested by both majority party members and minority party members. So there should be no surprise because those modifications have been suggested and shared with both sides of the aisle on the committee.

Given the fact that we are really not dealing with new ideas here and we are dealing with ideas that have been out on the table for at least a week, either in this body or the other body, the question comes, when are we going to vote on an antiterrorism bill? This rule allows us to vote on the antiterrorism bill today, like the other body voted on the antiterrorism bill last night.

We should get on with the legislative process. We should get this legislation through the Congress and on the President's desk as soon as possible so that law enforcement will have the tools to track down those that are planning future acts of terrorism in the United States and to keep them off balance. The time to vote is now, and the way to get us to a vote is by voting for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, let me ask my colleague with whom I have labored for weeks now on this bill. We have reported by a unanimous vote on the Committee on the Judiciary, something that I cannot ever remember happening before, but it is my understanding that this bill, whatever the product is, and the Senate bill voted out last night will go to conference.

Is that the understanding of my colleague and friend, the chairman of the Committee on the Judiciary?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If the Senate disagrees with the House amendment, I assume it will go to conference. I would hope that for once the Senate would think that we got it right and pass the bill unamended and let the President then do his thing.

Mr. CONYERS. I would say to my colleague that it is highly unlikely, if not impossible, that we are going to report out a bill here today that will be the same as what the Senate did last night. That is not going to happen. So I will be anxiously waiting to see what our leadership does in terms of making sure we have a conference. That is the purpose of this dialogue.

Mr. SENSENBRENNER. The staff of the distinguished gentleman from Michigan, with whom it has been a pleasure to work, gave several suggestions on how to amend the Senate bill to my staff, many of which are incorporated in the amendment in the nature of a substitute, the most important of which is a 3-year sunset with a 2-year extender which was the idea of the gentleman from Michigan and was a good one and is incorporated in the self-executing amendment.

Mr. CONYERS. I am happy about this great coordination between staffs, but I want a conference, and staffs do not control conferences. Let us look at where we find ourselves.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, in the Revolutionary War, 4,435 Americans died. In the Civil War, 140,000 Union forces; Confederate figures are not readily available. World War I, 53,000. World War II, 291,000. Antietam, one battle, 4,032 Americans died. Gettysburg, 7,058 soldiers died.

I believe that these brave Americans died not just to keep us free from foreign invaders or foreign forces, I believe that these brave people went into battle and many of them died so that we could protect our liberties at home. Last night I was with a small group of Marines. They asked me to facilitate their transfer to a combat unit. I said I would do that. The best I could do last night was to buy them a beer and offer to do that.

Today, it is my job to seek an additional 3 hours, to seek an additional 3 days, to seek a few more days when it has already been 30 days since the attack, so that we can produce a better product to honor all those who came before us and gave deep sacrifice, and, many of them, the ultimate sacrifice, so that we can enjoy the civil liberties that we have today. We dishonor all those who have fought for America by panicking in this moment.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

(Mr. RUSH asked and was given permission to revise and extend his remarks.)

Mr. RUSH. I want to thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in opposition to the bill that is before us and to this closed rule.

From the very beginning, there has been little idea as to what this bill even looks like. This is outrageous, and this is dangerous.

Mr. Speaker, I cannot forget the abuses of the fourth amendment by Federal agencies in the not so distant past.

Mr. Speaker, it is an indisputable fact that during the 1970s, the FBI kept information in its files covering the beliefs and activities of at least 1 in every 400 Americans. It is a fact that the FBI Director, J. Edgar Hoover, created the COINTEL program whereby they spied on and violated the constitutional rights of thousands of American citizens. It is a fact that during the 1960s, the U.S. Army created files on about 100,000 civilians. It is a fact that between 1953 and 1973, the CIA opened and photographed almost 250,000 first class letters within the United States, and from these photographs it created a database of over 1.5 million names.

Mr. Speaker, it is a fact that great Americans, such as Dr. Martin Luther King, Jr. were subjected to illegal and

frivolous wiretaps by the FBI. And, Mr. Speaker, it is a fact that amongst the most absurd Federal wiretaps have been those extended to Members of Congress.

Mr. Speaker, temporary or not, this is very dangerous ground that we are treading on; and without a balanced, open and fair process, I feel that we may not be living up to the promise that all Americans have made to preserve the things which make America great. I fear that we may be returning to the dark days of McCarthyism and Hooverism.

Mr. Speaker, I oppose the rule and the underlying bill.

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my appeal at this point is for us to consider whether we want to adopt the rule. Let us set aside the question of the underlying bill and all the problems it generates.

What about the rule? No amendments, one substitute. Is that the way we really want to pass on the most comprehensive, sweeping law enforcement extending legislation coming out of the Committee on the Judiciary for years and years? I think not. For those reasons, I would ask that we consider sending it back to the distinguished committee from which it came.

Why? Well, there is no money laundering discussion. There is no provision for money laundering in the bill that is in the House. What are we to do? Are you going to ask us to do this in conference, or should we not have some approach toward this very serious international question that the administration itself has spent a great amount of time dealing with and pointing out its relationship to terrorism, to drug running and illegal financing of activities around the world, and especially in this country?

So I ask Members to consider this.

Now we have the sunset provision. Well, we have got a modified sunset provision. We need not go beyond 2 years. Let us just talk about this plain out. We need to examine that. That is what the Committee on the Judiciary bill, with equal numbers of Republicans and Democrats, voted out only 3 days ago.

Ms. SLAUGHTER. Mr. Speaker, could I inquire how much time we have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 5 minutes, and the gentleman from Florida (Mr. DIAZ-BALART) has 20 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the rule and the PATRIOT Act of 2001.

Mr. Speaker, as a member of the House Committee on the Judiciary, I was honored to participate in the creation of a historic bipartisan compromise bill that emerged unanimously from the Committee on the Judiciary by a vote of 36 to 0. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his extraordinary leadership on what is typically one of the most divisive committees on Capitol Hill. I also would commend the chairman for his collective wisdom in negotiating a compromise that we could bring to the floor today to enable the authorities of the United States of America to do the job that the American people expect them and count on them to do.

Mr. Speaker, because of the attacks of September 11, and with the events that are scrolling across television screens in America at this very hour, Congress should act now, today, to empower our law enforcement authorities to protect our citizens.

Compromises have to be made. Increased safety and security will require sacrifices for the American public. Airline customers are subjected to more intrusive questioning. Aliens suspected of terrorism will be detained for longer periods of time.

But these compromises, Mr. Speaker, I want to emphasize, do not represent an infringement on the constitutional rights of American citizens. Many of the expanded powers here, as we know, are sunsetted 3 years and extended 5 years to be reviewed that they might not be permanent once this time of trial passes.

As we proceed into this debate and ultimately a vote today on this anti-terrorism package, it is absolutely necessary that the American people know that the updated wiretapping laws, the enhanced information-sharing laws are not the real threat to the American public or to the Constitution. Terrorists are. It is the terrorist criminals, who respect no law and no constitution, who threaten our way of life.

I urge my colleagues to support the adoption of this bill to give our law enforcement authorities the ability to protect our freedoms and preserve our way of life.

May America arise and its enemies be scattered.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the American people have a right to expect that their top priority will be our top priority. We are sent here to represent them and to address their concerns. And as far as America is concerned right now, security, security, is job one.

So if we want to do something today, right now, to make America safer, not tomorrow, but right now, to make America safer, the rule and the bill that we should be considering one month after the incident at the World Trade Center, after that tragedy, one month later, we should bring the airport security bill to the floor. It passed the other body unanimously, but it has been languishing here for weeks; and it is stuck because some elements of the Republican leadership do not want to federalize airline security, even though many in their own party, almost all Democrats, and the American people are fully behind that commonsense proposal.

Instead, we come to the floor with a bill that is important, but that comes through a process in which Members have not even had the chance to read this bill. The bill that was developed in a bipartisan effort out of the committee does not come to the floor, but is slain in the Committee on Rules.

What is sent here is not the bipartisan work of Democrats and Republicans. Surveillance is important, the immigration provisions are important; but you will not secure one American today in the air of this country, in the security of people flying in this country.

We could take 3 days to bail out the airline industry, but 30 days later we cannot give the people of this country the security that they can fly on those planes. We do not have all the air marshals that we need, we do not have the federalization of the security screeners, having the force and professionalism that is needed. We are not checking all of that baggage. We are not having those cockpit doors fully reinforced.

One month later, there is no answer. We need to have an airline security bill today. We cannot leave this Congress this weekend until we do.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, first I want to thank my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS), for leading us in a united way to help win this war against terror. I rise to commend all of the members of the Committee on the Judiciary for their work in the committee on this bill. I am disappointed in the breakdown in bipartisanship that has happened and the breakdown in the real collaboration that I think went on on the committee on this important piece of legislation.

I want to say to the Members that I have had the feeling in the last days that we have begun on bills like this one to have real meaningful collaboration and that that is what we are supposed to do here. We are supposed to honestly and rationally meet with one another, communicate with one another, compromise with one another to reach consensus solutions on important problems, and the gentleman from

Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did exactly that on this committee.

But now their work and the work of the gentleman from Georgia (Mr. BARR) and the gentleman from Virginia (Mr. SCOTT) and others, which was an alliance that represented compromise, that is the way this Congress has to perform in this moment of national crisis, has been put aside, because someone else wants a different solution.

I have no problem with disagreement. What I have a problem with is not honoring honest compromise reached honorably through hard work and effort. I salute the Members who did that, and I wish that we were talking about the bill today that they presented. But it has been upset, and we are prevented now from doing what we ought to be doing; and I am sorry about that. I am honestly depressed and sorry that we are not acting in the highest manner.

But I also rise today to say that even that bill, which would have been better, should not be the bill that is on the floor today. Today on this floor we should have a debate and a vote on strengthening aviation security in this country, to federalize screeners and put air marshals on every flight.

Last night the Senate passed 100 to 0, 100 to 0, it does not happen very often, 100 to 0, a strong aviation bill to give people maximum security on the ground and in the air.

Right now we are seeing vigilante committees set up ad hoc to go after hijackers if it happens on an airplane. Yesterday I read in the newspaper that air travelers are steeling themselves for attacks. They make pacts in their seats to fight hijackers if they should wind up on their flights. One man, 245 pounds, an ex-football player, said, It would be a bad idea for someone to try to hijack a plane when I am on it. I will tell you that, he said. I think the American citizenry as a whole, he said Wednesday, are pretty pumped up about this right now.

Well, I applaud vigilance, and I applaud courage, and I believe in the courage of the American people; and I am in awe of the people on the plane who crashed in Pennsylvania who tried to save lives. They died so that others could live. But while we need vigilance, we do not need vigilantes; and that is what we are going to have until we get on with this business of taking care of airport and airline security.

As the gentleman from New Jersey (Mr. MENENDEZ) just said, 3 days is all it took us to financially deal with the airlines' problems, and I voted for it and I was for it. But the truth is, at the same time we did that, we should have been dealing with airline and airport security. We need it done professionally. We need trained professional Federal law enforcement officers. That is the bill that we ought to be taking up today.

We have got to go home this weekend and face our constituents and give them an answer for why we have not done this. There is no good answer. A minority of the majority is stopping us from taking this up because they do not like the outcome on the bill, just like somebody did not like the outcome on this bill out of the Committee on the Judiciary.

Mr. Speaker, it is time for the majority, a nonpartisan majority of this House of Representatives, to work its will in the people's interest. I beg the leadership of this House, bring up airline security today, and bring up the Judiciary-passed bill on anti-terrorism next week.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, we have heard words of wisdom on this floor from the gentleman from Michigan (Mr. CONYERS) and from the gentleman from Missouri (Mr. GEPHARDT). We have also heard words of wisdom from the gentleman from Wisconsin (Mr. SENSENBRENNER).

Let me remind this body that the other body is controlled by Democrats, and the bill we will take up passed 99 to 1. Let me caution Congress, though, that we have trophies sitting there in the form of Federal buildings that are still yet not protected, because the other body did not act last year on legislation that we passed.

Yes, our airports do need help; but I want to mention something today, because I believe all the money we spend, all the bills we pass, all the speeches we make, and all our good intentions and all the security at the airport and all the increased money we spend on enforcement will not stop terrorism.

□ 1315

Congress must look at the comprehensive problem that faces the world, faces America, and faces our ally in Israel as well, even though I have been called many times even an anti-Semite. The President has come forth with a very bold opportunity for Congress to embrace, a lasting resolution to minimize terrorism that has been exported to America, and he is right, and he had the courage to say it. It is time to look at a homeland for the Palestinian people.

So while we bite at the edges, while we play with the factors, while we massage the initiatives, we at some point are going to have to deal with basic issues. Israel will not be safe, our ally, and neither will America, that has now seen the export of that violence. That is not a victory for bin Laden. There will be another thousand bin Ladens. Go after bin Laden, but now let us take a look at the wisdom that has come from the White House, some courage that has come from the White House.

So today I am going to vote not only for this rule, I am going to vote for this bill. And if the gentleman from Wisconsin (Mr. SENSENBRENNER) can accept it, and if the majority in the other body can accept it, by God, I can, because the crisis is now. Congress must show bipartisanship, and if we do not do it on this, this is the vehicle, when do we do it? But let us get at Federal buildings, let us get at airports, and let us get at that issue of Palestinian homeland. That, I say to my colleagues, is a responsibility we should undertake with a sincere heart to help all of our friends.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, if we are going to rush legislation to the floor, most of our constituents want us to bring up a bill providing for increased airline security, and not a bill that deals with curtailing civil liberties. Every Member of the House knows that Americans are concerned about the safety of our airlines and demonstrating that fear by curtailing their flights. This is truly hurting the economy and affecting hundreds of thousands of American workers and their families.

In the month since the tragedy of September 11, the leadership of the House has failed to bring up legislation to help those workers and to bring up legislation that would demonstrably increase security for the airlines. It seems to me that we must do that and do it quickly, Mr. Speaker.

Therefore, I will ask for a ''no'' vote on the previous question in order that I might be able to offer an amendment to the rule. My amendment will provide that immediately after the House passes the antiterrorism bill, that it take up the airline safety bill drafted by the ranking member of the Committee on Transportation based on weeks of consultations with his counterparts in the majority and in the Senate. In addition, my amendment would bring this bill up under an open rule so that every Member can express their view about what needs to be done.

It is true that this bill has not been available to Members so that they might know what it contains; but unlike the antiterrorism bill, it does not affect our civil liberties and our rights as American citizens. It does affect our safety and the safety of all Americans who fly. It does affect the ability of workers to reclaim their jobs lost as a result of the airline shutdown and the subsequent fall-off in traffic. This is the legislation we should rush to pass. The Senate passed it yesterday and the sooner we get it to the President's desk, the sooner the airline industry will be able to recover from the horrendous and heinous acts committed last month.

Mr. Speaker, I urge a ''no'' vote on the previous question and a ''no'' vote on the rule.

I will include for the RECORD at this time the text of my amendment.

Providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, and a bill relating to the improvement of aviation security.

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit with or without instructions.

Sec. 2. Immediately after disposition of H.R. 2975, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text printed in section 3. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 3 [insert text here]

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Security Enhancement Act of 2001''.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 114. Transportation Security Administration

''(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

''(b) UNDER SECRETARY.—

''(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary must—

''(A) be a citizen of the United States; and

''(B) have experience in a field directly related to transportation or security.

''(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

''(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

''(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

''(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

''(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

''(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

''(1) receive, assess, and distribute intelligence information related to transportation security;

''(2) assess threats to transportation;

''(3) develop policies, strategies, and plans for dealing with threats to transportation security;

''(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

''(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

''(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

''(7) enforce security-related regulations and requirements;

''(8) identify and undertake research and development activities necessary to enhance transportation security;

''(9) inspect, maintain, and test security facilities, equipment, and systems;

''(10) ensure the adequacy of security measures for the transportation of mail and cargo;

''(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

''(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

''(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

''(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

''(f) ACQUISITIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized—

''(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

''(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

''(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

''(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

''(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

''(h) REGULATIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

''(2) FACTORS TO CONSIDER.—In determining whether to issue, rescind, or a revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

''(3) LIMITATION.—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

''(4) EMERGENCY PROCEDURES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

''(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

''(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

''(j) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

''114. Transportation Security Administration.''.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''The Under Secretary of Transportation for Security''.

(d) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking ''the Administration'' and inserting ''the Transportation Security Administration'';

(2) in the second sentence of section 44913(a)(1) by striking ''of the Administration'' and inserting ''of the Transportation Security Administration'';

(3) in section 44916(a)—

(A) in the first sentence by striking ''Administrator'' and inserting ''Under Secretary of Transportation for Security''; and

(B) in the second sentence by striking ''Administration'' and inserting ''Transportation Security Administration'';

(4) in each of sections 44933(a) and 44934(b) by striking ''Assistant Administrator for Civil Aviation Security'' and inserting ''Under Secretary'';

(5) in section 44934(b)(1) by striking ''Assistant Administrator'' and inserting ''Under Secretary'';

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking ''Administrator'' each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting ''Under Secretary'';

(8) by striking ''Administrator's'' each place it appears in such chapter and inserting ''Under Secretary's''; and

(9) by striking ''of the Federal Aviation Administration'' each place it appears in such chapter (except in section 44936(f)) and inserting ''of Transportation for Security''.

SEC. 3. REVIEW AND RECOMMENDATION.

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) REPORT.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.

Section 44901 of title 49, United States Code, is amended to read as follows:

''§ 44901. Screening passengers and property

''(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

''(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

''(1) employees of the Transportation Security Administration who are citizens of the United States; or

''(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

''(c) TRANSITION PERIOD.—

''(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

''(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

''(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel.''.

SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

SEC. 6. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after ''at each of those airports'' the following: '', including at each location at those airports where passengers are screened,'';

(2) in paragraph (2)(C)(i) by striking ''shall issue an amendment to air carrier security programs to require'' and inserting ''shall require''; and

(3) by adding at the end the following:

''(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator.''.

SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting '', personnel (including Federal employees) who screen passengers and property,'' after ''air carrier personnel'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

''(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate; and

''(7) minimum compensation levels, when appropriate.''.

(b) EMPLOYMENT STANDARDS FOR SCREENERS.—Section 44935 is amended by adding at the end the following:

''(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

''(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

''(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

''(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.''.

(c) MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a ''screener'').

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

''(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

''(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

''(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

''(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

''(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

''(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

''(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

''(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

''(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

''(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

''44917. Deployment of Federal air marshals.''.

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

"§ 44918. Enhanced security measures

''(a) IN GENERAL.—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

''(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

''(A) restrict the opening of a cockpit door during a flight;

''(B) modify cockpit doors to deny access from the cabin to the cockpit;

''(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

''(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

''(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

''(3) Enhance security for secured areas of airports, including—

''(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

''(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

''(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured areas be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

''(D) revalidating approvals of all persons previously authorized to entered a secured area, including full background and criminal history record checks and checks of Federal security databases;

''(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

''(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

''(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

''(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

''(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

''(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

''(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

''(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

''(10) Develop realistic crew training programs as follows:

''(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

''(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

''(C) Required crew training shall include, but not be limited to—

''(i) determination of the seriousness of any occurrence;

''(ii) crew communication and coordination;

''(iii) self-defense;

''(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

''(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

''(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

''(11) Require training of gate, ticket, and curbside agents to respond appropriately

when the system referred to in paragraph (7) identifies a passenger as a threat to security.

''(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

''(13) Require effective 911 emergency call capabilities for telephones serving passenger aircraft and trains.

''(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

''(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

''(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

''(b) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommendations that the Under Secretary may have for enhancing transportation security.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

''44918. Enhanced security measures.''.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking ''**Reports**'' and inserting ''**Report**''; and

(B) by striking ''(a) TRANSPORTATION SECURITY.—'' and all that follows through ''(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator'' and inserting ''The Under Secretary of Transportation for Security''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

''44938. Report.''.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting ''; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.''; and

(2) in paragraph (2) by striking ''or airport operator'' and inserting ''airport operator, or screening company''.

SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

''§ 44939. Passenger and baggage screening fee

''(a) GENERAL AUTHORITY.—

''(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

''(2) AIR CARRIER FEES.—

''(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

''(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

''(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration's costs of providing services rendered.

''(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation.

''(d) IMPOSITION OF FEE.—

''(1) IN GENERAL.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

''(2) SUBSEQUENT RULEMAKING.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

''(e) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

''(f) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, any fee collected under this section—

''(1) shall be credited to a separate account established in the Treasury;

''(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.

''(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

''44939. Passenger and baggage screening fee.''.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

''§ 44940. Authorization of appropriations for operations

''(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

''(b) AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

''(c) AIRPORT SECURITY.—There is authorized to be appropriated $500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

''44940. Authorization of appropriations for operations.''.

(c) SECURITY FACILITY FEES.—Section 40117 is amended by adding at the end the following:

''(l) INCREASED SECURITY.—

''(1) IN GENERAL.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to $1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

''(2) PROCEDURES.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.''.

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''§ 44951. Transportation Security Oversight Board

''(a) IN GENERAL.—There is established a board to be known as a 'Transportation Security Oversight Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

''(A) The Secretary of Transportation (or the Secretary's designee).

''(B) The Attorney General (or the Attorney General's designee).

''(C) The Secretary of the Treasury (or the Secretary's designee).

''(D) The Secretary of Defense (or the Secretary's designee).

''(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

''(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

''(c) DUTIES.—The Board shall—

''(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

''(2) share intelligence information with the Under Secretary;

''(3) review—

''(A) plans for transportation security;

''(B) standards established for performance of airport security screening personnel;

''(C) compensation being paid to airport security screening personnel;

''(D) procurement of security equipment;

''(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

''(F) budget requests of the Under Secretary; and

''(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

''(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

''(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

''§ 44952. Advisory council

''(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the 'Transportation Security Advisory Council'.

''(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

''(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

''(d) ADMINISTRATIVE MATTERS.—

''(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

''(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

''(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

''(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''44951. Transportation Security Oversight Board.

''44952. Advisory council.''.

SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration's programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration's programs, operations, and activities. The report shall focus on the Administration's main programs and contain recommendations, as necessary, for further legislation.

SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107–42) is amended by striking ''February 1, 2001'' and inserting ''February 1, 2002''.

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking ''contract personnel'' each place it appears and inserting ''personnel'';

(2) by striking ''contract employee'' each place it appears and inserting ''employee'';

(3) in section 45106(c) by striking ''contract employees'' and inserting ''employees'';

(4) by inserting after section 45106 the following:

''§ 45107. Transportation security administration

''(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

''(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.''; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

''45107. Transportation Security Administration''.

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking ''subsection (f)'' each place it appears and inserting ''subsection (h)''.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(2) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator'';

(3) in section 46101(a)(2) by striking ''of Transportation or the'' and inserting '', Under Secretary, or'';

(4) in section 46102(b) by striking ''and the Administrator'' and inserting '', the Under Secretary, and the Administrator'';

(5) in section 46102(c) by striking ''and Administrator'' each place it appears and inserting '', Under Secretary, and Administrator'';

(6) in each of sections 46102(d) and 46104(b) by inserting ''the Under Secretary,'' after ''Secretary,'';

(7) in the heading to section 46106 by striking ''**Secretary of Transportation and Administrator of the Federal Aviation Administration**'' and inserting ''**Department of Transportation**''; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking ''Secretary of Transportation and Administrator of the Federal Aviation Administration'' and inserting ''Department of Transportation''.

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''; and

(B) by striking ''or Administrator'' and inserting '', Under Secretary, or Administrator''; and

(2) in subsection (d)—

(A) by inserting after ''The'' the following: ''Under Secretary of Transportation for Security or the'';

(B) by striking ''Administration'' the second place it appears and inserting ''Transportation Security Administration or Federal Aviation Administration, as the case may be,''; and

(C) by striking ''the Administrator decides'' and inserting ''the Under Secretary or Administrator, as the case may be, decides''.

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking '', chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),'';

(B) by inserting after the first sentence the following: ''The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.''; and

(C) by inserting ''Under Secretary or'' before ''Administrator shall'';

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking ''Administrator'' each place it appears and inserting ''Under Secretary or Administrator'';

(3) in section 46301(d)(8) by striking ''Administrator'' and inserting ''Under Secretary, Administrator,'';

(4) in section 46301(h)(2) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(5) in section 46311—

(A) by inserting after ''Transportation,'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,'';

(B) by inserting after ''Secretary,'' each place it appears the following: ''Under Secretary,''; and

(C) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator''; and

(6) in each of sections 46313 and 46316 by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the aftermath of the merciless attack of 11 September, there were two schools of thought. One group said, let us bomb someone or somebody immediately. Another school urged, do nothing, and then perhaps these messengers of evil will simply go away. Neither of these schools of thought, in my opinion, Mr. Speaker, was sound.

If this legislation is enacted today, and I intend to support it, will it preclude subsequent attacks? I know not. But I do know it will afford our law enforcement and intelligence arms more flexibility. What was in place on 11 September of this year obviously was not sufficient.

Who are these terrorists? Messengers of evil driven by fanaticism. They are well-financed, brilliant operatives, as evidenced by the attack in New York and the attack here and the ditching of the plane in Pennsylvania. Brilliant indeed who have no regard for human life, innocent human life, if you will. Forget about the military for the moment. They attacked innocent bystanders. They would just as soon slay them as they would an armed soldier or an armed guardman.

They had a choice, Mr. Speaker, the Taliban, the terrorists. They were given a choice: surrender these messengers of evil, these thugs who are financed through the production and trafficking of heroin, which I call rat poison, or if you do not do that, they were told, suffer the consequences, because in the alternative, we will respond. As President Bush so eloquently said at the Pentagon memorial service yesterday, they chose unwisely.

The time is now. I commend the chairman for having done good work on this, and I commend the Committee on Rules as well. I urge support for the rule and support for final passage.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for some very fine work.

I stand here today, Mr. Speaker, a little bit saddened at the finger pointing by the minority leader and accusation of partisanship. I too had issues with the bill and was eager to work with both parties on many differences that we had over the very short course of time to give our law enforcement the tools to be successful. We won some; we lost some. There was no speed to partisanship, but there was a sense of urgency in what we must do in this Chamber. We can argue and debate and negotiate, but at the end of the day, a decision must be made.

I stood with those FBI agents for nearly 6 years, and I understood, and it became very clear to me, that we were fighting a war with 1970s tools in a war that now is into the 21st century; a very different kind of place, a very different kind of terrorist, a very different kind of sophistication. They have stolen, Mr. Speaker, more than just the lives of American citizens. They have stolen the innocence of a whole generation of Americans.

My daughter just recently, who during her entire 7 years told me that she was going to be a teacher, and that is what she wanted to be more than anything, was to be a teacher. And every time my wife and I had that conversation, she reiterated without pausing that she wanted to be a teacher. Until just recently, she came to me and said, Dad, unprovoked by me, I want to be President of the United States. And I asked her why, and she said because I want to make the rules so that bad people cannot hurt my friends in my neighborhood.

There has been a lot lost here, Mr. Speaker. It is more than process and negotiation and a rule which, to the vast majority of Americans, quite frankly, means nothing. What we have to do, and I have seen the panic in the eyes of the agents of the FBI today, who are asking for the tools of the 21st century to help them stop and disrupt what we know is coming to the United States of America. I am saddened because we ought to stand together and say, yes, we can improve on some things, and yes, we ought to have a money-laundering provision. But today, let us give those agents the tools they need to protect the next generation of Americans, to protect the Americans that are out there today. Let us untie the one hand behind their back and let them do what they will do best: protect America.

Mr. Speaker, this is not about partisanship, and this is not about trying to get somebody's way; this is about protecting America. We have to make a decision. Vote for this rule and make it happen. Let me go home this weekend and look my daughter in the eye and say, you are not going to have to run for President, ma'am, unless you want to, because we have done all that we can do to make sure that you can grow up to be anything that you want.

Pass this rule. Let us get on with it. Give them the tools that they need to be successful.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I just want to address some comments made by my good friend from Ohio about the Osama bin Laden al-Qaeda organization and our policy in the Middle East. Osama bin Laden kind of backed into the Palestinian situation saying, this is going to continue to happen as long as America continues to support Israel.

That is not what this is all about. Osama bin Laden is an evil man, as are his followers. To say that this is part of the Palestinian situation, he is backing into that by convenience; otherwise, Yasser Arafat would be saying, yes, we are in this too, this is a good thing. They are not embracing this policy of killing innocent Americans in their workplace and hijacking airplanes.

I think it is very important for us to say, we are going to continue to stand with our ally, Israel. We are going to continue to work for peace in the Middle East, and we are not going to let a mad man and a terrorist organization say that we somehow are guilty; therefore, our people should be punished and killed in the workplace because of a Middle Eastern policy that we are trying to work for.

I just wanted to make sure somebody addressed that, Mr. Speaker.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER). I think he has done a wonderful job for bringing forth this legislation. I want to thank my colleagues on the Committee on Rules; we worked long hours today beginning early in the morning on this. This bill is a compromise between the Senate's bipartisan legislation and our bipartisan legislation. I think it is a good piece of legislation that should be passed. In order for it to get to the floor, I would urge my colleagues to pass the rule.

I would point out that yesterday, not 1 month ago, yesterday, the FBI issued a statement informing all Americans

that the Nation is at risk of another attack at any time. The legislation before us, in effect, provides law enforcement with tools to try to prevent another attack. I would respectfully urge my colleagues who have expressed disagreement with the legislation to not compare this bill, which is a reasonable bill providing reasonable tools for law enforcement, with excesses that have occurred at other points in history in the past. This bill is not one of excesses; it is one of reasonable tools for law enforcement.

For example, grand jury information; information that is garnered, that is obtained by a grand jury with regard to terrorists, this bill, the compromise before us today, permits that information to be shared with the FBI. That is the kind of reasonable measure that we need in order to prevent further attacks in the future. With regard to the standards to detain and charge a terrorist, if there are reasonable grounds to believe that the person being harbored will commit a terrorist act, then that person can be detained.

□ 1330

The bill that was previously passed by the Committee on the Judiciary had a standard which I believe was not reasonable. It said that someone had to have committed or was about to commit, has committed or is about to commit, a terrorist act. It almost required the commission of the terrorist act before the terrorist could be detained.

With regard to immigration, someone from another country, a noncitizen, could be detained under this legislation for 7 days. Then he either has to be charged or released. That is a reasonable measure.

The sunset issue was brought out with regard to the legislation. The Senate has no sunset. The original legislation that came out of the Committee on the Judiciary had a 2-year sunset. The compromise legislation before us today has a 3-year sunset, with 2 more possible years if there is a Presidential certification of need, for a total period of 5 years. Then there is a sunset.

So again, these are reasonable steps to give tools to law enforcement to try to at least have them have this government do everything possible to avoid another September 11. That is what we are dealing with today.

So I urge my colleagues to support this rule to bring forth the legislation and to support this legislation so that we, at least, can know that we have done everything possible at this time to prevent another tragedy. Mr. Speaker, I urge the adoption of this resolution, as well as a favorable vote on the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today is the Senate version, S. 1510, that dangerously and unfairly challenges our parliamentary procedures and spirit of bi-partisanship that has existed thus far in the lengthy negotiations on this bill in the House.

The Senate version closely parallels the administration's proposal, containing a number of proposals that, frankly, are offensive to the 36–0 bi-partisan version reported out of the House Judiciary Committee. For example, the Senate version fails to include an essential two-year sunset provision that is in the House version that was crucial to the delicate compromise that was struck by Members from both sides of the aisle in the House Judiciary Committee.

This process is flawed and unfair. In the Senate, the bill bypassed the Judiciary Committee entirely, going straight to the floor. There, several key amendments, including three by Senator FEINGOLD which would have provided greater protections of our civil liberties, were tabled.

Today, it is patently clear that the goal of this process is to completely avoid a conference on the important legislation. In the House, this process has shut out many House Judiciary Members who were instrumental in the pre-conferencing of the bill. The closed rule reported out of the Rules Committee this morning effectively destroys the work and efforts of the entire House Judiciary Committee and forces upon its Members a version of this legislation which fails to address the hopes and concerns of millions of Americans from across this great Nation.

This is a travesty of process and justice of monumental proportions.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 207, not voting 8, as follows:

[Roll No. 383]

YEAS—215

Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez

Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Aderholt
Barton
Blunt
Boyd
Gillmor
McHugh
Miller (FL)
Towns

□ 1400

Mr. PETRI changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

NATIONAL SIMULTANEOUS PLEDGE OF ALLEGIANCE

The SPEAKER. Pursuant to the order of the House of October 11, 2001, the Chair recognizes the gentleman from California (Mr. COX) to lead us in the Pledge of Allegiance.

Mr. COX. Please join with me and millions of American teachers and students as we recite the Pledge of Allegiance.

Mr. COX 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.

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 9, as follows:

[Roll No. 384]

AYES—214

Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Aderholt
Barton
Blunt
Boyd
Gillmor
McHugh
Miller (FL)
Mollohan
Towns

□ 1418

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION TO AMENDMENT TO H.R. 2975, PATRIOT ACT OF 2001

Ms. WATERS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2975, pursuant to H.Res. 264, the amendment considered as adopted pursuant to that rule be modified by striking section 1001 and renumbering the remaining section accordingly.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentlewoman from California?

There was no objection.

PATRIOT ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 264, I call up the bill (H.R. 2975) to combat terrorism, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the bill is considered read for amendment.

The text of H.R. 2975 is as follows:

H. R. 2975

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 ''Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001''.

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.

Sec. 102. Seizure of voice-mail messages pursuant to warrants.
Sec. 103. Authorized disclosure.
Sec. 104. Savings provision.
Sec. 105. Interception of computer trespasser communications.
Sec. 106. Technical amendment.
Sec. 107. Scope of subpoenas for records of electronic communications.
Sec. 108. Nationwide service of search warrants for electronic evidence.
Sec. 109. Clarification of scope.
Sec. 110. Emergency disclosure of electronic communications to protect life and limb.
Sec. 111. Use as evidence.
Sec. 112. Reports concerning the disclosure of the contents of electronic communications.

Subtitle B—Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.
Sec. 152. Multi-point authority.
Sec. 153. Foreign intelligence information.
Sec. 154. Foreign intelligence information sharing.
Sec. 155. Pen register and trap and trace authority.
Sec. 156. Business records.
Sec. 157. Miscellaneous national-security authorities.
Sec. 158. Proposed legislation.
Sec. 159. Presidential authority.
Sec. 160. Sunset.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.
Sec. 202. Changes in designation of foreign terrorist organizations.
Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 204. Multilateral cooperation against terrorists.
Sec. 205. Changes in conditions for granting asylum and asylum procedures.
Sec. 206. Protection of northern border.
Sec. 207. Requiring sharing by the Federal Bureau of Investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

Sec. 211. Special immigrant status.
Sec. 212. Extension of filing or reentry deadlines.
Sec. 213. Humanitarian relief for certain surviving spouses and children.
Sec. 214. ''Age-out'' protection for children.
Sec. 215. Temporary administrative relief.
Sec. 216. Evidence of death, disability, or loss of employment.
Sec. 217. No benefits to terrorists or family members of terrorists.
Sec. 218. Definitions.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

Sec. 301. Statute of limitation for prosecuting terrorism offenses.
Sec. 302. Alternative maximum penalties for terrorism crimes.
Sec. 303. Penalties for terrorist conspiracies.
Sec. 304. Terrorism crimes as RICO predicates.
Sec. 305. Biological weapons.
Sec. 306. Support of terrorism through expert advice or assistance.
Sec. 307. Prohibition against harboring.
Sec. 308. Post-release supervision of terrorists.
Sec. 309. Definition.
Sec. 310. Civil damages.

Subtitle B—Criminal Procedure

Sec. 351. Single-jurisdiction search warrants for terrorism.
Sec. 352. DNA identification of terrorists.
Sec. 353. Grand jury matters.
Sec. 354. Extraterritoriality.
Sec. 355. Jurisdiction over crimes committed at United States facilities abroad.
Sec. 356. Special agent authorities.

TITLE IV—FINANCIAL INFRASTRUCTURE

Sec. 401. Laundering the proceeds of terrorism.
Sec. 402. Material support for terrorism.
Sec. 403. Assets of terrorist organizations.
Sec. 404. Technical clarification relating to provision of material support to terrorism.
Sec. 405. Disclosure of tax information in terrorism and national security investigations.
Sec. 406. Extraterritorial jurisdiction.

TITLE V—EMERGENCY AUTHORIZATIONS

Sec. 501. Office of Justice programs.
Sec. 502. Attorney General's authority to pay rewards.
Sec. 503. Limited authority to pay overtime.
Sec. 504. Department of State reward authority.

TITLE VI—DAM SECURITY

Sec. 601. Security of reclamation dams, facilities, and resources.

TITLE VII—MISCELLANEOUS

Sec. 701. Employment of translators by the Federal Bureau of Investigation.
Sec. 702. Review of the Department of Justice.

SEC. 3. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

SEC. 101. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire and electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—

''(1) Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service thereof, apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

''(2) Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law-enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of section 3123 of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of section 3123 of title 18, United States Code, is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking '', or who has been ordered by the court'' and inserting ''or applied, or who is obligated by the order''.

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Paragraph (3) of section 3127 of title 18, United States Code, is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted (but not including the contents of such communication)''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of section 3127 of title 18, United States Code, is amended—

(A) by inserting ''or process'' after ''a device''; and

(B) by striking ''of an instrument'' and all that follows through the end and inserting ''or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication (but not including the contents of such communication);''.

(4) CONFORMING AMENDMENT.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking ''and''; and

(B) by inserting ''and 'contents''' after''electronic communication service''.

(d) NO LIABILITY FOR INTERNET SERVICE PROVIDERS.—Section 3124(d) of title 18, United States Code, is amended by striking ''the terms of''.

SEC. 102. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking all the words after ''commerce''; and

(B) in paragraph (14), by inserting ''wire or'' after ''transmission of''; and

(2) in section 2703—

(A) in the headings for subsections (a) and (b), by striking ''CONTENTS OF ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC'';

(B) in subsection (a), by striking ''contents of an electronic'' and inserting ''contents of a wire or electronic'' each place it appears; and

(C) in subsection (b), by striking ''any electronic'' and inserting ''any wire or electronic'' each place it appears.

SEC. 103. AUTHORIZED DISCLOSURE.

Section 2510(7) of title 18, United States Code, is amended by inserting '', and (for purposes only of section 2517 as it relates to foreign intelligence information) any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or the President or Vice President of the United States'' after ''such offenses''.

SEC. 104. SAVINGS PROVISION.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking ''or chapter 121'' and inserting '', chapter 121, or chapter 206''; and

(2) by striking ''wire and oral'' and inserting ''wire, oral, and electronic''.

SEC. 105. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking ''and'' at the end;

(B) in paragraph (18), by striking the period and inserting a semi-colon; and

(C) by adding after paragraph (18) the following:

''(19) 'protected computer' has the meaning set forth in section 1030; and

''(20) 'computer trespasser' means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer.'';

(2) in section 2511(2), by inserting after paragraph (h) the following:

''(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

''(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

''(ii) the person acting under color of law is lawfully engaged in an investigation;

''(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

''(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.''; and

(3) in section 2520(d)(3), by inserting ''or 2511(2)(i)'' after ''2511(3)''.

SEC. 106. TECHNICAL AMENDMENT.

Section 2518(3)(c) of title 18, United States Code, is amended by inserting ''and'' after the semicolon.

SEC. 107. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(1)(C) of title 18, United States Code, is amended—

(1) by striking ''entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a'' and inserting the following:

''entity the—

''(A) name;

''(B) address;

''(C) local and long distance telephone connection records, or records of session times and durations;

''(D) length of service (including start date) and types of service utilized;

''(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

''(F) means and source of payment (including any credit card or bank account number);

of a''; and

(2) by striking ''and the types of services the subscriber or customer utilized,'' after ''of a subscriber to or customer of such service,''.

SEC. 108. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking ''under the Federal Rules of Criminal Procedure'' each place it appears and inserting ''using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation''; and

(2) in section 2711—

(A) in paragraph (1), by striking ''and'';

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

(C) by adding the following new paragraph at the end:

''(3) the term 'court of competent jurisdiction' has the meaning given that term in section 3127, and includes any Federal court within that definition, without geographic limitation.''.

SEC. 109. CLARIFICATION OF SCOPE.

Section 2511(2) of title 18, United States Code, as amended by section 106(2) of this Act, is further amended by adding at the end the following:

''(j) With respect to a voluntary or obligatory disclosure of information (other than information revealing customer cable viewing activity) under this chapter, chapter 121, or chapter 206, subsections (c)(2)(B) and (h) of section 631 of the Communications Act of 1934 do not apply.

SEC. 110. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Section 2702 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

''§ 2702. Voluntary disclosure of customer communications or records'' ;

(2) in subsection (a)(2)(B) by striking the period and inserting ''; and'';

(3) in subsection (a), by inserting after paragraph (2) the following:

''(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.'';

(4) in subsection (b), by striking ''EXCEPTIONS.—A person or entity'' and inserting ''EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.—A provider described in subsection (a)'';

(5) in subsection (b)(6)—

(A) in subparagraph (A)(ii), by striking ''or'';

(B) in subparagraph (B), by striking the period and inserting ''; or'';

(C) by inserting after subparagraph (B) the following:

''(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.''; and

(6) by inserting after subsection (b) the following:

''(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

''(1) as otherwise authorized in section 2703;

''(2) with the lawful consent of the customer or subscriber;

''(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

''(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

''(5) to any person other than a governmental entity.''.

(b) Section 2703 of title 18, United States Code, is amended—

(1) so that the section heading reads as follows:

''§ 2703. Required disclosure of customer communications or records'';

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''Except'' and all that follows through ''only when'' in subparagraph (B) and inserting ''A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when'';

(B) by striking ''or'' at the end of clause (iii) of subparagraph (B);

(C) by striking the period at the end of clause (iv) of subparagraph (B) and inserting ''; or'';

(D) by inserting after clause (iv) of subparagraph (B) the following:

''(v) seeks information pursuant to subparagraph (B).'';

(E) in subparagraph (C), by striking ''(B)'' and inserting ''(A)''; and

(F) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subsection (e), by striking ''or certification'' and inserting ''certification, or statutory authorization''.

SEC. 111. USE AS EVIDENCE.

(a) IN GENERAL.—Section 2515 of title 18, United States Code, is amended—

(1) by striking ''**wire or oral**'' in the heading and inserting ''**wire, oral, or electronic**'';

(2) by striking ''Whenever any wire or oral communication has been intercepted'' and inserting ''(a) Except as provided in subsection (b), whenever any wire, oral, or electronic communication has been intercepted, or any electronic communication in electronic storage has been disclosed'';

(3) by inserting ''or chapter 121'' after ''this chapter''; and

(4) by adding at the end the following:

''(b) Subsection (a) does not apply to the disclosure, before a grand jury or in a criminal trial, hearing, or other criminal proceeding, of the contents of a communication, or evidence derived therefrom, against a person alleged to have intercepted, used, or disclosed the communication in violation of this chapter, or chapter 121, or participated in such violation.''.

(b) SECTION 2517.—Paragraphs (1) and (2) of section 2517 are each amended by inserting ''or under the circumstances described in section 2515(b)'' after ''by this chapter''.

(c) SECTION 2518.—Section 2518 of title 18, United States Code, is amended—

(1) in subsection (7), by striking ''subsection (d)'' and inserting ''subsection (8)(d)''; and

(2) in subsection (10)—

(A) in paragraph (a)—

(i) by striking ''or oral'' each place it appears and inserting '', oral, or electronic'';

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by inserting ''except that no suppression may be ordered under the circumstances described in section 2515(b).'' before ''Such motion''; and

(B) by striking paragraph (c).

(d) CLERICAL AMENDMENT.—The item relating to section 2515 in the table of sections at the beginning of chapter 119 of title 18, United States Code, is amended to read as follows:

''2515. Prohibition of use as evidence of intercepted wire, oral, or electronic communications.''.

SEC. 112. REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(g) REPORTS CONCERNING THE DISCLOSURE OF THE CONTENTS OF ELECTRONIC COMMUNICATIONS.—

''(1) By January 31 of each calendar year, the judge issuing or denying an order, warrant, or subpoena, or the authority issuing or denying a subpoena, under subsection (a) or (b) of this section during the preceding calendar year shall report on each such order, warrant, or subpoena to the Administrative Office of the United States Courts—

''(A) the fact that the order, warrant, or subpoena was applied for;

''(B) the kind of order, warrant, or subpoena applied for;

''(C) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

''(D) the offense specified in the order, warrant, subpoena, or application;

''(E) the identity of the agency making the application; and

''(F) the nature of the facilities from which or the place where the contents of electronic communications were to be disclosed.

''(2) In January of each year the Attorney General or an Assistant Attorney General specially designated by the Attorney General shall report to the Administrative Office of the United States Courts—

''(A) the information required by subparagraphs (A) through (F) of paragraph (1) of this subsection with respect to each application for an order, warrant, or subpoena made during the preceding calendar year; and

''(B) a general description of the disclosures made under each such order, warrant, or subpoena, including—

''(i) the approximate number of all communications disclosed and, of those, the approximate number of incriminating communications disclosed;

''(ii) the approximate number of other communications disclosed; and

''(iii) the approximate number of persons whose communications were disclosed.

''(3) In June of each year, beginning in 2003, the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders, warrants, or subpoenas authorizing or requiring the disclosure of the contents of electronic communications pursuant to subsections (a) and (b) of this section and the number of orders, warrants, or subpoenas granted or denied pursuant to subsections (a) and (b) of this section during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by paragraphs (1) and (2) of this subsection. The Director of the Administrative Office of the United States Courts is authorized to issue binding regulations dealing with the content and form of the reports required to be filed by paragraphs (1) and (2) of this subsection.''.

Subtitle B—Foreign Intelligence Surveillance and Other Information

SEC. 151. PERIOD OF ORDERS OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER FOREIGN INTELLIGENCE SURVEILLANCE.

(a) INCLUDING AGENTS OF A FOREIGN POWER.—(1) Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by inserting ''or an agent of a foreign power, as defined in section 101(b)(1)(A),'' after ''or (3),''.

(2) Section 304(d)(1) of such Act (50 U.S.C. 1824(d)(1)) is amended by inserting ''or an agent of a foreign power, as defined in section 101(b)(1)(A),'' after ''101(a),''.

(b) PERIOD OF ORDER.—Such section 304(d)(1) is further amended by striking ''forty-five'' and inserting ''90''.

SEC. 152. MULTI-POINT AUTHORITY.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting '', or, in circumstances where the Court finds that the actions of the target of the electronic surveillance may have the effect of thwarting the identification of a specified person, such other persons,'' after ''specified person''.

SEC. 153. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and 303(a)(7)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(7)(B), 1823(a)(7)(B)) are each amended by striking ''that the'' and inserting ''that a significant''.

SEC. 154. FOREIGN INTELLIGENCE INFORMATION SHARING.

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence information obtained as part of a criminal investigation (including information obtained pursuant to chapter 119 of title 18, United States Code) to be provided to any Federal law-enforcement-, intelligence-, protective-, national-defense, or immigration personnel, or the President or the Vice President of the United States, for the performance of official duties.

SEC. 155. PEN REGISTER AND TRAP AND TRACE AUTHORITY.

Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by adding ''and'' at the end;

(2) in paragraph (2)—

(A) by inserting ''from the telephone line to which the pen register or trap and trace device is to be attached, or the communication instrument or device to be covered by the pen register or trap and trace device'' after ''obtained''; and

(B) by striking ''; and'' and inserting a period; and

(3) by striking paragraph (3).

SEC. 156. BUSINESS RECORDS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

''ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

''SEC. 501. (a) In any investigation to gather foreign intelligence information or an investigation concerning international terrorism, such investigation being conducted by the Federal Bureau of Investigation under such guidelines as the Attorney General may approve pursuant to Executive Order No. 12333 (or a successor order), the Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) that are relevant to the investigation.

''(b) Each application under this section—

''(1) shall be made to—

''(A) a judge of the court established by section 103(a) of this Act; or

''(B) a United States magistrate judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the release of records under this section on behalf of a judge of that court; and

''(2) shall specify that the records concerned are sought for an investigation described in subsection (a).

''(c)(1) Upon application made pursuant to this section, the judge shall enter an ex parte order as requested requiring the production the tangible things sought if the judge finds that the application satisfies the requirements of this section.

''(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

''(d) A person who, in good faith, produces tangible things under an order issued pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.''.

(b) CONFORMING AMENDMENTS.—(1) Section 502 of such Act (50 U.S.C. 1862) is repealed.

(2) Section 503 of such Act (50 U.S.C. 1863) is redesignated as section 502.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title V and inserting the following:

''TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES

''501. Access to certain business records for foreign intelligence and international terrorism investigations.

''502. Congressional oversight.''.

SEC. 157. MISCELLANEOUS NATIONAL-SECURITY AUTHORITIES.

(a) Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting '', or electronic communication transactional records'' after ''toll billing records''; and

(B) by striking ''made that'' and all that follows through the end of such paragraph and inserting ''made that the name, address, length of service, and toll billing records

sought are relevant to an authorized foreign counterintelligence investigation; and''; and

(2) in paragraph (2), by striking ''made that'' and all that follows through the end and inserting ''made that the information sought is relevant to an authorized foreign counterintelligence investigation.''.

(b) Section 624 of Public Law 90–321 (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking ''writing that'' and all that follows through the end and inserting ''writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.'';

(2) in subsection (b), by striking ''writing that'' and all that follows through the end and inserting ''writing that such information is necessary for the conduct of an authorized foreign counterintelligence investigation.''; and

(3) in subsection (c), by striking ''camera that'' and all that follows through ''States.'' and inserting ''camera that the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation.''.

SEC. 158. PROPOSED LEGISLATION.

Not later than August 31, 2003, the President shall propose legislation relating to the provisions set to expire by section 160 of this Act as the President may judge necessary and expedient.

SEC. 159. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended in subsection (a)(1)—

(1) in subparagraph (A)—

(A) in clause (ii), by adding ''or'' after ''thereof,''; and

(B) by striking clause (iii) and inserting the following:

''(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;'';

(2) by striking after subparagraph (B), ''by any person, or with respect to any property, subject to the jurisdiction of the United States'';

(3) in subparagraph (B)—

(A) by inserting after ''investigate'' the following: '', block during the pendency of an investigation for a period of not more than 90 days (which may be extended by an additional 60 days if the President determines that such blocking is necessary to carry out the purposes of this Act),''; and

(B) by striking ''interest;'' and inserting ''interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and''; and

(4) by adding at the end the following new subparagraph:

''(C) when a statute has been enacted authorizing the use of force by United States armed forces against a foreign country, foreign organization, or foreign national, or when the United States has been subject to an armed attack by a foreign country, foreign organization, or foreign national, confiscate any property, subject to the jurisdiction of the United States, of any foreign country, foreign organization, or foreign national against whom United States armed forces may be used pursuant to such statute or, in the case of an armed attack against the United States, that the President determines has planned, authorized, aided, or engaged in such attack; and

''(i) all right, title, and interest in any property so confiscated shall vest when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time,

''(ii) upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, except that the proceeds of any such liquidation or sale, or any cash assets, shall be segregated from other United States Government funds and shall be used only pursuant to a statute authorizing the expenditure of such proceeds or assets, and

''(iii) such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.''.

SEC. 160. SUNSET.

This title and the amendments made by this title (other than sections 109 (relating to clarification of scope) and 159 (relating to presidential authority)) and the amendments made by those sections shall take effect on the date of enactment of this Act and shall cease to have any effect on December 31, 2003.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

SEC. 201. CHANGES IN CLASSES OF ALIENS WHO ARE INELIGIBLE FOR ADMISSION AND DEPORTABLE DUE TO TERRORIST ACTIVITY.

(a) ALIENS INELIGIBLE FOR ADMISSION DUE TO TERRORIST ACTIVITIES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) in subclauses (I), (II), and (III), by striking the comma at the end and inserting a semicolon;

(B) by amending subclause (IV) to read as follows:

''(IV) is a representative of—

''(a) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

''(b) a political, social, or other similar group whose public endorsement of terrorist activity the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;'';

(C) in subclause (V), by striking any comma at the end, by striking any ''or'' at the end, and by adding ''; or'' at the end; and

(D) by inserting after subclause (V) the following:

''(VI) has used the alien's prominence within a foreign state or the United States to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines the efforts of the United States to reduce or eliminate terrorist activities;'';

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking ''(or which, if committed in the United States,'' and inserting ''(or which, if it had been or were to be committed in the United States,''; and

(B) in subclause (V)(b), by striking ''explosive or firearm'' and inserting ''explosive, firearm, or other object'';

(3) by amending clause (iii) to read as follows:

''(iii) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit a terrorist activity;

''(II) to plan or prepare to commit a terrorist activity;

''(III) to gather information on potential targets for a terrorist activity;

''(IV) to solicit funds or other things of value for—

''(a) a terrorist activity;

''(b) an organization designated as a foreign terrorist organization under section 219; or

''(c) a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity;

''(V) to solicit any individual—

''(a) to engage in conduct otherwise described in this clause;

''(b) for membership in a terrorist government;

''(c) for membership in an organization designated as a foreign terrorist organization under section 219; or

''(d) for membership in a terrorist organization described in clause (v)(II), but only if the solicitor knows, or reasonably should know, that the solicitation would further a terrorist activity; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, and radiological weapons), explosives, or training—

''(a) for the commission of a terrorist activity;

''(b) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(c) to an organization designated as a foreign terrorist organization under section 219; or

''(d) to a terrorist organization described in clause (v)(II), but only if the actor knows, or reasonably should know, that the act would further a terrorist activity.''; and

(4) by adding at the end the following:

''(v) TERRORIST ORGANIZATION DEFINED.—As used in this subparagraph, the term 'terrorist organization' means—

''(I) an organization designated as a foreign terrorist organization under section 219; or

''(II) with regard to a group that is not an organization described in subclause (I), a group of 2 or more individuals, whether organized or not, which engages in, or which has a significant subgroup which engages in, the activities described in subclause (I), (II), or (III) of clause (iii).

''(vi) SPECIAL RULE FOR MATERIAL SUPPORT.—Clause (iii)(VI)(b) shall not be construed to include the affording of material support to an individual who committed or planned to commit a terrorist activity, if the alien establishes by clear and convincing evidence that such support was afforded only after such individual permanently and publicly renounced, rejected the use of, and had ceased to engage in, terrorist activity.''.

(b) ALIENS INELIGIBLE FOR ADMISSION DUE TO ENDANGERMENT.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(F) ENDANGERMENT.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.''.

(c) ALIENS DEPORTABLE DUE TO TERRORIST ACTIVITIES.—Section 237(a)(4)(B) of the Immigration and Nationality (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

''(B) TERRORIST ACTIVITIES.—Any alien is deportable who—

''(i) has engaged, is engaged, or at any time after admission engages in terrorist activity (as defined in section 212(a)(3)(B)(iii));

''(ii) is a representative (as defined in section 212(a)(3)(B)(iv)) of—

''(I) a foreign terrorist organization, as designated by the Secretary of State under section 219; or

''(II) a political, social, or other similar group whose public endorsement of terrorist activity—

''(a) is intended and likely to incite or produce imminent lawless action; and

''(b) has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities; or

''(iii) has used the alien's prominence within a foreign state or the United States—

''(I) to endorse, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, terrorist activity; or

''(II) to persuade others, in a manner that is intended and likely to incite or produce imminent lawless action and that has been determined by the Secretary of State to undermine the efforts of the United States to reduce or eliminate terrorist activities, to support terrorist activity or a terrorist organization (as defined in section 212(a)(3)(B)(v)).''.

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of the enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a group at any time when the group was not a foreign terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189).

(B) CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(b), (V)(c), or (VI)(c) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to a foreign terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act; or

(ii) described in subclause (IV)(c), (V)(d), or (VI)(d) of section 212(a)(3)(B)(iii) of such Act (as so amended) with respect to any group described in any of such subclauses.

SEC. 202. CHANGES IN DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''212(a)(3)(B));'' and inserting ''212(a)(3)(B)), engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or to engage in terrorism (as so defined);''; and

(B) in subparagraph (C), by inserting ''or terrorism'' after ''activity'';

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) NOTICE.—

''(i) IN GENERAL.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and minority leader of the House of Representatives, the President pro tempore, majority leader, and minority leader of the Senate, the members of the relevant committees, and the Secretary of the Treasury, in writing, of the intent to designate a foreign organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

''(ii) PUBLICATION OF DESIGNATION.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).'';

(B) in subparagraph (B), by striking ''(A).'' and inserting ''(A)(ii).''; and

(C) in subparagraph (C), by striking ''paragraph (2),'' and inserting ''subparagraph (A)(i),'';

(3) in paragraph (3)(B), by striking ''subsection (c).'' and inserting ''subsection (b).';

(4) in paragraph (4)(B), by inserting after the first sentence the following: ''The Secretary may also redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.'';

(5) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''or a redesignation made under paragraph (4)(B)'' after ''paragraph (1)'';

(ii) in clause (i)—

(I) by inserting ''or redesignation'' after ''designation'' the first place it appears; and

(II) by striking ''of the designation;'' and inserting a semicolon; and

(iii) in clause (ii), by striking ''of the designation.'' and inserting a period;

(B) in subparagraph (B), by striking ''through (4)'' and inserting ''and (3)''; and

(C) by adding at the end the following:

''(C) EFFECTIVE DATE.—Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.'';

(6) in paragraph (7), by inserting '', or the revocation of a redesignation under paragraph (6),'' after ''(5) or (6)''; and

(7) in paragraph (8)—

(A) by striking ''(1)(B),'' and inserting ''(2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)'';

(B) by inserting ''or an alien in a removal proceeding'' after ''criminal action''; and

(C) by inserting ''or redesignation'' before ''as a defense''.

SEC. 203. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

''MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

''SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

''(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

''(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

''(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

''(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

''(B) is engaged in any other activity that endangers the national security of the United States.

''(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

''(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

''(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

''Sec. 236A. Mandatory detention of suspected terrorists; habeas corpus; judicial review.''.

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer an alien who may be so certified; or

(D) were released from detention.

SEC. 204. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking ''The records'' and inserting ''(1) Subject to paragraphs (2) and (3), the records'';

(2) by striking ''United States,'' and all that follows through the period at the end and inserting ''United States.''; and

(3) by adding at the end the following:

''(2) In the discretion of the Secretary of State, certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court.

''(3)(A) Subject to the provisions of this paragraph, the Secretary of State may provide copies of records of the Department of State and of diplomatic and consular offices of the United States (including the Department of State's automated visa lookout database) pertaining to the issuance or refusal of visas or permits to enter the United States, or information contained in such records, to foreign governments if the Secretary determines that it is necessary and appropriate.

''(B) Such records and information may be provided on a case-by-case basis for the purpose of preventing, investigating, or punishing acts of terrorism. General access to records and information may be provided under an agreement to limit the use of such records and information to the purposes described in the preceding sentence.

''(C) The Secretary of State shall make any determination under this paragraph in consultation with any Federal agency that compiled or provided such records or information.

''(D) To the extent possible, such records and information shall be made available to foreign governments on a reciprocal basis.''.

SEC. 205. CHANGES IN CONDITIONS FOR GRANTING ASYLUM AND ASYLUM PROCEDURES.

(a) ALIENS INELIGIBLE FOR ASYLUM DUE TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(A) by striking ''inadmissible under'' and inserting ''described in''; and

(B) by striking ''removable under'' and inserting ''described in''.

(2) RETROACTIVE APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to—

(A) actions taken by an alien before such date, as well as actions taken on or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States, whose application for asylum is pending on or after such date (except for applications with respect to which there has been a final administrative decision before such date).

(b) DISCLOSURE OF ASYLUM APPLICATION INFORMATION.—

(1) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following:

''(e) LIMITATION ON CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—The restrictions on information disclosure in section 208.6 of title 8, Code of Federal Regulations (as in effect on the date of the enactment of the PATRIOT Act or pursuant to any successor provision), shall not apply to a disclosure to any person, if—

''(A) the disclosure is made in the course of an investigation of an alien to determine if the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B); and

''(B) the Attorney General has reasonable grounds to believe that the alien may be so described.

''(2) EXCEPTION.—The requirement of paragraph (1)(B) shall not apply to an alien if the alien alleges that the alien is eligible for asylum, in whole or in part, because a foreign government believes that the alien is described in section 212(a)(3)(B)(i) or 237(a)(4)(B).

''(3) DISCLOSURES TO FOREIGN GOVERNMENTS.—If the Attorney General desires to disclose information to a foreign government under paragraph (1), the Attorney General shall request the Secretary of State to make the disclosure.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to the disclosure of information on or after such date.

SEC. 206. PROTECTION OF NORTHERN BORDER.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law) in each State along the northern border;

(2) such sums as may be necessary to triple the number of Immigration and Naturalization Service inspectors (from the number authorized under current law) at ports of entry in each State along the northern border; and

(3) an additional $50,000,000 to the Immigration and Naturalization Service for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border.

SEC. 207. REQUIRING SHARING BY THE FEDERAL BUREAU OF INVESTIGATION OF CERTAIN CRIMINAL RECORD EXTRACTS WITH OTHER FEDERAL AGENCIES IN ORDER TO ENHANCE BORDER SECURITY.

(a) IN GENERAL.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105), is amended—

(1) in the section heading, by adding ''AND DATA EXCHANGE'' at the end;

(2) by inserting ''(a) LIAISON WITH INTERNAL SECURITY OFFICERS.—'' after ''105.'';

(3) by striking ''the internal security of'' and inserting ''the internal and border security of''; and

(4) by adding at the end the following:

''(b) CRIMINAL HISTORY RECORD INFORMATION.—The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Secretary of State and the Commissioner access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index, Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the official to be provided access, for the purpose of determining whether a visa applicant or applicant for admission has a criminal history record indexed in any such file. Such access shall be provided by means of extracts of the records for placement in the Department of State's automated visa lookout database or other appropriate database, and shall be provided without any fee or charge. The Director of the Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon by the Attorney General and the official provided access. Upon receipt of such updated extracts, the receiving official shall make corresponding updates to the official's databases and destroy previously provided extracts. Such access to any extract shall not be construed to entitle the Secretary of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Secretary of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

''(c) RECONSIDERATION.—The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving official upon the development and deployment of a more cost-effective and efficient means of sharing the information.

''(d) REGULATIONS.—For purposes of administering this section, the Secretary of State shall, prior to receiving access to National Crime Information Center data, promulgate final regulations—

''(1) to implement procedures for the taking of fingerprints; and

''(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

''(A) to limit the redissemination of such information;

''(B) to ensure that such information is used solely to determine whether to issue a visa to an individual;

''(C) to ensure the security, confidentiality, and destruction of such information; and

''(D) to protect any privacy rights of individuals who are subjects of such information.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 105 to read as follows:

''Sec. 105. Liaison with internal security officers and data exchange.''.

(c) EFFECTIVE DATE AND IMPLEMENTATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall be fully implemented not later than 18 months after such date.

(d) REPORTING REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General and the Secretary of State, jointly, shall report to the Congress on the implementation of the amendments made by this section.

(e) CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index, or to any other information maintained by such center, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with sections 212 through 216 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 211. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) CONSTRUCTION.—For purposes of construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 212. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry to the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(e) GRANTS OF PAROLE EXTENDED.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 213. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries.

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 214. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 215. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 216. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 217. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 218. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

SEC. 301. STATUTE OF LIMITATION FOR PROSECUTING TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

"§ 3286. Terrorism offenses

"(a) An indictment may be found or an information instituted at any time without limitation for any Federal terrorism offense or any of the following offenses:

"(1) A violation of, or an attempt or conspiracy to violate, section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 844(f) or (i) when it relates to bombing (relating to arson and bombing of certain property), 1114(1) (relating to protection of officers and employees of the United States), 1116, if the offense involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 2332(a)(1) (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries) of this title.

"(2) Section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

"(3) Section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421).

"(4) Section 46502 (relating to aircraft piracy) of title 49.

"(b) An indictment may be found or an information instituted within 15 years after the offense was committed for any of the following offenses:

"(1) Section 175b (relating to biological weapons), 842(m) or (n) (relating to plastic explosives), 930(c) if it involves murder (relating to possessing a dangerous weapon in a Federal facility), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1992 (relating to trainwrecking), 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture).

"(2) Any of the following provisions of title 49: the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of

title 18, United States Code, is amended by amending the item relating to section 3286 to read as follows:

''3286. Terrorism offenses.''.

(c) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 302. ALTERNATIVE MAXIMUM PENALTIES FOR TERRORISM CRIMES.

Section 3559 of title 18, United States Code, is amended by adding after subsection (d) the following:

''(e) AUTHORIZED TERMS OF IMPRISONMENT FOR TERRORISM CRIMES.—A person convicted of any Federal terrorism offense may be sentenced to imprisonment for any term of years or for life, notwithstanding any maximum term of imprisonment specified in the law describing the offense. The authorization of imprisonment under this subsection is supplementary to, and does not limit, the availability of any other penalty authorized by the law describing the offense, including the death penalty, and does not limit the applicability of any mandatory minimum term of imprisonment, including any mandatory life term, provided by the law describing the offense.''.

SEC. 303. PENALTIES FOR TERRORIST CONSPIRACIES.

Chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

''§ 2332c. Attempts and conspiracies

''(a) Except as provided in subsection (c), any person who attempts or conspires to commit any Federal terrorism offense shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

''(b) Except as provided in subsection (c), any person who attempts or conspires to commit any offense described in section 25(2) shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

''(c) A death penalty may not be imposed by operation of this section.''; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2332b the following new item:

''2332c. Attempts and conspiracies.''.

SEC. 304. TERRORISM CRIMES AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or (F)'' and inserting ''(F)''; and

(2) by striking ''financial gain;'' and inserting ''financial gain, or (G) any act that is a Federal terrorism offense or is indictable under any of the following provisions of law: section 32 (relating to destruction of aircraft or aircraft facilities), 37(a)(1) (relating to violence at international airports), 175 (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) when it involves a bombing (relating to arson and bombing of certain property), 930(c) when it involves an attack on a Federal facility, 1114 when it involves murder (relating to protection of officers and employees of the United States), 1116 when it involves murder (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to trainwrecking), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title; section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or section 46502 (relating to aircraft piracy) or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.''.

SEC. 305. BIOLOGICAL WEAPONS.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking, ''section, the'' and inserting ''section—

''(1) the'';

(ii) by striking ''does not include'' and inserting ''includes'';

(iii) by inserting ''other than'' after ''system for''; and

(iv) by striking ''purposes.'' and inserting ''purposes, and

''(2) the terms biological agent and toxin do not encompass any biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both.'';

(2) by inserting after section 175a the following:

''§ 175b. Possession by restricted persons

''(a) No restricted person described in subsection (b) shall ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or Appendix A of part 72 of such title; except that the term select agent does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

''(b) As used in this section, the term 'restricted person' means an individual who—

''(1) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

''(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

''(3) is a fugitive from justice;

''(4) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(5) is an alien illegally or unlawfully in the United States;

''(6) has been adjudicated as a mental defective or has been committed to any mental institution; or

''(7) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination that remains in effect that such country has repeatedly provided support for acts of international terrorism.

''(c) As used in this section, the term 'alien' has the same meaning as that term is given in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), and the term 'lawfully' admitted for permanent residence has the same meaning as that term is given in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(d) Whoever knowingly violates this section shall be fined under this title or imprisoned not more than ten years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.''; and

(3) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 175a the following:

''175b. Possession by restricted persons.''.

SEC. 306. SUPPORT OF TERRORISM THROUGH EXPERT ADVICE OR ASSISTANCE.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''a violation'' and all that follows through ''49'' and inserting ''any Federal terrorism offense or any offense described in section 25(2)''; and

(B) by striking ''violation,'' and inserting ''offense,''; and

(2) in subsection (b), by inserting ''expert advice or assistance,'' after ''training,''.

SEC. 307. PROHIBITION AGAINST HARBORING.

Title 18, United States Code, is amended by adding the following new section:

''§ 791. Prohibition against harboring

''Whoever harbors or conceals any person who he knows has committed, or is about to commit, an offense described in section 25(2) or this title shall be fined under this title or imprisoned not more than ten years or both. There is extraterritorial Federal jurisdiction over any violation of this section or any conspiracy or attempt to violate this section. A violation of this section or of such a conspiracy or attempt may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''.

SEC. 308. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

''(j) SUPERVISED RELEASE TERMS FOR TERRORISM OFFENSES.—Notwithstanding subsection (b), the authorized terms of supervised release for any Federal terrorism offense are any term of years or life.''.

SEC. 309. DEFINITION.

(a) Chapter 1 of title 18, United States Code, is amended—

(1) by adding after section 24 a new section as follows:

"§ 25. Federal terrorism offense defined

''As used in this title, the term 'Federal terrorism offense' means an offense that is—

''(1) is calculated to influence or affect the conduct of government by intimidation or coercion; or to retaliate against government conduct; and

''(2) is a violation of, or an attempt or conspiracy to violate- section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175, 175b (relating to biological weapons), 229 (relating to chemical weapons), 351(a)–(d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 792 (relating to harboring terrorists), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) or (i) (relating to arson and bombing of certain property), 930(c), 956 (relating to conspiracy to injure property of a foreign government), 1030(a)(1), 1030(a)(5)(A), or 1030(a)(7) (relating to protection of computers), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of an energy facility), 1751(a)–(d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992, 2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture);

''(3) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284);

''(4) section 601 (relating to disclosure of identities of covert agents) of the National Security Act of 1947 (50 U.S.C. 421); or

''(5) any of the following provisions of title 49: section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3), (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved, or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.''; and

(2) in the table of sections in the beginning of such chapter, by inserting after the item relating to section 24 the following:

''25. Federal terrorism offense defined.''.

(b) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by striking ''is a violation'' and all that follows through ''title 49'' and inserting ''is a Federal terrorism offense''.

(c) Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by inserting ''(or to have the effect)'' after ''intended''; and

(B) in clause (iii), by striking ''by assassination or kidnapping'' and inserting ''(or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof)'';

(2) in paragraph (3), by striking ''and'';

(3) in paragraph (4), by striking the period and inserting ''; and''; and

(4) by inserting the following paragraph (4):

''(5) the term 'domestic terrorism' means activities that—

''(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; and

''(B) appear to be intended (or to have the effect)—

''(i) to intimidate or coerce a civilian population;

''(ii) to influence the policy of a government by intimidation or coercion; or

''(iii) to affect the conduct of a government (or any function thereof) by mass destruction, assassination, or kidnapping (or threat thereof).''.

SEC. 310. CIVIL DAMAGES.

Section 2707(c) of title 18, United States Code, is amended by striking ''$1,000'' and inserting ''$10,000''.

Subtitle B—Criminal Procedure

SEC. 351. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after ''executed'' the following: ''and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district''.

SEC. 352. DNA IDENTIFICATION OF TERRORISTS.

Section 3(d)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(1)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (H); and

(2) by inserting after subparagraph (F) the a new subparagraph as follows:

''(G) Any Federal terrorism offense (as defined in section 25 of title 18, United States Code).''.

SEC. 353. GRAND JURY MATTERS.

Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(1) by adding at the end the following:

''(v) when permitted by a court at the request of an attorney for the government, upon a showing that the matters pertain to international or domestic terrorism (as defined in section 2331 of title 18, United States Code) or national security, to any Federal law enforcement, intelligence, national security, national defense, protective, immigration personnel, or to the President or Vice President of the United States, for the performance of official duties.'';

(2) by striking ''or'' at the end of subdivision (iii); and

(3) by striking the period at the end of subdivision (iv) and inserting ''; or''.

SEC. 354. EXTRATERRITORIALITY.

Chapter 113B of title 18, United States Code, is amended—

(1) in the heading for section 2338, by striking ''**Exclusive**'';

(2) in section 2338, by inserting ''There is extraterritorial Federal jurisdiction over any Federal terrorism offense and any offense under this chapter, in addition to any extraterritorial jurisdiction that may exist under the law defining the offense, if the person committing the offense or the victim of the offense is a national of the United States (as defined in section 101 of the Immigration and Nationality Act) or if the offense is directed at the security or interests of the United States.'' before ''The district courts'';

(3) in the table of sections at the beginning of such chapter, by striking ''Exclusive'' in the item relating to section 2338.

SEC. 355. JURISDICTION OVER CRIMES COMMITTED AT UNITED STATES FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

''(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

''(A) the premises of United States diplomatic, consular, military, or other United States Government missions or entities in foreign states, including the buildings, parts of buildings, and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities; and

''(B) residences in foreign states and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities, except that this paragraph does not supercede any treaty or international agreement in force on the date of the enactment of this paragraph.''.

SEC. 356. SPECIAL AGENT AUTHORITIES.

(a) GENERAL AUTHORITY OF SPECIAL AGENTS.—Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) in the course of performing the functions set forth in paragraphs (1) and (3), obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under the authority of the United States;'';

(2) in paragraph (3)(F) by inserting ''or President-elect'' after ''President''; and

(3) by striking paragraph (5) and inserting the following:

''(5) in the course of performing the functions set forth in paragraphs (1) and (3), make arrests without warrant for any offense against the United States committed in the presence of the special agent, or for any felony cognizable under the laws of the United States if the special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony.''.

(b) CRIMES.—Section 37 of such Act (22 U.S.C. 2709) is amended by inserting after subsection (c) the following new subsections:

''(d) INTERFERENCE WITH AGENTS.—Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section shall be fined under title 18 or imprisoned not more than one year, or both.

''(e) PERSONS UNDER PROTECTION OF SPECIAL AGENTS.—Whoever engages in any conduct—

''(1) directed against an individual entitled to protection under this section, and

''(2) which would constitute a violation of section 112 or 878 of title 18, United States Code, if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject to the same penalties as are provided for such conduct directed against an individual subject to protection under such section of title 18.''.

TITLE IV—FINANCIAL INFRASTRUCTURE

SEC. 401. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SEC. 402. MATERIAL SUPPORT FOR TERRORISM.

Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following ''A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''; and

(2) in subsection (b), by striking ''or other financial securities'' and inserting ''or monetary instruments or financial securities''.

SEC. 403. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting after subparagraph (F) the following:

''(G) All assets, foreign or domestic—

''(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

''(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

''(iii) derived from, involved in, or used or intended to be used to commit any act of domestic terrorism or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.''.

SEC. 404. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of title IX of Public Law 106–387 shall be understood to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 405. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) of the Internal Revenue Code of 1986 (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

''(C) TERRORIST ACTIVITIES, ETC.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

''(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 of such Code (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

''(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of terrorist incidents, threats, or activities.

''(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

''(iii) REQUIREMENTS.—A request meets the requirements of this clause if—

''(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of terrorist incidents, threats, or activities, and

''(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning terrorists and terrorist organizations and activities. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

''(ii) REQUIREMENTS.—A request meets the requirements of this subparagraph if the request—

''(I) is made by an individual described in clause (iii), and

''(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iii) REQUESTING INDIVIDUALS.—An individual described in this subparagraph is an individual—

''(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

''(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning terrorists and terrorist organizations and activities.

''(iv) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(C) DISCLOSURE UNDER EX PARTE ORDERS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat.

''(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

''(I) there is reasonable cause to believe, based upon information believed to be reliable, that the taxpayer whose return or return information is to be disclosed may be connected to a terrorist activity or threat,

''(II) there is reasonable cause to believe that the return or return information may be relevant to a matter relating to such terrorist activity or threat, and

''(III) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

''(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subclauses (I) and (II) of subparagraph (C)(ii) are met.

''(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

''(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

''(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning terrorist activity, terrorist threats, or terrorist organizations.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) of such Code is amended by inserting ''any local law enforcement agency receiving information under subsection (i)(7)(A),'' after ''State,''.

(2) The heading of section 6103(i)(3) of such Code is amended by inserting ''OR TERRORIST'' after ''CRIMINAL''.

(3) Paragraph (4) of section 6103(i) of such Code is amended—

(A) in subparagraph (A) by inserting ''or (7)(C)'' after ''paragraph (1)'', and

(B) in subparagraph (B) by striking ''or (3)(A)'' and inserting ''(3)(A) or (C), or (7)''.

(4) Paragraph (6) of section 6103(i) of such Code is amended—

(A) by striking ''(3)(A)'' and inserting ''(3)(A) or (C), and

(B) by striking ''or (7)'' and inserting ''(7), or (8)''.

(5) Section 6103(p)(3) of such Code is amended—

(A) in subparagraph (A) by striking ''(7)(A)(ii)'' and inserting ''(8)(A)(ii)'', and

(B) in subparagraph (C) by striking ''(i)(3)(B)(i)'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii)''.

(6) Section 6103(p)(4) of such Code is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''or (5),'' the first place it appears and inserting ''(5), or (7),'', and

(ii) by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),'', and

(B) in subparagraph (F)(ii) by striking ''or (5),'' the first place it appears and inserting ''(5) or (7),''.

(7) Section 6103(p)(6)(B)(i) of such Code is amended by striking ''(i)(7)(A)(ii)'' and inserting ''(i)(8)(A)(ii)''.

(8) Section 7213(a)(2) of such Code is amended by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

SEC. 406. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

''(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

''(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.''.

TITLE V—EMERGENCY AUTHORIZATIONS

SEC. 501. OFFICE OF JUSTICE PROGRAMS.

(a) In connection with the airplane hijackings and terrorist acts (including, without limitation, any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, in the United States, amounts transferred to the Crime Victims Fund from the Executive Office of the President or funds appropriated to the President shall not be subject to any limitation on obligations from amounts deposited or available in the Fund.

(b) Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of Appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after ''that Office'', each place it occurs, by inserting ''(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)''; and

(2) by inserting ''functions, including any'' after ''all''.

(c) Section 1404B(b) of the Victim Compensation and Assistance Act is amended after ''programs'' by inserting '', to victim service organizations, to public agencies (including Federal, State, or local governments), and to non-governmental organizations that provide assistance to victims of crime,''.

(d) Section 1 of Public Law 107–37 is amended—

(1) by inserting ''(containing identification of all eligible payees of benefits under section 1201)'' before ''by a'';

(2) by inserting ''producing permanent and total disability'' after ''suffered a catastrophic injury''; and

(3) by striking ''1201(a)'' and inserting ''1201''.

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059B and inserting the following:

''§ 3059. Rewards and appropriation therefor

''(a) IN GENERAL.—Subject to subsection (b), the Attorney General may pay rewards in accordance with procedures and regulations established or issued by the Attorney General.

''(b) LIMITATIONS.— The following limitations apply with respect to awards under subsection (a):

''(1) No such reward, other than in connection with a terrorism offense or as otherwise specifically provided by law, shall exceed $2,000,000.

''(2) No such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President.

''(3) The Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and the House of Representatives not later than 30 days after the approval of a reward under paragraph (2);

''(4) Any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5) may provide the Attorney General with funds for the payment of rewards.

''(5) Neither the failure to make or authorize such a reward nor the amount of any such reward made or authorized shall be subject to judicial review.

''(c) DEFINITION.—In this section, the term 'reward' means a payment pursuant to public advertisements for assistance to the Department of Justice.''.

(b) CONFORMING AMENDMENTS.——

(1) Section 3075 of title 18, United States Code, and that portion of section 3072 of title 18, United States Code, that follows the first sentence, are repealed.

((2) Public Law 101–647 is amended—

(A) in section 2565—

(i) by striking all the matter after ''title,'' in subsection (c)(1) and inserting ''the Attorney General may, in the Attorney General's discretion, pay a reward to the declaring.''; and

(ii) by striking subsection (e); and

(C) by striking section 2569.

SEC. 503. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings ''Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs and Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction'' in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: ''*Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:''.

SEC. 504. DEPARTMENT OF STATE REWARD AUTHORITY.

(a) CHANGES IN REWARD AUTHORITY.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) by striking ''or'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting '', including by dismantling an organization in whole or significant part; or''; and

(C) by adding at the end the following new paragraph:

''(6) the identification or location of an individual who holds a leadership position in a terrorist organization.'';

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) by amending subsection (e)(1) to read as follows:

''(1) AMOUNT OF AWARD.—

''(A) Except as provided in subparagraph (B), no reward paid under this section may exceed $10,000,000.

''(B) The Secretary of State may authorize the payment of an award not to exceed $25,000,000 if the Secretary determines that payment of an award exceeding the amount under subparagraph (A) is important to the national interest of the United States.''.

(b) SENSE OF CONGRESS REGARDING REWARDS RELATING TO THE SEPTEMBER 11, 2001 ATTACK.—It is the sense of the Congress that the Secretary of State should use the authority of section 36 of the State Department Basic Authorities Act of 1956, as amended by subsection (a), to offer a reward of $25,000,000 for Osama bin Laden and other leaders of the September 11, 2001 attack on the United States.

TITLE VI—DAM SECURITY

SEC. 601. SECURITY OF RECLAMATION DAMS, FACILITIES, AND RESOURCES.

Section 2805(a) of the Reclamation Recreation Management Act of 1992 (16 U.S.C. 4601–33(a)) is amended by adding at the end the following:

''(3) Any person who violates any such regulation which is issued pursuant to this Act shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which such judge was appointed, in the same

manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

''(4) The Secretary may—

''(A) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to maintain law and order and protect persons and property within a Reclamation project or on Reclamation lands;

''(B) authorize law enforcement personnel of any other Federal agency that has law enforcement authority, with the exception of the Department of Defense, or law enforcement personnel of any State or local government, including Indian tribes, when deemed economical and in the public interest, and with the concurrence of that agency or that State or local government, to act as law enforcement officers within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned them by the Secretary to carry out the regulations promulgated under paragraph (2);

''(C) cooperate with any State or local government, including Indian tribes, in the enforcement of the laws or ordinances of that State or local government; and

''(D) provide reimbursement to a State or local government, including Indian tribes, for expenditures incurred in connection with activities under subparagraph (B).

''(5) Officers or employees designated or authorized by the Secretary under paragraph (4) are authorized to—

''(A) carry firearms within a Reclamation project or on Reclamation lands and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, and if such arrests occur within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

''(B) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for an offense committed within a Reclamation project or on Reclamation lands; and

''(C) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands, if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense or concurs with such investigation.

''(6)(A) Except as otherwise provided in this paragraph, a law enforcement officer of any State or local government, including Indian tribes, designated to act as a law enforcement officer under paragraph (4) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

''(B) For purposes of chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

''(C) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including Indian tribes, shall, when acting as a designated law enforcement officer under paragraph (4) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under this subchapter shall be reduced by the amount of any entitlement to State or local workers' compensation benefits arising out of the same injury or death.

''(7) Nothing in paragraphs (3) through (9) shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including Indian tribes, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

''(8) For the purposes of this subsection, the term 'law enforcement personnel' means employees of a Federal, State, or local government agency, including an Indian tribal agency, who have successfully completed law enforcement training approved by the Secretary and are authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of their employing jurisdiction.

''(9) The law enforcement authorities provided for in this subsection may be exercised only pursuant to rules and regulations promulgated by the Secretary and approved by the Attorney General.''.

TITLE VII—MISCELLANEOUS

SEC. 701. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators.

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 702. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR CIVIL RIGHTS, CIVIL LIBERTIES, AND THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for Civil Rights, Civil Liberties, and the Federal Bureau of Investigation (hereinafter in this section referred to as the ''Deputy'').

(b) CIVIL RIGHTS AND CIVIL LIBERTIES REVIEW.—The Deputy shall—

(1) review information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by government employees and officials including employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the Deputy; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

(c) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) FINANCIAL SYSTEMS.—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) PROGRAMS AND PROCESSES.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) INTERNAL AFFAIRS OFFICES.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) PERSONNEL.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) OTHER PROGRAMS AND OPERATIONS.—Reviewing matters relating to any other program or and operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

(6) RESOURCES.—Identifying resources needed by the Inspector General to implement such plan.

(d) REVIEW OF INVESTIGATIVE TOOLS.—Not later than August 31, 2003, the Deputy shall review the implementation, use, and operation (including the impact on civil rights and liberties) of the law enforcement and intelligence authorities contained in title I of this Act and provide a report to the President and Congress.

The SPEAKER pro tempore. In lieu of the amendment printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 is adopted.

The text of H.R. 2975, as amended pursuant to House Resolution 264, is as follows:

H.R. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America Act'' or the ''USA Act of 2001''.

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.

Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.
Sec. 223. Civil liability for certain unauthorized disclosures.
Sec. 224. Sunset.

TITLE III—FINANCIAL INFRASTRUCTURE

Sec. 301. Laundering the proceeds of terrorism.
Sec. 302. Material support for terrorism.
Sec. 303. Assets of terrorist organizations.
Sec. 304. Technical clarification relating to provision of material support to terrorism.
Sec. 305. Extraterritorial jurisdiction.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the northern border.
Sec. 402. Northern border personnel.
Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 404. Limited authority to pay overtime.
Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.
Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 413. Multilateral cooperation against terrorists.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

Sec. 421. Special immigrant status.
Sec. 422. Extension of filing or reentry deadlines.
Sec. 423. Humanitarian relief for certain surviving spouses and children.
Sec. 424. ''Age-out'' protection for children.
Sec. 425. Temporary administrative relief.
Sec. 426. Evidence of death, disability, or loss of employment.
Sec. 427. No benefits to terrorists or family members of terrorists.
Sec. 428. Definitions.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Attorney General's authority to pay rewards to combat terrorism.
Sec. 502. Secretary of State's authority to pay rewards.
Sec. 503. DNA identification of terrorists and other violent offenders.
Sec. 504. Coordination with law enforcement.
Sec. 505. Miscellaneous national security authorities.
Sec. 506. Extension of Secret Service jurisdiction.
Sec. 507. Disclosure of educational records.
Sec. 508. Disclosure of information from NCES surveys.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public safety officers benefit program payment increase.
Sec. 614. Office of Justice programs.

Subtitle B—Amendments to the Victims of Crime Act of 1984

Sec. 621. Crime victims fund.
Sec. 622. Crime victim compensation.
Sec. 623. Crime victim assistance.
Sec. 624. Victims of terrorism.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
Sec. 804. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 805. Material support for terrorism.
Sec. 806. Assets of terrorist organizations.
Sec. 807. Technical clarification relating to provision of material support to terrorism.
Sec. 808. Definition of Federal crime of terrorism.
Sec. 809. No statute of limitation for certain terrorism offenses.
Sec. 810. Alternate maximum penalties for terrorism offenses.
Sec. 811. Penalties for terrorist conspiracies.
Sec. 812. Post-release supervision of terrorists.
Sec. 813. Inclusion of acts of terrorism as racketeering activity.
Sec. 814. Deterrence and prevention of cyberterrorism.
Sec. 815. Additional defense to civil actions relating to preserving records in response to Government requests.
Sec. 816. Development and support of cybersecurity forensic capabilities.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National Virtual Translation Center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

TITLE X—MISCELLANEOUS

Sec. 1001. Payments.
Sec. 1002. Review of the department of justice.

SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the ''Counterterrorism Fund'', amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking ''2332c'' and inserting ''2332a''; and

(2) by striking ''chemical''.

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking ''; and'' and inserting a comma and the following: ''by any person, or with respect to any property, subject to the jurisdiction of the United States;'';

(B) in subparagraph (B)—

(i) by inserting '', block during the pendency of an investigation'' after ''investigate''; and

(ii) by striking ''interest;'' and inserting ''interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and'';

(C) by striking ''by any person, or with respect to any property, subject to the jurisdiction of the United States'; and

(D) by inserting at the end the following:

''(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.''; and

(2) by inserting at the end the following:

''(c) CLASSIFIED INFORMATION.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.''.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

''(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or''.

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking ''and section 1341 (relating to mail fraud),'' and inserting ''section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),''.

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) AUTHORITY TO SHARE GRAND JURY INFORMATION.—

(1) IN GENERAL.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking ''or'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; or''; and

(C) by inserting at the end the following:

''(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)), to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Within a reasonable time after such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.''.

(2) DEFINITION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting ''(i)'' after ''(C)'';

(B) redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(C) inserting at the end the following:

''(ii) In this subparagraph, the term 'foreign intelligence information' means—

''(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

''(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

''(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

''(aa) the national defense or the security of the United States; or

''(bb) the conduct of the foreign affairs of the United States.''.

(b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—

(1) LAW ENFORCEMENT.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

''(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose

such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.''.

(2) DEFINITION.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking ''and'' after the semicolon;

(B) in paragraph (18), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(19) 'foreign intelligence information' means—

''(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

''(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

''(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

''(i) the national defense or the security of the United States; or

''(ii) the conduct of the foreign affairs of the United States.''.

(c) PROCEDURES.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) FOREIGN INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) DEFINITION.—In this subsection, the term ''foreign intelligence information'' means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking ''this chapter or chapter 121'' and inserting ''this chapter or chapter 121 or 206 of this title''; and

(2) by striking ''wire and oral'' and inserting ''wire, oral, and electronic''.

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting '', or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons,'' after ''specified person''.

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) DURATION .—

(1) SURVEILLANCE.—Section 105(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by—

(A) inserting ''(A)'' after ''except that''; and

(B) inserting before the period the following: '', and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less''.

(2) PHYSICAL SEARCH.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking ''forty-five'' and inserting ''90''; and

(B) inserting ''(A)'' after ''except that''; and

(C) inserting before the period the following: '', and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for the period specified in the application or for 120 days, whichever is less''.

(b) EXTENSION.—

(1) IN GENERAL.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting ''(A)'' after ''except that''; and

(B) inserting before the period the following: '', and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year''.

(2) DEFINED TERM.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after ''not a United States person,'' the following: ''or against an agent of a foreign power as defined in section 101(b)(1)(A),''.

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking ''seven district court judges'' and inserting ''11 district court judges''; and

(2) inserting ''of whom no fewer than 3 shall reside within 20 miles of the District of Columbia'' after ''circuits''.

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with ''and such'' and all that follows through ''communication''; and

(B) in paragraph (14), by inserting ''wire or'' after ''transmission of''; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking ''CONTENTS OF ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC'' each place it appears;

(B) by striking ''contents of an electronic'' and inserting ''contents of a wire or electronic'' each place it appears; and

(C) by striking ''any electronic'' and inserting ''any wire or electronic'' each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking ''entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber'' and inserting the following: ''entity the—

''(A) name;

''(B) address;

''(C) local and long distance telephone connection records, or records of session times and durations;

''(D) length of service (including start date) and types of service utilized;

''(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

''(F) means and source of payment (including any credit card or bank account number),

of a subscriber''; and

(2) by striking ''and the types of services the subscriber or customer utilized,''.

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''or'';

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by inserting at the end the following:

''(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.''; and

(2) in subsection (h), by striking ''A governmental entity'' and inserting ''Except as provided in subsection (c)(2)(D), a governmental entity''.

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) DISCLOSURE OF CONTENTS.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 2702. Voluntary disclosure of customer communications or records'';

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking ''and'' at the end;

(ii) in paragraph (2)(B), by striking the period and inserting ''; and''; and

(iii) by inserting after paragraph (2) the following:

''(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.'';

(C) in subsection (b), by striking ''EXCEPTIONS.—A person or entity'' and inserting ''EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.— A provider described in subsection (a)'';

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking ''or'';

(ii) in subparagraph (B), by striking the period and inserting ''; or''; and

(iii) by adding after subparagraph (B) the following:

''(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay.''; and

(E) by inserting after subsection (b) the following:

''(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

''(1) as otherwise authorized in section 2703;

''(2) with the lawful consent of the customer or subscriber;

''(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

''(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

''(5) to any person other than a governmental entity.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

''2702. Voluntary disclosure of customer communications or records.''.

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 2703. Required disclosure of customer communications or records'';

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking ''(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may'' and inserting ''A governmental entity may require a provider of electronic communication service or remote computing service to'';

(ii) by striking ''covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

''(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity'' and inserting ''(''';

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting ''; or''; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

''(E) seeks information under paragraph (2).''; and

(D) in paragraph (2) (as redesignated) by striking ''subparagraph (B)'' and insert ''paragraph (1)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

''2703. Required disclosure of customer communications or records.''.

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In addition''; and

(2) by adding at the end the following:

''(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

''(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

''(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

''(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.''.

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking ''for any investigation to gather foreign intelligence information or information concerning international terrorism'' and inserting ''for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution'';

(2) by amending subsection (c)(2) to read as follows:

''(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.'';

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

''(A) shall specify—

''(i) the identity, if known, of the person who is the subject of the investigation;

''(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

''(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.''.

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking ''foreign intelligence information or information concerning international terrorism'' and inserting ''information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution''; and

(2) in subsection (b)(1), by striking ''foreign intelligence information or information concerning international terrorism'' and inserting ''information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution''.

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

''SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

''(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

''(2) An investigation conducted under this section shall—

''(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

''(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(b) Each application under this section—

''(1) shall be made to—

''(A) a judge of the court established by section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

''(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

''(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

''(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

''(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

''(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

''SEC. 502. CONGRESSIONAL OVERSIGHT.

''(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

''(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

''(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

''(2) the total number of such orders either granted, modified, or denied.''.

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—

''(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

''(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

''(3)(A) Where the law enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained which will identify—

''(i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network;

''(ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information;

''(iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and

''(iv) any information which has been collected by the device.

To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device.

''(B) The record maintained under subparagraph (A) shall be provided ex parte and under seal to the court which entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order (including any extensions thereof).''.

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking '', or who has been ordered by the court'' and inserting ''or applied, or who is obligated by the order''.

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking ''of an instrument'' and all that follows through the semicolon and inserting ''or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;''; and

(B) by inserting ''or process'' after ''a device''.

(4) CONFORMING AMENDMENT.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking ''and''; and

(B) by inserting '', and 'contents' '' after ''electronic communication service''.

(5) TECHNICAL AMENDMENT.—Section 3124(d) of title 18, United States Code, is amended by striking ''the terms of''.

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

''(20) 'protected computer' has the meaning set forth in section 1030; and

''(21) 'computer trespasser'—

''(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

''(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.''; and

(2) in section 2511(2), by inserting at the end the following:

''(i) It shall not be unlawful under this chapter for a person acting under color of

law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

''(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

''(II) the person acting under color of law is lawfully engaged in an investigation;

''(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

''(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.''.

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking ''the purpose'' and inserting ''a significant purpose''.

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after ''executed'' the following: ''and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district''.

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking ''under the Federal Rules of Criminal Procedure'' every place it appears and inserting ''using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation''; and

(2) in section 2711—

(A) in paragraph (1), by striking ''and'';

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

(C) by inserting at the end the following:

''(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.''.

SEC. 221. TRADE SANCTIONS.

(a) IN GENERAL.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

''(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.'';

(2) in section 906(a)(1)—

(A) by inserting '', the Taliban or the territory of Afghanistan controlled by the Taliban,'' after ''Cuba''; and

(B) by inserting '', or in the territory of Afghanistan controlled by the Taliban,'' after ''within such country''; and

(3) in section 906(a)(2), by inserting '', or to any other entity in Syria or North Korea'' after ''Korea''.

(b) APPLICATION OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of a wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.

(a) Section 2520 of title 18, United States Code, is amended—

(1) in subsection (a), after ''entity'', by inserting '', other than the United States,'';

(2) by adding at the end the following:

''(f) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.''; and

(3) by adding a new subsection (g), as follows:

''(g) IMPROPER DISCLOSURE IS VIOLATION.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).

(b) Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), after ''entity'', by inserting '', other than the United States,'';

(2) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.''; and

(3) by adding a new subsection (g), as follows:

''(g) IMPROPER DISCLOSURE.—Any willful disclosure of a 'record', as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title, or from a device installed pursuant to section 3123 or 3125 of this title, that is not a disclosure made in the proper performance of the official duties of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed to the public by a Federal, State, or local governmental entity.''.

(c)(1) Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

''§ 2712. Civil actions against the United States

''(a) IN GENERAL.—Any person who is aggrieved by any violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

''(1) actual damages, but not less than $10,000, whichever amount is greater; and

''(2) litigation costs, reasonably incurred.

''(b) PROCEDURES.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

''(2) Any action against the United States under this section shall be commenced within the time period set forth in section 2401(b) of title 28, United States Code. The claim shall accrue on the date upon which the claimant first discovers the violation.

''(3) Any action under this section shall be tried to the court without a jury.

''(4) Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

''(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

''(c) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the

court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

''(d) EXCLUSIVE REMEDY.—Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.''.

(2) The table of sections at the beginning of chapter 121 is amended to read as follows:

''2712. Civil action against the United States.''.

SEC. 224. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 211, 213, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2004.

(b) EXCEPTIONS.—(1) If the President notifies the Congress before December 31, 2004 that it is in the national interest that these provisions remain in effect, these provisions shall remain in effect until December 31, 2006 and cease to have effect on that date.

(2) With respect to any investigation that began before the date on which these provisions cease to have effect, these provisions shall continue in effect.

TITLE III—FINANCIAL INFRASTRUCTURE

SEC. 301. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SEC. 305. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

''(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

''(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.''.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting ''; DATA EXCHANGE'' after ''SECURITY OFFICERS'';

(2) by inserting ''(a)'' after ''SEC. 105.'';

(3) in subsection (a), by inserting ''and border'' after ''internal'' the second place it appears; and

(4) by adding at the end the following:

''(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC–III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

''(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

''(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

''(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

''(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

''(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

''(1) to implement procedures for the taking of fingerprints; and

''(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

''(A) to limit the redissemination of such information;

''(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

''(C) to ensure the security, confidentiality, and destruction of such information; and

''(D) to protect any privacy rights of individuals who are subjects of such information.''.

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC–III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the

United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings ''Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs'' and ''Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction'' in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: ''*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:''.

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

''(IV) is a representative (as defined in clause (v)) of—

''(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

''(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,'';

(ii) in subclause (V), by inserting ''or'' after ''section 219,''; and

(iii) by adding at the end the following new subclauses:

''(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

''(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,'';

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking ''clause (iii)'' and inserting ''clause (iv)'';

(D) by inserting after clause (i) the following:

''(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

''(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

''(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.'';

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting ''it had been'' before ''committed in the United States''; and

(ii) in subclause (V)(b), by striking ''or firearm'' and inserting '', firearm, or other weapon or dangerous device'';

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

''(II) to prepare or plan a terrorist activity;

''(III) to gather information on potential targets for terrorist activity;

''(IV) to solicit funds or other things of value for—

''(aa) a terrorist activity;

''(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

''(V) to solicit any individual—

''(aa) to engage in conduct otherwise described in this clause;

''(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

''(aa) for the commission of a terrorist activity;

''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply.''; and

(G) by adding at the end the following new clause:

''(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

''(I) designated under section 219;

''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

''(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv).''; and

(2) by adding at the end the following new subparagraph:

''(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking ''section 212(a)(3)(B)(iii)'' and inserting ''section 212(a)(3)(B)(iv)''.

(2) Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking ''or (IV)'' and inserting ''(IV), or (VI)''.

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, sections 212(a)(3)(B) and 237(a)(4)(B) of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C.

1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting ''or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)), or retains the capability and intent to engage in terrorist activity or terrorism)'' after ''212(a)(3)(B)'';

(2) in paragraph (1)(C), by inserting ''or terrorism'' after ''terrorist activity'';

(3) by amending paragraph (2)(A) to read as follows:

''(A) NOTICE.—

''(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

''(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).'';

(4) in paragraph (2)(B)(i), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(ii)'';

(5) in paragraph (2)(C), by striking ''paragraph (2)'' and inserting ''paragraph (2)(A)(i)'';

(6) in paragraph (3)(B), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in paragraph (4)(B), by inserting after the first sentence the following: ''The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.'';

(8) in paragraph (6)(A)—

(A) by inserting ''or a redesignation made under paragraph (4)(B)'' after ''paragraph (1)'';

(B) in clause (i)—

(i) by inserting ''or redesignation'' after ''designation'' the first place it appears; and

(ii) by striking ''of the designation''; and

(C) in clause (ii), by striking ''of the designation'';

(9) in paragraph (6)(B)—

(A) by striking ''through (4)'' and inserting ''and (3)''; and

(B) by inserting at the end the following new sentence: ''Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.'';

(10) in paragraph (7), by inserting '', or the revocation of a redesignation under paragraph (6),'' after ''paragraph (5) or (6)''; and

(11) in paragraph (8)—

(A) by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)'';

(B) by inserting ''or an alien in a removal proceeding'' after ''criminal action''; and

(C) by inserting ''or redesignation'' before ''as a defense''.

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

''MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

''SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

''(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

''(2) RELEASE.—Except as provided in paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

''(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

''(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

''(B) is engaged in any other activity that endangers the national security of the United States.

''(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

''(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

''(6) LIMITATION ON INDEFINITE DETENTION.—An alien detained under paragraph (1) who has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months if the release of the alien will not protect the national security of the United States or adequately ensure the safety of the community or any person.

''(b) HABEAS CORPUS AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3) or (a)(6)) is available exclusively in habeas corpus proceedings consistent with this subsection. Except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

''(2) APPLICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, including section 2241(a) of title 28, United States Code, habeas corpus proceedings described in paragraph (1) may be initiated only by an application filed with—

''(i) the Supreme Court;

''(ii) any justice of the Supreme Court;

''(iii) any circuit judge of the United States Court of Appeals for the District of Columbia Circuit; or

''(iv) any district court otherwise having jurisdiction to entertain it.

''(B) APPLICATION TRANSFER.—Section 2241(b) of title 28, United States Code, shall apply to an application for a writ of habeas corpus described in subparagraph (A).

''(3) APPEALS.—Notwithstanding any other provision of law, including section 2253 of title 28, in habeas corpus proceedings described in paragraph (1) before a circuit or district judge, the final order shall be subject to review, on appeal, by the United States Court of Appeals for the District of Columbia Circuit. There shall be no right of appeal in such proceedings to any other circuit court of appeals.

''(4) RULE OF DECISION.—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

''(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provision of the Immigration and Nationality Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

''Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.''.

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking ''except that in the discretion of'' and inserting the following: ''except that—

''(1) in the discretion of''; and

(2) by adding at the end the following:

''(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

''(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

''(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.''.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 421. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) CONSTRUCTION.—For purposes of construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE AND RETURN DELAYS.—For purposes of paragraphs (2) and (3), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) CIRCUMSTANCES PREVENTING ENTRY.—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) GRANTS OF PAROLE EXTENDED.—

(1) IN GENERAL.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(2) CIRCUMSTANCES PREVENTING RETURN.—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Attorney General for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 424. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 428. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) PAYMENT OF REWARDS TO COMBAT TERRORISM.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) CONDITIONS.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 502. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting '', including by dismantling an organization in whole or significant part; or''; and

(C) by adding at the end the following:

''(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.'';

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting '', except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.'' after ''$5,000,000''.

SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

''(2) In addition to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

''(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

''(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

''(C) Any attempt or conspiracy to commit any of the above offenses.''.

SEC. 504. COORDINATION WITH LAW ENFORCEMENT.

(a) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

''(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

''(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

''(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.''.

(b) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

''(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

''(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

''(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.''.

SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''Assistant Director'';

(2) in paragraph (1)—

(A) by striking ''in a position not lower than Deputy Assistant Director''; and

(B) by striking ''made that'' and all that follows and inserting the following: ''made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and''; and

(3) in paragraph (2)—

(A) by striking ''in a position not lower than Deputy Assistant Director''; and

(B) by striking ''made that'' and all that follows and inserting the following: ''made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''designee''; and

(2) by striking ''sought'' and all that follows and inserting ''sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director'' after ''designee'' the first place it appears; and

(B) by striking ''in writing that'' and all that follows through the end and inserting the following: ''in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.'';

(2) in subsection (b)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director'' after ''designee'' the first place it appears; and

(B) by striking ''in writing that'' and all that follows through the end and inserting the following: ''in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''; and

(3) in subsection (c)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''designee of the Director''; and

(B) by striking ''in camera that'' and all that follows through ''States.'' and inserting

the following: ''in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

''(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

''(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

''(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.''.

(b) REAUTHORIZATION OF JURISDICTION UNDER 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking ''credit and debit card frauds, and false identification documents or devices'' and inserting ''access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution''.

SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

''(j) INVESTIGATION AND PROSECUTION OF TERRORISM.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

''(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

''(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

''(2) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

''(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

''(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

''(4) RECORD-KEEPING.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.''.

SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

''(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

''(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

''(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

''(2) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

''(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

''(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.''.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) DEFINITIONS.—For purposes of this section, the terms ''catastrophic injury'', ''public agency'', and ''public safety officer'' have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before ''by a'' the following: ''(containing identification of all eligible payees of benefits pursuant to section 1201)'';

(2) inserting ''producing permanent and total disability'' after ''suffered a catastrophic injury''; and

(3) striking ''1201(a)'' and inserting ''1201''.

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) PAYMENTS.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking ''$100,000'' and inserting ''$250,000''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any death or disability occurring on or after January 1, 2001.

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after ''that Office'', each place it occurs, by inserting ''(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)''; and

(2) by inserting ''functions, including any'' after ''all''.

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute

not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking ''deposited in'' and inserting ''to be distributed from'';

(2) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(3) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(4) in subparagraph (C), by striking ''3'' and inserting ''5''.

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

''(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.''.

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting ''in fiscal year 2002 and of 60 percent in subsequent fiscal years'' after ''40 percent''.

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or''.

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(d) DEFINITIONS OF ''COMPENSABLE CRIME'' AND ''STATE''.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking ''crimes involving terrorism,''; and

(2) in paragraph (4), by inserting ''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting ''including the program established under title IV of Public Law 107–42,'' after ''Federal program,''.

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.''.

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking ''not more than'' and inserting ''not less than''; and

(2) in subparagraph (B), by striking ''not less than'' and inserting ''not more than''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

''(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.''.

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting ''and terrorist conspiracies and activities'' after ''activities'';

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

''(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)''; and

(3) by inserting at the end the following:

''(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.''.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

''§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

''(a) GENERAL PROHIBITIONS.—Whoever willfully—

''(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

''(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

''(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

''(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

''(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

''(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

''(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

''(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

''(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

''(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

''(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

''(c) DEFINITIONS.—In this section—

''(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

''(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

''(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

''(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

''(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

''(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

''(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

''(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.''.

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

''1993. Terrorist attacks and other acts of violence against mass transportation systems.''.

SEC. 802. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking ''by assassination or kidnapping'' and inserting ''by mass destruction, assassination, or kidnapping'';

(2) in paragraph (3), by striking ''and'';

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(5) the term 'domestic terrorism' means activities that—

''(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

''(B) appear to be intended—

''(i) to intimidate or coerce a civilian population;

''(ii) to influence the policy of a government by intimidation or coercion; or

''(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

''(C) occur primarily within the territorial jurisdiction of the United States.''.

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

''(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;''.

SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

''§ 2339. Harboring or concealing terrorists

''(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.''.

''(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

''2339. Harboring or concealing terrorists.''.

SEC. 804. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

''(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

''(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

''(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.''.

SEC. 805. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', within the United States,'';

(B) by inserting ''229,'' after ''175,'';

(C) by inserting ''1993,'' after ''1992,'';

(D) by inserting '', section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),'' after ''of this title'';

(E) by inserting ''or 60123(b)'' after ''46502''; and

(F) by inserting at the end the following: ''A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''; and

(2) in subsection (b)—

(A) by striking ''or other financial securities'' and inserting ''or monetary instruments or financial securities''; and

(B) by inserting ''expert advice or assistance,'' after ''training,''.

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

''(G) All assets, foreign or domestic—

''(i) of any individual, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

''(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

''(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.''.

SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after ''terrorism'' the following: ''and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title,'' before ''and the Secretary''; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

''(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

''(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

''(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.''.

SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

''§ 3286. Extension of statute of limitation for certain terrorism offenses.

''(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

''(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 810. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking ''not more than twenty years'' and inserting ''for any term of years or for life''.

(b) DESTRUCTION OF AN ENERGY FACILITY.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''ten'' and inserting ''20''; and

(2) by adding at the end the following:

''(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.''.

(c) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by striking the period and inserting '', and, if the death of any person results, shall be imprisoned for any term of years or for life.''.

(d) MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by striking the period after ''or both'' and inserting '', and, if the death of any person results, shall be imprisoned for any term of years or for life.''.

(e) DESTRUCTION OF NATIONAL-DEFENSE MATERIALS.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking ''ten'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking ''ten'' each place it appears and inserting ''20'';

(2) in subsection (a), by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''; and

(3) in subsection (b), by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(g) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking ''15'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(h) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ''15'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking '', or attempts to set fire to or burn''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be imprisoned''.

(b) KILLINGS IN FEDERAL FACILITIES.—Section 930(c) of title 18, United States Code, is amended—

(1) by striking ''or attempts to kill'';

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be punished''; and

(3) by striking ''and 1113'' and inserting ''1113, and 1117''.

(c) COMMUNICATIONS LINES, STATIONS, OR SYSTEMS.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ''or attempts willfully or maliciously to injure or destroy''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(d) BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended—

(1) by striking ''or attempts to destroy or injure''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined'' the first place it appears.

(e) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

''(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.''.

(f) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A of title 18, United States Code, is amended by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(g) TORTURE.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

''(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.''.

(h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking '', or who intentionally and willfully attempts to destroy or cause physical damage to'';

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''; and

(2) in subsection (b)—

(A) by striking ''or attempts to cause''; and

(B) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(i) INTERFERENCE WITH FLIGHT CREW MEMBERS AND ATTENDANTS.—Section 46504 of title 49, United States Code, is amended by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(j) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

''(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.''.

(k) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking '', or attempting to damage or destroy,''; and

(2) by inserting '', or attempting or conspiring to do such an act,'' before ''shall be fined''.

SEC. 812. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

''(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.''.

SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or (F)'' and inserting ''(F)''; and

(2) by inserting before the semicolon at the end the following: '', or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B)''.

SEC. 814. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting ''(i)'' after (A)'';

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding ''and'' at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

''(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

''(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;''.

(b) PENALTIES.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting ''except as provided in subparagraph (B),'' before ''a fine'';

(ii) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(iii) by striking ''and' at the end;

(B) in subparagraph (B), by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(C) in subparagraph (C), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking '', (a)(5)(A), (a)(5)(B),'' both places it appears; and

(B) by striking ''and'' at the end; and

(3) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(4) by adding at the end the following new paragraphs:

''(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

''(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

''(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.''.

(c) DEFINITIONS.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;'';

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

''(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

''(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

''(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;''.

(d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: ''A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages.''; and

(2) by adding at the end the following: ''No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.''.

(e) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after ''or statutory authorization'' the following: ''(including a request of a governmental entity under section 2703(f) of this title)''.

SEC. 816. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in

order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance or physical search operations pursuant to that Act unless otherwise authorized by statute or executive order;''.

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: '', or international terrorist activities''; and

(2) in paragraph (3), by striking ''and activities conducted'' and inserting '', and activities conducted,''.

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

''DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

''SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

''(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

''(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

''(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

''Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

''Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.''.

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the

Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the ''National Virtual Translation Center''.

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term ''foreign intelligence'' has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

TITLE X—MISCELLANEOUS

SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.

The Inspector General of the Department of Justice shall designate one official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes of debate on the bill, as amended.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2975, the bill under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, on September 11, 2001, a war was started on United States soil. It was not a war we voluntarily entered. It was not a war we started. We were not given a choice. We were dragged into a war that day, a war on terrorism.

Every day since September 11, we are reminded of these violent acts. The media reminds us daily with pictures of the missing, interviews with survivors, films of the many memorial services, and images of the massive destruction. We are constantly reminded that this is a war that is far from over. The rules of this war are vastly different from the wars that we have fought as a country in the past. We are uncertain who the enemy is. We are uncertain where the enemy is. We are more uncertain than ever before when and what the next move of the enemy will be.

Because of this uncertainty, we have had to change the way that we think about the safety and security of our country and its people. We must develop new weapons for protection against this new kind of war.

It is this new approach to safety and security that has required us to take action today. This bipartisan legislation will give law enforcement new weapons to fight this new kind of war. Terrorists have weapons that law enforcement cannot protect against right now. Technology has made extraordinary advances; but with these advances in the wrong hands, we are more vulnerable to attacks.

Indeed, it cannot be denied that law enforcement tools created decades ago were crafted for rotary telephones, not e-mail, the Internet, mobile communications, and voice mail. Thus, this legislation, like the previous Committee on the Judiciary version and Senate 1510, modernizes surveillance capabilities by ensuring that pen register and trap and trace court orders apply to new technologies, such as the Internet, and can be executed in multiple jurisdictions anywhere in the United States.

Criminal provisions dealing with stored electronic communications will be updated to allow law enforcement to seize stored voice-mail messages the same way they can seize a taped answering machine message. Additionally, under this bill, a court may authorize a pen register or trap/trace order that follows the person from cell phone to cell phone rather than requiring law enforcement to return to court every time the person switches cell phones. The bill, consistent with our constitutional system of government, still requires a judge to approve wiretaps, search warrants, pen registers, and trap/trace devices.

Like the Committee on the Judiciary reported bill, this new bill continues to provide for nationwide service of warrants for electronic evidence, such as content of e-mails, and search warrants for terrorism. Current rules require that a search warrant be issued from the judicial district in which the property to be searched is located. The bill would change this to permit the prosecutor to go to the judge in the district overseeing the investigation to issue the warrant, and in the case for search warrants for terrorism offenses, in any district in which activities related to terrorism occurred. This will save valuable time.

It is clearly within the public interest and the Federal Government's mandate to keep out of the United States persons who are intent on inciting or engaging in terrorist activities. This bill furthers that goal by expanding the definitions related to terrorist organizations. Under current law, unless otherwise specified, an alien is inadmissible and deportable for engaging in terrorist activities only when the alien has used explosives or firearms. This act eliminates that limitation so that any terrorist who has used any object, including a knife, a box-cutter, or an airplane, would be inadmissable and deportable.

Under the current regulatory regime, the INS can detain an alien for 48 hours before making a decision as to charging the alien with a crime or removable offense. The INS uses this time to establish an alien's true identity, to check foreign and domestic databases for information about the alien, and to liaise with law enforcement agencies.

This act extends that time period to 7 days so that the INS is not forced to release a terrorist simply because it has not had adequate time to do a thorough investigation.

The substantive criminal law statutes are also toughened in order to treat crimes of terrorism with the same level of importance as the most serious crimes in our country. Some of these new provisions include no statutes of limitations for the most serious crimes of terrorism, allowing a judge to sentence a terrorist to prison for any number of years up to life for any offense that is defined as a ''Federal terrorism offense,'' and subjecting persons convicted of conspiracy to commit terrorism to the same penalties as those who actually commit the offense. Any person convicted of a terrorism offense will now be under supervision for as long as the court determines is necessary, including up to life.

The act also expands the definition of support for terrorism for which a person can be prosecuted to include providing expert advice to terrorists and harboring or concealing a suspected terrorist.

This new bill also continues the compromise language between current law and the administration's initial proposal for the showing needed for FISA, the Foreign Intelligence Surveillance Act, investigations using wiretaps. Current FISA law requires that in order to obtain a FISA wiretap, the Attorney General must certify that the gathering of foreign intelligence is the purpose or a primary purpose of the investigation.

The administration draft wanted to change this to only require a certification that it was a purpose. This bill requires the Attorney General must certify that it is a significant purpose.

Furthermore, this bill, like the Committee on the Judiciary reported bill, provides for roving wiretaps for FISA investigations. Currently under FISA, the government must identify and get a separate order for each phone to be tapped. This provision allows the government to make a showing to a court that the target is changing phones to thwart the tap, and to allow the court to authorize taps of any phones which the target may use. This provision is consistent with current criminal law.

Importantly, the bill does not do anything to take away the freedoms of innocent citizens. Of course we all recognize that the fourth amendment to the Constitution prevents the government from conducting unreasonable searches and seizures, and that is why this legislation does not change the United States Constitution or the rights guaranteed to citizens of this country under the Bill of Rights.

We should keep in mind that the Preamble to the Constitution states that it was ordained to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and to secure the blessings of liberty.

Well, let me say, on September 11, our common defense was penetrated, and America's tranquility, welfare, and liberty were ruthlessly attacked. I urge the Members of this body to stand united together in recognition of the important purpose we must serve in preventing terrorist attacks in the future and prosecuting those who have already attacked us.

Mr. Speaker, I would like to say a little bit about the road this legislation has traveled on the way to the floor today. The road was relatively short, but certainly not without its twists and turns. Along the way, the legislation has been the subject of intense negotiation between House Republicans and Democrats, the administration, Members from the other body, and our leaders here in the House. After a 36 to nothing markup in the House Committee on the Judiciary last week and the introduction of a bipartisan antiterrorism bill in the other body, we were faced with trying to reconcile two different bipartisan bills, one of which garnered stronger support by the administration.

However, our goal remains clear, to quickly come to agreement on legislation that will provide our law enforcement and intelligence officials with new tools necessary to more effectively battle terrorism and other crimes.

□ 1430

The bill before us now makes several changes to the bill passed by the other body last night, although most core provisions are very similar or are identical to the bill reported by the Committee on the Judiciary last week. Indeed, S. 1510 incorporated many of our committee's provisions. Most importantly, this bill preserves a sunset over many provisions of the bill. It is longer than the 2-year sunset contained in the bill passed by the Committee on the Judiciary; but, nonetheless, I believe it does the trick. It should keep the Department of Justice in line while providing Congress the opportunity to conduct effective oversight over the implementation and use of these new law enforcement authorities.

Mr. Speaker, this has not been the ideal process, and the legislation before us now does not represent a perfect compromise. However, the work of the House Committee on the Judiciary over the past 3 weeks has greatly improved upon the original Justice Department proposal. I believe it now responsibly addresses many of the shortcomings of the current law and improves law enforcement's ability to prevent future terrorism activities and the preliminary crimes which further such activities while preserving the civil rights of our citizens.

I urge my colleagues to support this bipartisan effort.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). Without objection, the gentleman from Michigan (Mr. CONYERS) is recognized to control the time.

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to begin our discussion by yielding 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, like every American citizen, the emotions that we as Members of Congress and I personally have gone through over the last 31 days since September 11 have spanned the whole course.

As I saw the buildings crash in New York, I wondered whether the terrorists would prevail, only to see the firefighters and police officers and rescue workers spring to their work, lift their shoulders, observe my colleagues on the steps of the House of Representatives that evening singing ''God Bless America'' and raise my head and say, we will prevail over them.

When I heard the Attorney General come and say we had to pass an antiterrorism bill in 2 days following that, I wondered whether the terrorists would prevail. And the admiration that I had for our committee chairman, the gentleman from Wisconsin, and the ranking member of our committee as they stood and said, we cannot do this in the heat of passion, we must honor the constitutional requirements, caused me to raise my head and say, we will prevail.

When I saw the incidents around the country of attacks on Arabs and Muslim mosques, I wondered whether the terrorists would succeed. And with pride I saw my President spring and say, ''We cannot tolerate this kind of attack on our people,'' and I raised my head with pride.

On the floor of this House, I saw Secretary Colin Powell and Secretary Rumsfeld come and brief us and say that we are approaching this methodically; and I raised my head with pride and said, we will prevail.

Today, we have another test in this House to determine whether we will

stand strong in support of our constitutional rights and be able at the end of this debate to raise our heads with pride and not to cower to the terrorists and give away the constitutional rights that our Founding Fathers have given to us.

This bill in my estimation goes too far in giving away those rights. I ask my colleagues to consider carefully the provisions of this bill and its implications for whether we prevail in our fight against terrorism.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Crime, I support this legislation.

Security is valued, yet it is often unappreciated until taken away. What happened on September 11, 2001, has made us feel like we lost our sense of security. It doesn't have to be that way.

We are united like never before, resolved to defeat terrorism and protect American lives. We seek a return to ''normal,'' although the word normal takes on a new meaning now. Law enforcement officials need all the necessary tools to confront the daunting tasks ahead. The administration initially offered a strong antiterrorism bill that would have helped bring terrorists to justice. The Attorney General asked for measures he believed would reduce the threat of terrorist attacks. Unfortunately, some in the administration disregarded the public mandate for increased safety and agreed to weaken the bill.

However, the legislation does make improvements in current law.

Intelligence Gathering—The bill expands law enforcement's ability to obtain wiretaps and ''trap and trace'' authority, which is a method used to identify the origin of a message. (This component was added from legislation I had previously introduced.)

Criminal Justice—The bill expedites court proceedings and increases penalties related to terrorism.

Financial Infrastructure—The bill expands the law to allow seizure of assets of terrorist organizations.

Information Sharing—The bill promotes interagency cooperation so that data is shared among agencies and used to its fullest extent.

Border Security—The bill authorizes additional funds to the INS for purposes of making improvements in technology for monitoring both the northern and southern borders and triples the number of Border Patrol personnel in each state along the northern border.

It is critically important to implement solutions to combat the threats to America. This antiterrorism legislation reduces our vulnerability to terrorist attacks, though it should have done more.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman emeritus of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time; and I want, before I launch into my remarks, to congratulate him and the gentleman from Michigan for a thoroughly professional, workmanlike job in shepherding this complicated bill through the committee. They came out with a wonderful work product despite all of the difficulties and pressures and anxieties. I am very proud of both of them as Members of the House.

I do support this bill, but I am disappointed that the process by which it came to the floor has resulted in the omission of a number of antiterrorism measures that are important to the Committee on International Relations and of personal interest to me. In saying this, I direct no criticism to my colleagues on the Committee on the Judiciary. To the contrary, throughout this process there has been excellent cooperation between the Committee on International Relations and the Committee on the Judiciary and between the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. LANTOS), and myself. I especially want to commend the gentleman from California for his patient efforts to work with us and for the bipartisan spirit in which he approached this project.

We did not mark up this legislation within the Committee on International Relations, even though we had jurisdiction to do so. Instead, the gentleman from California and I jointly filed an amendment with the Committee on Rules seeking to add provisions to the bill that we believe would have been approved by our committee had we marked up the measure. Our amendment included provisions designed to improve U.S. monitoring of foreign terrorist organizations and of foreign countries that provide direct or indirect support to such organizations. Regrettably, the rule has not made our amendment in order.

In addition, our committee on a bipartisan basis proposed a number of refinements to provisions within our jurisdiction that were requested by the administration. These refinements were largely technical in nature, relating to such matters as the vesting of foreign assets under the International Emergency Economic Powers Act and the sharing of U.S. visa information with foreign governments. But they were important to us, and we were pleased that the Committee on the Judiciary agreed to include them in their version of this bill. Regrettably, these refinements have also been left out of the bill now before us.

Finally, the version of this bill that was approved by the Committee on the Judiciary included three amendments offered by me relating to money laundering, counternarcotics training in Central Asia and other matters. All three of these amendments were omitted from H.R. 3108.

I know the gentleman from California joins me in saying that the bill before us is much weaker than it would have been had it included the proposals we developed. I hope to work with him to correct this through separate legislation that we can move quickly through the Committee on International Relations. I hope our colleagues on the Committee on the Judiciary will work with us to expedite our efforts.

Again, I congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. CONYERS), and the gentleman from California (Mr. LANTOS).

Mr. CONYERS. Mr. Speaker, no one has worked with more energy and thoughtfulness than the gentleman from Virginia (Mr. SCOTT) to whom I yield 2 minutes.

Mr. SCOTT. Mr. Speaker, there are a lot of provisions of this bill that ought to cause concern. One is the wiretap provision, because we have changed several provisions which, taken together, represent a fundamental attack on principles of privacy.

One change we made is to allow Federal investigators to share information from intelligence-gathering and criminal investigation. That is important because under foreign intelligence gathering, the standard is intelligence gathering. For the crime, you need probable cause that a crime has been committed. Since they cannot share, this has never been a problem. But now that we are allowing them to share information, you could essentially conduct a criminal investigation using the FISA standard.

We also then reduced the standard under foreign intelligence wiretap. It used to be that it had to be the primary purpose of the wiretap. Under this bill, it can be a significant purpose. Obviously not the primary purpose. And what is the primary purpose? If it is criminal investigation, then you ought to have had probable cause to get the warrant; and if you do not have probable cause, that is not the way we ought to be investigating crimes.

Third, we have this roving wiretap where you can assign the wiretap to the person and the wiretap follows the person. That means that wherever the person goes, whatever phone that the person uses, you can tap that phone, neighbors, pay phones, anybody else; and therefore you have a situation where innocent people who may also be using that phone will have their conversations listened in on. I will note that this is not limited to terrorism, and it is not even limited to criminal activity.

The language in this bill needs improvement. That is why we at least insisted on a short sunset that has been expanded to a full 5 years. We need time to reconsider and draft legislation without the rush that this bill has been subjected to. We need to make sure that we have a bill that we can be proud of. The Committee on the Judiciary had a bill; we ought to go back to that bill. But we ought to be concerned

about the wiretap provisions under this legislation.

Mr. CONYERS. Mr. Speaker, one of the most thoughtful members of our committee and of the Congress is the gentleman from Massachusetts (Mr. FRANK) to whom I yield 2 minutes.

Mr. FRANK. Mr. Speaker, we recognize that the chairman of the full committee tried hard to preserve some of our process; but powers beyond, it seem to me, his control have given us the least democratic process for debating questions fundamental to democracy I have ever seen.

But I want to get to substance while continuing to deplore this outrageous and unfair procedure whereby the product that we voted on in committee cannot even be offered. No amendments. No amendments.

But I want to explain what the substantive problem is. What we decided to do in committee, correctly, was to give to the law enforcement officials all the expanded powers they asked for, because we want to be protected. And electronic evolution requires an evolution in the powers. But we simultaneously tried to put into effect a full set of safeguards to minimize the chance that human beings, fallible ones, would abuse the powers.

The problem is that the bill before us today preserves the fullness of the powers, but substantially weakens the safeguards against the misuse of the powers. The major safeguard was the sunset. Knowing that within 2 years they would have to come back for a renewal of these powers was the best way to build into the bureaucracy respect and avoid abuse. A 5-year sunset greatly diminishes that. They can figure, hey, we have got a couple of years and if we come in in the fifth year and we can say, Well, there weren't any problems lately, that is one thing.

This bill may well not, in fact, be the final bill. It could go to conference with the Senate, which has no sunset at all and that sunset may recede into the sunset. We also created an Assistant Inspector General and called it an Assistant Inspector General for the purposes of trying to monitor this. That office has been downgraded.

We are trying to do something very delicate. We are trying to empower law enforcement and simultaneously put constraints on them. A bill that gives the full powers and weakens the constraints is an inadequate bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for his hard work on this legislation, as well as the ranking member.

If I might ask the chairman, it is my understanding from committee staff that the report language which was very important in the way the committee crafted this legislation in clarifying certain points, that the rule is written so that that report language will be incorporated into the final product that will be reported from the House.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman is correct. The report will follow this bill.

□ 1445

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, the recent attacks on the World Trade Center and the Pentagon have permanently changed America. September 11, 2001, was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war, and Congress must respond.

The world we live in since September 11 will require us to be more patient, to be more careful, and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the other members of the committee for their dedication to crafting a bipartisan bill that will give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill was unanimously passed out of the Committee on the Judiciary and is a product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The version that has been brought to the floor of the House does not contain everything that I would like it to contain that was in the Committee on the Judiciary version, but it is still a strong and solid bill; and I commend the chairman and the ranking member for their work to incorporate as much of the committee's language into this final product as possible.

I urge Members to support this legislation.

The recent attacks on the World Trade Center and Pentagon have permanently changed America. September 11, 2001 was the clarion call to arms in a new war against terrorism. Our law enforcement operatives will need new tools to fight this war and Congress must respond.

The world that we live in since September 11th will require us to be more patient, to be more careful and to tolerate more inconveniences. However, we must be careful not to trade our personal freedoms for the promise of security. Once we have sacrificed the civil liberties that our Nation was founded on, then and only then have we allowed terrorism to defeat us.

I would like to commend Chairman SENSENBRENNER and Ranking Member CONYERS for their dedication to crafting a bipartisan bill that would give law enforcement the tools it needs to fight a war on terrorism while still protecting the civil liberties of Americans.

The bill that was unanimously passed out of the Judiciary Committee is the product of much deliberation and compromise. While not perfect, it achieves a difficult balance between providing law enforcement with the tools it needs to wage an effective war against terrorism and the protection of American's civil liberties.

The PATRIOT Act clarifies that orders for the installation of pen register and trap and trace devices apply to a broad variety of communications technologies, including the Internet. An issue of particular concern to me that was raised during the crafting of the Judiciary-passed bill is the clarification that these devices may not capture content information.

I commend the Chairman and Ranking Member for including statutory language in the Judiciary bill that makes this clarification. Language stating that these devices may not capture the contents of any communication is also included in the bill that is before us today.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), a thoughtful member of our committee that has worked on many of the important ideas that have helped shape our legislative product.

Ms. LOFGREN. Mr. Speaker, I do have concerns about the measure before us; but before touching on those concerns, I would like to state here publicly the esteem I have for the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, as well as the gentleman from Michigan (Mr. CONYERS), the ranking member. They have really conducted themselves in the very finest manner possible, and I am proud to be serving in this House with the two of them.

We worked together on the Committee on the Judiciary understanding that we need to do everything we can to make sure that law enforcement has all the tools necessary to keep our country safe, and we came out with a good measure. It may not be a perfect measure. But there are risks inherent in some of the changes we made, and most particularly the changes made in the area of FISA that my colleague the gentleman from Virginia (Mr. SCOTT) basically mentioned.

We are changing the way we deal with the fourth amendment, and we were prepared to do that in the Committee on the Judiciary, provided that we had a review. We had a 2-year sunset clause on that FISA section. Because we are on new ground here, we may be on thin ice; and we wanted to make sure that we force ourselves to review that provision so that the freedoms of Americans are not destroyed as we fight to destroy the terrorists. I am very concerned that the sunset provision relative to FISA and the fourth amendment has not been adhered to in this bill, and I feel obliged to mention that.

Also, as the gentleman from Illinois (Mr. HYDE) mentioned, we could have

had a much tougher bill. We could have given much greater authority in some areas, and we would have had a unanimous vote actually among the Committee on the Judiciary on this floor perhaps for some of those.

So I have concerns, but I do very much honor the chairman and ranking member for their efforts.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, I thank the chairman for yielding me time.

As we consider today the expansion of Federal law enforcement powers, I am reminded that as we redefine this often-delicate balance between our country's national defense and individual rights, we must be very careful.

I have over the years, though, become convinced that some adjustments are needed to our criminal law. Given the significantly greater ability of the criminal, particularly the terrorists, to freely operate worldwide, and given the advancing technology of communications, simply put, the laws that we have are no longer adequate for the good guys to keep up with the bad guys. At this time I think it is very appropriate that the good guys get the edge once again.

This PATRIOT bill, H.R. 2975, I believe is a balanced approach to our fight against terrorism. I believe it is an appropriate response to a very real problem. Neither our constitutional rights nor our fundamental rights of privacy are dismissed. Please keep in mind we are not waiving in any way or voiding the Constitution today. The provisions of this PATRIOT bill will undoubtedly be tested and must withstand challenge in a court of law. I believe they will meet the constitutional test.

But for now, the ability of our law enforcement to uncover and ferret out, particularly acts of terrorism, these abilities are enhanced with this bill. Clearly this is needed. The Attorney General, the chief law enforcement officer on the Federal level in this country, has asked for this bill; and I believe it should be an effective one in preventing more tragic events like those that occurred September 11.

I urge my colleagues to be in support of this bill.

I close with a statement by Thomas Paine on another September 11, some 224 years ago, when he said, ''Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it.''

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER), whom I am inviting to speak out of order for a special reason.

Mr. OTTER. Mr. Speaker, I thank the gentleman from Michigan for this courtesy.

Mr. Speaker, I rise as many others have already said today to congratulate the chairman of the committee and the ranking member for the great work and the great task which they undertook. However, Mr. Speaker, I cannot support this effort. I do support Governor Ridge, and I do support Attorney General Ashcroft and the President of the United States. However, Mr. Speaker, I feel like this bill goes way too far.

Some of the provisions place more power in the hands of law enforcement than our Founding Fathers could have ever dreamt. Nationwide warrants and secret courts would have been familiar to the Founding Fathers, Mr. Speaker, because they fought against those very institutions when they fought the British.

This bill promises security, but Americans need to be secure with their liberties. This bill promises safety, but Americans are only safe if they are free.

Mr. Speaker, others have said it more eloquently than I. Patrick Henry, for instance, said it when he said, ''I have but one lamp which guides my feet, and that is the lamp of experience. I know of no way of judging the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years to justify those hopes which gentlemen now today are pleased to solace themselves.''

John Stewart Mill said, ''A people may prefer a free government, but if from indolence, or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if they can be deluded by the artifices used to cheat them out of their liberties; if by momentary discouragement or temporary panic or a fit of enthusiasm for an idea or an individual, they can be deluded to lay their liberties at the feet of even a great man, or trust him with powers which enable them to subvert their institutions, in all these cases they are more or less unfit for liberty.''

I urge my colleagues to listen to the voices of these patriots and reject the so-called "PATRIOT" Act. I support my President, I support law enforcement, but I also support the fundamental rights and liberties of the American people.

I include the following for the RECORD.

PARTIAL LIST OF FEDERAL LAW ENFORCEMENT AGENCIES

Border Patrol.
ATF.
Capitol Police.
Coast Guard.
Customs.
Defense Investigative Service.
Defense Protective Service.
DOD Police.
Drug Enforcement Agency.
EPA.
FAA.
FBI.
Bureau of Prisons.
FDIC Basic Inspectors.
GSA.
INS.
IRS.
U.S. Marshals.
National Park Service.
Naval Criminal Investigative Service.
U.S. Park Police.
U.S. Postal Investigators.
U.S. Parole Office.
U.S. Army.
BLM.
U.S. Fish and Wildlife Service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I rise today as a supporter and original cosponsor of the PATRIOT anti-terrorism bill. This is a powerful piece of crime-fighting legislation. It gives the FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists. At the same time, it respects the civil liberties of our citizens.

Some people say it is not identical to the bill that came out of the Committee on the Judiciary, on which I serve. It may not be identical, but it is a good bill. Let us not allow the perfect to be the enemy of the good.

Recently, President Bush told us that we should take our family on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando. Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because people have been afraid to fly, theme park workers, convention workers hotel workers, and cab drivers have lost their jobs.

It is critical to the people in Orlando and across the country that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. I urge my colleagues to vote ''yes'' on this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is a very effective member of the Committee on the Judiciary and who played a big role in our original work product.

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this bill. This is a Senate bill that was voted out at 3 a.m. this morning. This bill is quite different than the bill passed by the House Committee on the Judiciary. Under the rules of the House, the Committee on the Judiciary's bill should have been heard on this floor and the differences between this bill and the House bill should have been worked out in a conference committee.

Mr. Speaker, we had a bipartisan bill, and John Ashcroft destroyed it. The Attorney General has fired the first partisan shot since September 11.

Mr. Speaker, both Democrats and Republicans worked hard to come up with a bipartisan bill. Attorney General John Ashcroft undermined the work of the Republican committee chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the Democratic ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I serve on the Committee on the Judiciary. I consented to some policies I did not particularly

care for. For the good of the House I compromised. Some of the Republicans on that committee compromised also. We had a bipartisan bill.

The bill before us today is a faulty and irresponsible piece of legislation that undermines our civil liberties and disregards the Constitution of the United States of America.

This bill takes advantage of the trust that we have placed in this administration. Our law enforcement and intelligence community have all of the laws and all of the money that they need to do their job. Mr. Speaker, they failed us; and now this Attorney General is using this unfortunate situation to extract extraordinary powers to be used beyond dealing with terrorism, laws that he will place into the regular criminal justice system.

The question to be answered today is can we have good intelligence and investigations and maintain our civil liberties? This bill says no. I say yes. Let us not give away our privacy. Let us not undermine our constitutional rights.

The gentleman did not finish the quote by Patrick Henry. He said: ''Give me liberty or give me death.'' I say the same today. Vote ''no'' on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of today's version of the anti-terrorism legislation. It represents a significant improvement over both the draft administration legislation and the Senate version passed last night. The bill strikes an appropriate current balance between civil liberties and providing the Government with the tools needed to protect our Nation to win this war on terrorism.

The process used to craft the bill could have been better, and I am disappointed in some aspects of the final product. In fact, we did better with the Committee on the Judiciary bill reported unanimously.

I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and also the ranking member, the gentleman from Michigan (Mr. CONYERS), who both, along with their staffs, worked very hard to keep key compromises in the legislation that is now before us.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) fought tirelessly over the last few days to preserve our committee's consensus legislation, or many of the elements. Among the key elements, improvements which are made and preserved in today's bill, are a 5-year sunset for the bill's most difficult provisions; an explicit prohibition on capturing content information from electronic communications under pen register and trap-and-trace authorities; a no-technology mandate that ensures communication providers cooperating with law enforcement do not have to bear needless burdens; immigration provisions that should prevent indefinite detention of innocent parties and provide relief to immigrant victims of the September 11 attack.

However, many important changes added by the Committee on the Judiciary to fight terrorism and compensate victims were left on the cutting room floor last night. In particular, I added an amendment at markup to allow access to frozen assets of terrorist sponsor states for American victims after they obtained judgments from U.S. courts.

□ 1500

Unfortunately, today's views reflect the views of the State Department bureaucrats who insist on protecting the status quo, rather than helping the victims of state-sponsored terrorism. Justice for past, present, and future victims of state-sponsored terrorism may have to wait until another day. But this fight is not over. I intend to reintroduce that bill in the near future. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the very vital, thoughtful gentlewoman from Houston, Texas (Ms. JACKSON-LEE), the ranking member of the Subcommittee on Immigration and Claims on the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all acknowledge the work done by the chairman of this committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS). A lot has been made of the fact that there are two, two distinct views of our Constitution and maybe some of the issues, and maybe some views that are very much the same, worked harmoniously together, which overcome obstructions and presented a bill to this House. If we could have presented it, that would have made America proud.

I stand with the Founding Fathers, although many of us were not created equal at that time. But Alexander Hamilton said there were various considerations that warn us against an excess of confidence or an excess of security.

I would like to support this bill because I believe we must bring the terrorists to justice, and we had a bill that all of America could stand proud of: one that protected the Constitution, civil liberties, civil rights, and the Bill of Rights. What American will stand up and pledge allegiance to the flag, as we did today on this floor, and yet stomp on civil liberties? None of us.

The legislation we have now does not allow those who are detained to appeal their case to the Supreme Court. The legislation we have now does not answer the problem of those who come into this country legally, with legal visas or visas that have been waived, and yet now do terroristic acts.

Legislation that I would have offered in amendment would have provided an enhanced tracking system so that we could find out those who may have come in with vocational visas or student visas or foreign visas, and find them where they are.

We realize that this is a country of great diversity, and we needed language in this bill that says that this is not an attack on Islam, the Islamic faith, Muslims, or any other faith, or any other ethnic group. This means that we will not target people unnecessarily. A person from my State, a doctor, was taken all the way to New York because of his turban, but yet he was found innocent.

This is a bill we can do better on, America can do better. Let us stand on our constitutional principles, include hate crimes language in this. Mr. Speaker, this Nation can do better. I am proud to be an American, but today I want a bill that stands for what America believes in.

Today, the House will answer the recent terrorist attacks against the United States and the world by passing, arguably, the most sweeping piece of law enforcement legislation of our lifetime. While the rules and procedures that have let to this legislation began fair and balanced, the recent process in the Senate, the House Rules Committee and the version before us today are at best deplorable.

Having said that, the need for anti-terrorism legislation is great. Indeed, Alexander Hamilton, in Federalist No. 24 noted that ''there are various considerations that warn us against an excess of confidence or security,'' not the least of which were and are today the constantly changing global political landscape and the fragility of our political ties abroad. Today, we must and will answer this warning.

We must bring to justice the terrorists who targeted the passengers and crews of Flight 77, Flight 11, Flight 93, and Flight 175; those serving our great Nation at the Pentagon, both civilian and military, and the thousands of innocent civilians and rescue workers who were killed or injured at the World Trade Center and throughout New York City. These include: 4,815 people reported missing to the New York Police Department from the World Trade Centers, including the 157 people on the two hijacked planes, 417 confirmed dead, and 366 bodies identified. In the Pentagon strike, 64 people have been confirmed dead on the hijacked plane and an additional 125 dead or missing. Lastly, in the Somerset County, Pennsylvania crash, 44 people have been confirmed dead. Our fallen brothers and sisters deserve the justice that each and every one of us in this room has the power to provide. And we will do it.

Alexander Hamilton warned us in Federalist No. 25 that ''it is a truth, which the experience of ages has attested, that the people are always most in danger when the means of injuring their rights are in the possession of those of whom they entertain the least suspicion.'' Today, despite the travesty of process that has befallen many of us in Congress, we must heed his warning. We must do so deliberately, with purpose and with surgical precision. Our goal must be to identify and correct the precise problems that exist under our current laws which hinder our investigatory and prosecutoral efforts. If, however, we act without such due precision, we risk loosing the

very freedoms, liberties, and constitutional tenants that are the foundation of this free society and all free societies around the world—due process, a presumption that people are innocent until proven guilty, the right to defend oneself and to confront the evidence against oneself, and the protections of judicial review. If we loose sight of these simple principles, we have truly lost this war to the extremists who seek our demise by any means.

The bill before us today eviscerates the work of the House Judiciary Committee. Most members of that Committee would agree that this bill is far too sweeping and offensive to the civil liberties that we enjoy in this country. So while I commend my colleagues in Judiciary for helping to omit from the House version offensive provisions such as the provision which would have penalized innocent spouses and children of inadmissible aliens; the provision which would have provided a simple ''reason to believe'' evidentiary standard as a predicate to mandatory detention; and for tightening up the ''guilt by association'' section, I am outraged that our efforts were forsaken.

As Ranking Member of the subcommittee on Immigration and Claims, I find several immigration provisions particularly offensive.

1. Judicial Review.—Currently, the bill provides for a single judicial review process in the Federal District Court for the District of Columbia. This is unfairly burdensome, particularly to people with little money or resources. My amendment would have provided for such review in any Federal District Court.

2. CIPRIS Program.—This program deals with acquiring information of exchange visitors, foreign students, and people admitteed on vocational visas. Currently it is a fee-based program. My amendment would have appropriated money for the program and would require that the program be implemented one year after the passage of this bill. It would have also required the Attorney General to share this information with the FBI and the State Department.

3. Targeting (Racial Profiling).—We must study the effects of this bill in proliferating the deplorable process of racial profiling. To this end, my amendment would have amended Section 235(a)(3) of the INS with a new paragraph which states: The GAO shall conduct a study not later than 2004 to determine the extent to which immigration officers conducting inspections under 235 of the Immigration and Nationality Act are targeting individuals based on race, ethnicity and gender.

4. Hate Crimes.—The backlash of the September 11, 2001 attacks have put American against American. Murders and attacks against citizens resembling Middle Easterners have occurred. Innocent people died because they looked like the Islamic extremists allegedly responsible for the September 11th tragedies. Now, more than ever, we need legislation to punish crimes motivated by hate against ethnicity, religion, and gender. These crimes cannot be tolerated. Under my amendment, a perpetrator who willfully commits a crime motivated by hate would have been imprisoned a minimum of 10 years or fined, or both; or imprisoned up to life and fined, or both, if the crime results in death, kidnapping, or aggravated sexual abuse, or an attempt of any of these crimes.

5. Sunset Title II.—Currently Title II which deals with detention and removal of aliens would allow for indefinite detention in some circumstances. My amendment would have sunset this after a period of five years after enactment which would preserve the authority of the Attorney General under Title II. This would have also provided a safety net that would enable Congress to review the manner in which the Department of Justice carries out the awesome powers we are giving it.

6. Information Sharing.—Currently, there is a disconnect between the INS and consular officers abroad. My amendment would have directed the Attorney General to ensure that the INS acquires the requisite information technology necessary to permit such consular officer to use such information for immigration enforcement purposes.

These improvements in the bill would have recognized the importance of a fair and just legal process for all Americans and for all of our guests.

These acts of terrorism targeted, not merely Americans, but rather, they targeted men, women, and children from around the world, killing hundreds from Britain, more than 130 Israelis, more than 250 from India, and scores of others from El Salvador, Iran, Mexico, Japan and elsewhere. Indeed, these were attacks against all people, and against all humanity. As such, the legislation and the issues before the House today concerns not only this great Nation's security today, but will have a profound effect on children, and freedom-loving people around the world for generations to come.

So while many of us deplore the process that has befallen us, as Members of Congress, we are united and determined to give our law enforcement agencies the tools and resources that they need to do the job; so that we may preserve the freedoms and liberties of all peoples; so we ensure that justice is delivered swiftly, deliberately, and without prejudice; and so that we may work towards a world free from terror, bigotry, and lawlessness.

At the Pentagon services this past Wednesday the President assured us all that ''[w]e will continue until justice is delivered.'' I hope that we may assure it by coming together once again as Members of Congress from both sides of the aisle and from around this great Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me begin by congratulating the chairman on the work product before us. Both he and the ranking member have done a wonderful job in getting us to this point today.

Mr. Speaker, I stand today in strong support of this legislation. I believe that this legislation balances the need to move quickly with the need to move carefully.

First, the need to move carefully. If we listen to the rhetoric from the other side, it sounds like we are making all these dramatic, broad changes in laws. In fact, what we are doing today primarily is modernizing our laws, helping law enforcement to deal with evolving technology and evolving threats.

The good gentlewoman from California said a few moments ago that our law enforcement has all the tools, all the resources, and all the laws they need to protect us. I could not disagree more. I think September 11 has proven to us very clearly that we need more resources and more tools for law enforcement and the Permanent Select Committee on Intelligence.

The need to move carefully must be balanced with the need to move quickly. We have deployed forces. We have been threatened with a jihad. We are still cleaning up the debris of the World Trade Center and the Pentagon. We must move quickly. We must make sure that we are prepared, that we are safe, that this will never happen again.

Debate is important; rhetoric is good. We should debate ideas. But there is also a time and place for action. Today is the time. This is the place for action. Let us get this done as quickly as we can now. Let us get this over to the Senate. Let us hope that they act quickly. Let us get this to the President's desk, and let us get these tools in the hands of law enforcement. They need it, and our citizens deserve no less.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to our esteemed colleague, the gentleman from New York (Mr. NADLER). When tragedy struck September 11, Mr. Speaker, it was in his district.

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, last year candidate George Bush pledged to seek repeal of the secret courts provision of the 1996 antiterrorism bill because he claimed to understand that the law was passed hastily and that this provision at least endangered civil liberties without contributing to national security.

Now the President, the same George Bush, and the leadership of this House is insisting that we again enact hastily, and again in the name of national security and antiterrorism, act so hastily as probably to endanger our civil liberties without necessarily helping our security.

The bill we passed in the Committee on the Judiciary was a balanced bill that would have enhanced our security without endangering our civil liberties. Now we have a 187-page bill with a lot of provisions in it.

What I am about to say I hope is accurate, but I cannot be sure, because we have only had time to glance quickly through this bill. We have not had time to properly review it, to send it out to law schools, to send it out to civil libertarians to get comments back so we can make an intelligent judgment.

We cannot wait until Tuesday. We passed out the bill from committee last week. We wasted a whole week, but now we cannot wait 3 days. We must rush to judgment on this bill.

Let me give three provisions of this bill that look, to a hasty reading, dangerous.

Section 203 says that ''secret grand jury information can be shared without

a court order,'' upsetting all American legal tradition, ''if notice is given to the court within a reasonable period after the sharing.''

But, of course, the whole point of the current law is that a court, not some FBI agent, should decide if secret grand jury information is appropriate for sharing with other agencies. Now the FBI agent decides it on his own and tells the court later, and the court has nothing to do except to say thanks for the information.

Section 213 permits law enforcement to delay notification of search warrants in any criminal investigation. There may be justification for delaying notification of a search warrant sometimes, but in all criminal investigations? What does that have to do with terrorism?

Finally, there is a provision in the bill that essentially allows the Attorney General, by stating he has reasonable grounds to believe that someone here who is not a citizen, that may be deportable, he has 7 days to start deportation proceedings; but once he does, that person can stay in jail forever. He can sue under habeas corpus; but if the court then says, okay, you can keep him in jail, it is not reviewable again ever.

So they can throw away the key and forget about him forever? Is that American justice, or is that the Count of Monte Cristo? We ought to review this bill carefully and not pass it today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, we have listened to a lot of comments about additional measures people would like to see in this antiterrorism initiative. I believe that further discussions on this initiative and ways to crack down on terrorism will be constructive. We are certainly most interested in making our Nation safer.

But as a member of the Committee on the Judiciary, I believe that we cannot delay the bill simply because it is not everything to everyone. To delay the bill is to fail to move forward, to fail to move forward on critical reforms, including giving local, State, and Federal law enforcement badly needed tools to fight terrorism and protect Americans.

It would be a failure to move forward on updating our wiretap and surveillance laws to recollect the advances in technology that have changed how terrorists communicate and giving them an advantage. It would be a failure to move forward on allowing the sharing of criminal information within the intelligence community, coordinating our resources, and making it harder for terrorists to bury their tracks in bureaucratic red tape. It would also prevent us from making the simple but critical change that makes harboring terrorists a crime.

Mr. Speaker, failure to support this bill today is to ignore these critical and urgently needed changes. I commend the chairman of the committee, and I commend my colleagues to support them.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we are considering under a very strange rule a very strange process which has resulted in a bill which is quite different than reported by the committee.

I wanted to commend the distinguished chairman and the distinguished ranking member for the superb work which they did in crafting what I thought was a very fine bill. Somehow last night we found ourselves with a bill on our hands which is quite different than that which was presented to the House by the committee, after very thoughtful and careful work leading to an overwhelming bipartisan vote.

What we are doing today is not considering just a few simple questions like expenditures of money. We are dealing today with basic constitutional rights. Ordinarily these are matters of the highest importance and are considered with great care under a rule, in an open process, because, after all, these are the things upon which Americans rely for their personal security and for their understanding that their rights are protected.

All of a sudden sometime, probably last night, the Attorney General snuck up here to have a meeting. The result is that the bill suffered some extraordinary changes, all of which deal with the basic, fundamental rights of Americans in ways very different and probably much more unfavorably than did the committee bill.

This is not the way. The United States is not so threatened that we have to throw away our rights without careful consideration, and that we have to disregard the careful and thoughtful and fine work done by the chairman, the committee, and by my distinguished friend, the ranking minority member.

I find this a distressing process, one which reflects very poorly on the House—and one which indicates a great distrust and dislike for the work of the committee, which was superb—and for the basic fundamental liberties of the people of the United States.

I find it denigrating basic constitutional rights, and I find it to have been done in a sneaky, dishonest fashion. It reflects very poorly on this body.

Mr. Speaker, I rise in strong support for increasing security along our northern border. I would also like to commend the Judiciary Committee for the language in the bill it released that triples Border Patrol personnel and INS inspectors along our northern border. Unfortunately, I do not support the tactics used by the Republican leadership that has substituted an entirely different bill in place of the bipartisan House Judiciary Committee bill.

Since September 11th, the heightened security levels have made us aware how understaffed we are along our northern border. This is a serious problem, it is unacceptable, and must be corrected in the short and long term. We must make sure that land, air, and seaports are adequately staffed across the nation. This must include our northern border.

To our INS and Customs inspectors as well as our Border Patrol, I would like to commend them for their tireless efforts. Their efforts have helped greatly during the last month. However, with current staffing levels we are still encountering long lines at our ports of entry and continuing security concerns.

In particular, trade has been seriously stifled with our Canadian neighbors. For several days following September 11th, there were up to 14 hour waits to cross between Canada and Michigan. Lines are still long, as waits run into the hours. While this was understandable given the gravity of the situation immediately after the September 11th attacks, it is completely unacceptable that our economy has been placed at risk due to insufficient numbers of border personnel. Automobile plants needing parts have closed, and hospitals have been understaffed because their employees have been unable to cross our ports of entry in a timely fashion. These are just some of the reasons why our border requires more INS and Customs inspectors. Over 82 percent of goods originating in Michigan are exported to Canada via truck. 70 percent of Canada-U.S. trade and 80% of Ontario-U.S. trade, by value, moves by truck. The largest portion (38 percent) of Ontario's exports by road is destined for Michigan. Without optimum force levels of Customs and INS inspectors, the State of Michigan will continue to pay greatly for the loss in trade attributed to long lines at our ports of entry, both to and from Canada. In addition, the economies of our neighboring states and Canada will suffer.

I will work with other committees and appropriations that are seeking to secure our northern border and ensure that adequate funding is given to INS and Customs for optimum force levels along our northern border. Failure to address problems along our northern border in a comprehensive manner jeopardizes our security and economy. I urge my colleagues to act expediently in providing a remedy for the serious shortfall of INS and Customs officials in Michigan.

Mr. Speaker, using the regular committee process that has served us so well, we can protect the nation from terrorists in a swift and orderly fashion. I am not sure this kind of action protects the peoples' basic liberties. We can protect the Constitutional rights of our people from the whims of the attorney general, the Republican Administration, and the Republican leadership of this House. A bill, which would have achieved overwhelming support by the Congress, has been cast into question by this irregular process, and basic American liberties are being put into question. However, despite this egregious breach of House procedure, these border concerns are so great that I support the PATRIOT Act of 2001.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, because I believe our country could face a chemical, biological, radioactive, or, heaven

forbid, nuclear attack by well-organized groups of fanatic terrorists, I rise in strong support of the PATRIOT Act. I believe this bill is necessary, and we have no time to waste.

Mr. Speaker, in particular, I want to offer my praise for a section of this legislation designed to ensure the State Department has access to U.S. criminal databases before permitting aliens to enter the United States.

Last year, the Government Reform Subcommittee on National Security, which I chair, began a series of meetings and briefings to discuss inter-agency data-sharing.

On July 24th of this year, our Subcommittee held a hearing on Federal Interagency Data Sharing and National Security.

That hearing taught us effective border security begins with our embassies, where U.S. visas are issued.

Unfortunately, the State Department currently lacks the ability to access the FBI's National Criminal Information Center's Interstate Identification Index database.

That means an alien can come into our country, commit a crime, leave, and get a reentry visa from our State Department or cross the border without being stopped.

In 1996, the FBI and State Department issued a joint report recommending the State Department receive limited access to the NCIC–III database so the State Department could better identify aliens with a criminal background in our country and prevent their entry.

Nevertheless, for four years this report lay dormant while the Departments could not find a mutually agreeable way to institute their recommendations.

This gap in data-sharing between Departments is no longer simply a matter of bureaucratic inertia, but a threat to national security.

Mr. Speaker, protecting our borders against dispersed but deadly criminals and terrorists requires interagency cooperation on an unprecedented scale.

This legislation is a step in the right direction. I'm pleased Attorney General John Ashcroft included this provision in the anti-terrorism proposals he submitted to Congress, and I commend the Judiciary Committee for including it in the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I have tremendous respect for the chairman of the Committee on the Judiciary, and I know he is trying his best; but I am highly distressed for one simple reason: I do not, and neither do most of the Members of this House, have any real idea about what is in this bill or what the consequences are. We know some of the rough outlines; we do not know the details.

This House, under the Constitution, is essentially a political body. What makes it a legislative body is the committee system, because on the committees we have people who have built up years and years of expertise. The way this has become the greatest legislative body on the face of the Earth is because we have relied upon the expertise of people on the committees who spend their lives learning what they need to know in order to see that the House makes the right judgments.

When the committee system is overridden, as is the case in this instance, and when bills instead are written by a few people in conjunction with House leadership, that turns a legislative body into nothing but a political body; and it means that in the end, virtually all of the decisions made are made on the basis of political power, not on the basis of intellectual persuasion.

□ 1515

That is a fundamental danger to a legitimate legislative body and certainly to the greatest legislative body in the world, it is a mortal blow.

I do not know what the right vote is on this bill because I do not know the consequences. I do not know how much danger this bill will actually do to the terrorists. But I do know how much damage the way this bill is being considered by the House will do to this institution and none of that is because of any action taken by the gentleman from Wisconsin (Mr. SENSENBRENNER).

This House must operate on the basis of shared information and shared decision-making if it is to truly get through these trying days. This is a sorry day in the history of the House.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, none of the provisions in what we are considering today are new and a surprise. The base bill is the bill that was produced by the other body. That has been out there for over a week. There have been some modifications made to this bill in an attempt to avoid a conference. Many of the modifications were made at the request of the minority party in the House of Representatives.

Now, I agree that this process is not an ideal process and this is not a perfect compromise, but there are a number of House provisions in this bill, none of which are a surprise that was written in the middle of the night. The bill does not violate the Constitution. It protects our vital fourth amendment rights; and with a clear and present danger facing our country, I believe it is imperative that we act expeditiously.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, not only for yielding me time, but also for his very tremendous leadership on this most important of issues.

The terrorist attacks on this Nation that occurred on September 11 did not occur because of freedoms that we have in this country under our Constitution. They did not exist because our Constitution guarantees all of us the right to be free from unreasonable searches and seizures.

The attacks that occurred on September 11 occurred because of a very unfortunate combination of bad luck on our part, good luck on the part of the terrorists, very careful planning on the part of the terrorist, very poor planning, perhaps, very poor execution on the part of some of our Federal, State, and local agencies.

Therefore, I do not believe we ought to be in any rush to judgment to diminish our freedoms in the misguided conception that it is those freedoms that gave rise to the attacks on September 11. I commend the chairman of the Committee on the Judiciary and others who worked very hard to craft a very necessary and vitally important balance between giving law enforcement those narrowly crafted tools it needs and protecting the civil liberties, including the right to privacy, of American citizens.

Is this a perfect bill? No, it is not a perfect bill, and I know the distinguished chairman would be the first to admit that. Is there much further work that needs to be done? Yes, there is much further work that needs to be done. I think that all of this means that it is absolutely imperative that we take very seriously the sunset provision in this bill that at least gives us an opportunity to evaluate how these important, momentous provisions that we are granting Federal law enforcement will be used.

I also think it is important to realize that there were important concessions by the administration made in crafting this version of this bill. Am I happy with it? No, I do not think this is a happy piece of legislation. It is not a happy set of circumstances that brings us to the point where we have to consider amending our criminal laws and criminal procedures. But I do think on balance it is important to pass this piece of legislation, monitor it very carefully, and take seriously our responsibility to exercise the power that we are granting in the sunset provision.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 8½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 3½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues and I need to do everything within our power to find the responsible persons and parties that have caused this attack on the United States and to bring them to justice and to end the blight of terrorism everywhere around the world. But at the same time we must all remember that just as this horrendous act could destroy us from without, it can also destroy us from within.

Historically it has been at times of inflamed passion and national anger that our civil liberties have proven to be at greatest risk. The unpopular group of the moment happens to be subject to prejudice and deprivation of liberties.

Alien and Sedition Acts in 1798 made it a Federal crime to criticize the government. At the beginning of the Civil War, Abraham Lincoln, no less, suspended the writ of habeas corpus citing the need to repress an insurrection against the laws of the United States. Ulysses Grant sought to expel Jews from the Southern States of this Nation. World War II brought about the shameful internment of Japanese Americans which even the Supreme Court failed to overturn. And what about the McCarthy era of the 1950's? Guilt by association.

So we face a situation now that requires care. Well, certainly we must update our counterterrorism laws so they reflect the 21st century realities. But new expansion of government authorities should be limited to properly defined terrorist activity or threats of terrorism. And with increased Federal power, we must ensure accountability and oversight. We also need to drastically improve airport security by increasing training and compensation for those that are at such an important point in our national transportation system.

But by forcing us to take up a bill in this manner, the administration unfortunately has chosen to fire the first shots of partisanship after September 11. One week ago, the Committee on the Judiciary passed a bill 36 to 0, every member of every persuasion supported the bill that was worked on by the chairman, myself, and all the members. There was good process. There was ample debate. No one was cut off. No amendments were prevented. And in that environment, we agreed to sunset the expansion in government surveillance power that are in this bill to 2 years. It would have given the administration not only the emergency powers it requested on an expedited basis, but at the same time allow us in Congress to revisit the issue after 2 years. What is wrong with that? We sunset civil rights laws. We sunset environmental laws. We sunset labor laws.

Well, I can only tell my colleagues that until last night we had a bill that, had we brought it to the floor, would have literally passed almost unanimously in this Congress. I do not think anyone disputes that. But now what we have nobody knows. So it seems to me that we have to move very, very carefully.

We have a problem. There is no provision protecting our own citizens from CIA wiretaps under the FISA court. There is no provision ensuring the government does not introduce information in a court obtained from illegal e-mail wiretaps. There is no provision limiting the sharing of sensitive law enforcement information to inappropriate personnel.

Guess what? There are 35,000 law enforcement jurisdictions in the United States of America. There is no provision protecting immigrants from being deported for donating money to humanitarian groups that they did not know might be financing terrorists. Most importantly of all, we have lost the 2-year sunset. What are we left with? A measure that is in no way limited to terrorism. It is a bill that provides broad new wire tap authorities that might be used to minor drug offenses, to firearm violations to antitrust crimes, to tax violations, to environmental problems, literally to every single criminal offense in the United States code. So for all of us that know our history, we have been down this road before.

All I am saying to you is that I am going to do the best that I can no matter what happens here today to make sure, with the gentleman from Wisconsin (Chairman SENSENBRENNER), that we convince our own administration and, yes, our own House leadership to realize that this is not a time to compromise the Constitution. There is no reason for us to sacrifice civil rights to increase security.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the legislation. Maybe I am looking at it too simply, but I think maybe sometimes simple can really give us clear answers.

We are at war. We are in a war right now, and the reality is that the bill as it passed out of the House really did not acknowledge that. There was some specific provisions in the bill only dealing with terrorism that the bill was passed out of the Committee on the Judiciary did not provide for that the bill in front of us does today. Specifically, the bill out of the Committee on the Judiciary did not allow classified information to be used against terrorists in courts in terms of property.

The bill, as passed out of the Committee on the Judiciary, had a criminal standard that specifically, and I quote, has committed or is about to commit a terrorist act. Not as the bill now does, a standard reasonable grounds to believe that a person being harbored will commit a terrorist act. A significant difference.

The bill passed out of the Committee on the Judiciary had a limitation on a grand jury sharing information on terrorist situations.

We have a situation today that the downside of not uncovering terrorists potentially really are catastrophic, nuclear, biological, or even nuclear catastrophes. We need to pass the legislation to provide the tools to prevent that from happening.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, "My country 'tis of thee, sweet land of liberty, of thee I sing; land where my fathers died, land of the pilgrims' pride, from every mountainside let freedom ring." Let freedom ring in the ears of those who wants to still its sound. Let freedom ring even as we travel through the valley of the shadow of terrorism, for freedom is a sweeter melody.

The terrorists have aimed their attack on the fundamental freedoms of all law-abiding Americans. They have attacked our right to life, to liberty, to pursuit of happiness, to freedom of association, freedom of mobility, freedom of assembly, and freedom from fear.

Freedom is not just 50 States. Freedom is a state of mind. Freedom is our National anthem here in the land of the free and the home of the brave.

Let freedom ring. If freedom is under attack from outside sources, then let us not permit an attack from within. It is an attack on freedom to let government come into the home of any American to conduct a search, to take pictures without notification. It is an attack on freedom to give the government broad wiretap authority. It is an attack on freedom to permit a secret grand jury to share information with other agencies. It is an attack on freedom to create laws which can endanger legitimate protests.

Tens of thousands of men and women are getting ready to journey far from the shores of our Nation. They are being asked to defend some of the very rights this legislation would take away. Patriots are those who, in times of crisis, do not give up their liberties for any cause.

"Long may our land be bright with freedom's holy light; protect us by thy might, great God, our King."

□ 1530

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Texas (Mr. ARMEY), to wrap this up.

The SPEAKER pro tempore (Mr. NETHERCUTT). The majority leader is recognized for 2½ minutes.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Wisconsin for yielding me this time, and let me thank the gentleman from Wisconsin and, indeed, the gentleman from Michigan, and all the members of the committee for their hard, diligent work.

It seems like only yesterday when the horrible, frightening tragic incident in New York, here at our Pentagon, and in the fields of Pennsylvania occurred. Just a few days afterwards, this Congress rose-up and validated, confirmed, and affirmed our President as Commander in Chief and said, "We stand with you, Mr. President, with all the resources that you can muster. You are our Commander in Chief. Let us wage war on these terrorists and let us win that war."

Since that time, we have responded to the national emergency with as much as 100 billion dollars, and we did so with a measure of ease. It was the right thing to do. We did it, and we did it together. Now we take on a more difficult task: How do we make all the agencies of the Government, in this

case, with this legislation 80 agencies of the Federal Government, from the CIA to the border patrol, more resourceful in intervening against terrorists while protecting the precious rights of the American people for which we fight in the first place? It is a difficult job, and one that was handled admirably by this committee.

I have heard a lot of complaints about this bill as we find it today. People say we do not know what it is. Well, we know what the base bill is. We have known what was in the other body for a long time. Anyone who cared to do so could have done as I did last night, sit and watch the other body pass that bill. My colleagues could have watched the debate as I did. They could have heard the arguments and descriptions as I did. They could have watched.

I want to point out that those of us who watched, those of us who have a heartfelt commitment to our liberties as American citizens, those of us that did might have enjoyed the other gentleman from Wisconsin, the distinguished Senator FEINGOLD, as he valiantly fought for those committed to the liberties of the American people by repeatedly offering on the floor of the other body last night many of the provisions that this bill adds to that base bill. And, Mr. Speaker, it broke my heart to watch the distinguished gentleman from South Dakota, the Democratic Senate majority leader, move to table each of Senator FEINGOLD's dearly protective amendments.

POINT OF ORDER

Mr. OBEY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman from Texas (Mr. ARMEY) will refrain from characterizing the actions of Senators.

Mr. OBEY. I thank the Chair.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ARMEY. Each and every one of those efforts was tabled in the other body. And this committee worked with the White House to restore those protections to the base bill so that we can achieve a proper balance, a balance that gives the resources to the agencies of this government to protect the American people while at the same time protects us from any trespass against our liberties.

Mr. Speaker, I should point out the controversy that surrounds the sunset clause. I was there when the Democrat minority from the committee presented to the chairman of the committee their five requests for the final revisions of this effort; and I was there when we saw that the exact sunset language in this bill was proposed to the chairman just yesterday by the minority on that committee. It is good sunset language. It is necessary sunset language. It gives our agencies an opportunity to use these tools of investigation and surveillance, and us the opportunity to fulfill our responsibility to oversee that activity, to review it, and to choose to reauthorize or not. I am proud of that language, and I am proud of the minority for offering it.

Bottom line is this, Mr. Speaker: as we started this effort, we knew something from historical experience. The world is replete with stories of strong governments who have maintained their own security by trespassing against the rights of even their own people. Strong governments can make themselves secure. We have seen that too many times. But we have known, the committee has known, this Congress knows and the White House knows that a good government makes the people secure while preserving their freedom. And that is what this bill is. That is why we should not only vote for it, but we should thank our lucky stars we are in a democracy where we have that right.

Mr. PAUL. Mr. Speaker, the shocking attacks on the World Trade Center and the Pentagon have reminded us all that the primary responsibility of the federal government is to protect the security and liberty of our nation's citizens. Therefore, we must do what we can to enhance the ability of law enforcement to prevent future terrorist attacks. For example, the federal government can allow enhanced data-sharing among federal agencies that deal with terrorism. The federal government should also forbid residents of countries which sponsor terrorism from receiving student visas as well as prohibit residents of terrorist countries from participating in programs which provide special privileges to immigrants. In fact, I have introduced my own anti-terrorism legislation, the Securing American Families Effectively (SAFE) Act, which strengthens the ability of law enforcement to track down and prosecute suspected terrorists as well as keep potential terrorists out of the country.

There is also much the federal government can do under current existing law to fight terrorism. The combined annual budgets of the FBI, the CIA and various other security programs amount to over $30 billion. Perhaps Congress should consider redirecting some of the money spent by intelligence agencies on matters of lower priority to counterrorism efforts. Since the tragic attacks, our officials have located and arrested hundreds of suspects, frozen millions of dollars of assets, and received authority to launch a military attack against the ring leaders in Afghanistan. It seems the war against terrorism has so far been carried our satisfactorily under current law.

Still, there are areas where our laws could be strengthened with no loss of liberties, and I am pleased that HR 3108 appears to contain many common sense provisions designed to strengthen the government's ability to prevent terrorist attacks while preserving constitutional liberty.

However, other provisions of this bill represent a major infringement of the American people's constitutional rights. I am afraid that if these provisions are signed into law, the American people will lose large parts of their liberty—maybe not today but over time, as agencies grow more comfortable exercising their new powers. My concerns are exacerbated by the fact that HR 3108 lacks many of the protections of civil liberties which the House Judiciary Committee worked to put into the version of the bill they considered. In fact, the process under which we are asked to consider this bill makes it nearly impossible to fulfill our constitutional responsibility to carefully consider measures which dramatically increase government's power.

Many of the most constitutionally offensive measures in this bill are not limited to terrorist offenses, but apply to any criminal activity. In fact, some of the new police powers granted the government could be applied even to those engaging in peaceful protest against government policies. The bill as written defines terrorism as acts intended ''to influence the policy of a government by intimidation or coercion.'' Under this broad definition, should a scuffle occur at an otherwise peaceful pro-life demonstration the sponsoring organization may become the target of a federal investigation for terrorism. We have seen abuses of law enforcement authority in the past to harass individuals or organizations with unpopular political views. I hope my colleagues consider that they may be handing a future administration tools to investigate pro-life or gun rights organizations on the grounds that fringe members of their movements advocate violence. It is an unfortunate reality that almost every political movement today, from gun rights to environmentalism, has a violent fringe.

I am very disturbed by the provisions centralizing the power to issue writs of habeas corpus to federal courts located in the District of Columbia. Habeas corpus is one of the most powerful checks on government and anything which burdens the ability to exercise this right expands the potential for government abuses of liberty. I ask my colleagues to remember that in the centuries of experience with habeas corpus there is no evidence that it interferes with legitimate interests of law enforcement. HR 3108 also codifies one of the most common abuses of civil liberties in recent years by expanding the government's ability to seize property from citizens who have not yet been convicted of a crime under the circumvention of the Bill of Rights known as ''asset forfeiture.''

Among other disturbing proposals, H.R. 3108 grants the President the authority to seize all the property of any foreign national that the President determines is involved in hostilities against the United States. Giving the executive branch discretionary authority to seize private property without due process violates the spirit, if not the letter, of the fifth amendment to the Constitution. Furthermore, given that one of the (unspoken) reasons behind the shameful internment of Americans of Japanese ancestry in the 1940s was to reward favored interests with property forcibly taken from innocent landowners, how confident are we that future, less scrupulous executives will refrain from using this power to reward political allies with the property of alleged ''hostile nationals?''

H.R. 3108 waters down the fourth amendment by expanding the federal governments ability to use wiretaps free of judicial oversight. The fourth amendment's requirement of a search warrant and probable cause strikes a balance between effective law enforcement and civil liberties. Any attempt to water down the warrant requirement threatens innocent citizens with a loss of their liberty. This is particularly true of provisions which allow for nationwide issuance of search warrants, as

these severely restrict judicial oversight of government wiretaps and searches.

Many of the questionable provisions in this bill, such as the expanded pen register authority and the expanded use of roving wiretaps, are items for which law enforcement has been lobbying for years. The utility of these items in catching terrorists is questionable to say the least. After all, terrorists have demonstrated they are smart enough not to reveal information about their plans when they know federal agents could be listening.

This legislation is also objectionable because it adopts a lower standard than probable cause for receiving e-mails and Internet communications. While it is claimed that this is the same standard used to discover numbers dialed by a phone, it is also true that even the headings on e-mails or the names of web sites one visits can reveal greater amounts of personal information than can a mere telephone number. I wonder how my colleagues would feel if all of their e-mail headings and the names of the web sites they visited were available to law enforcement upon a showing of mere ''relevance.'' I also doubt the relevance of this provision to terrorist investigation, as it seems unlikely that terrorists would rely on e-mail or the Internet to communicate among themselves.

Some defenders of individuals rights may point to the provisions establishing new penalties for violations of individual rights and the provisions ''sunsetting'' some of the government's new powers as justifying support for this bill. Those who feel that simply increasing the penalties for ''unauthorized'' disclosure of information collected under this act should consider that existing laws did not stop the ineffectiveness of such laws in preventing the abuse of personal information collected by the IRS or FBI by administrations of both parties. As for ''sunsetting,'' I would ask if these provisions are critical tools in the fight against terrorism, why remove the government's ability to use them after five years? Conversely, if these provisions violate American's constitutional rights why is it acceptable to suspend the Constitution at all?

As Jeffery Rosen pointed out in the New Republic, this proposal makes even the most innocuous form of computer hacking a federal offense but does not even grant special emergency powers to perform searches in cases where police have reason to believe that a terrorist attack would be imminent. Thus, if this bill were law on April 24, 1995 and the FBI had information that someone in a yellow Ryder Truck was going to be involved in a terrorist attack, the government could not conduct an emergency search of all yellow Ryder Trucks in Oklahoma City. This failure to address so obvious a need in the anti-terrorism effort suggests this bill is a more hastily cobbled together wish list by the federal bureaucracy than a serious attempt to grant law enforcement the actual tools needed to combat terrorism.

H.R. 3108 may actually reduce security as private cities may not take necessary measures to protect their safety because ''the government is taking care of our security.'' In a free market, private owners have great incentives to protect their private property and the lives of their customers. That is why industrial plants in the United States enjoy reasonably good security. They are protected not by the local police but by owners putting up barbed wire fences, hiring guards with guns, and requiring identification cards to enter. All this, without any violation of anyone's civil liberties. In a free society private owners have a right, if not an obligation, to ''profile'' if it enhances security.

The reason this provision did not work in the case of the airlines is because the airlines followed federal regulations and assumed they were sufficient. This is often the case when the government assumes new powers or imposes new regulations. Therefore, in the future, once the horror of the events of September 11 fade from memory, people will relax their guard, figuring that the federal government is using its new powers to protect them and thus they do not need to invest their own time or money in security measures.

In conclusion, I reiterate my commitment to effective ways of enhancing the government's powers to combat terrorism. However, H.R. 3108 sacrifices too many of our constitutional liberties and will not even effectively address the terrorist menace. I, therefore, urge my colleagues to oppose this bill and instead support reasonable common-sense measures that are aimed at terrorism such as those contained in my SAFE Act.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 2975, which seeks to provide new tools to identify, pursue and punish suspected terrorist and strengthen our sustained campaign against terrorism. Just over a month ago, our country experienced terrorist attacks that resulted in an unfathomable human loss. Since that time, Congress and the Administration have led the nation in a unified battle against terrorism. Today, we are poised to confer new emergency authority to the Attorney General for a specific purpose—to fight the scourge of terrorism—and definite period, a maximum of five years.

I am, however, disappointed that this legislation fails to adequately address the lifeblood of terrorism, money. Absent from this measure is legislation language to interfere with terrorist money laundering activities. I am hopeful that H.R. 3004, the Financial Anti-Terrorism Act of 2001, which I cosponsored, will get the full attention of the House in the coming days.

Today's seamless financial marketplace, born out of the globalization of the late Twentieth Century, has fostered an unprecedented era of economic opportunity for terrorists like Osama bin Laden and the vast networks of evil they finance. In one month the United States has frozen nearly $4 million in assets belonging to the Taliban, Osama bin Laden and the al Qaeda network. Congress must continue to close the loopholes that allow the enemies of freedom to finance attacks on America. To date, our allies have frozen more than $24 million since September 11th. We are making great headway, but we are not there yet. New anti-money laundering tools are critical to this continued effort.

With respect to H.R. 2975, I am pleased that this measure enhances our wiretapping laws to reflect today's communication reality. Under this measure, wiretap authority for suspects using communication devices such as the Internet and cell phones would be streamlined so that law enforcement could obtain a subpoena from one jurisdiction. I am also pleased that this measure makes aliens who endorse terrorist activity or suspected money launderers inadmissible and deportable. Today, we know that one of our greatest strengths, our open society, may have made us particularly susceptible to this brand of terrorism. While we must not allow fear to force us to change the inherent nature of our society—we must do what is reasonable to insure that potential terrorist operatives are not able to plot their herinous schemes within our borders.

Mr. Speaker, I stand with my colleagues on both sides of the aisle in my determination to provide law enforcement authorities with the necessary tools to investigate terrorism and protect against future attacks. Accordingly, I call upon my colleagues to join me in approving this important legislation at this time of national crisis which balances the need to expand the laws governing intelligence and law enforcement activities while safeguarding our dearly held constitutional rights and way of life.

Mr. SERRANO. Mr. Speaker, I rise in opposition to H.R. 2975, the Patriot Act of 2001, in its revised form. It is vitally important to give law enforcement the tools necessary to investigate and prevent further terrorist acts against American targets and to root out any person responsible for the dreadful acts of September 11. But it is at least as important to preserve the basic liberties that are ours under the Constitution of the United States.

I was reluctantly prepared to support the Judiciary Committee-reported version of H.R. 2975, because it was very carefully crafted on a bipartisan basis to address concerns expressed by Members across the political spectrum about the threat to our freedoms from too much expansion of law enforcement powers. Even the reported bill raised concerns, particularly about non-terrorist activities that might be swept up in the definition of terrorism, but I was somewhat reassured by the unanimous Judiciary Committee vote to report the bill.

But now we are presented with a new bill, a mix of Senate and House provisions, that became available for review at 8:00 this morning. An initial look at it reveals troubling provisions that expand government's power to invade our privacy, imprison people without due process, and punish dissent. The fact that some expansions of these powers may be used in any criminal investigation, not just an investigation of terrorism, particularly seems like overreaching.

I don't see why regular order had to be abandoned in this case. The Committee had reported a bill, the House was prepared to work its will on it today, and a final version could be crafted in conference. Instead, the Republican leadership basically hijacked the process, moving the negotiating position the House will take to conference toward the Senate's. This inevitably skews the conference results toward more police powers and less protection of our Constitutional rights and liberties. The procedural complaint may sound ''inside-the-Beltway'', but it has important effects on the final result.

Mr. Speaker, I support refining law enforcement powers to reflect the modern world and equipping law enforcement personnel to fight terrorism and bring terrorists to justice. But I most emphatically do not support erosion of our most basic rights to privacy and freedom from government scrutiny, and I cannot support this bill.

Mrs. CHRISTENSEN. Mr. Speaker, I know this may sound unduly strong, but today we will react to one day of infamy with another if we pass H.R. 3108.

I remember hearing someone say shortly after September 11th in response to something I cannot remember now, that the first casualty of this war must not be the U.S. Constitution.

Well it wasn't the first, but if this bill is passed, it will perhaps be the most devastating one, certainly the most far-reaching one, one that will not honor those whose lives were lost in the terrorist attack, and one that all of us in this body—those who voted for it and those who did not—will rue to our dying day.

This will be the crowning glory and the golden key of all of the most extreme radical conservatives in this country. With the right to wiretap, with the right to hold without due process, with the right to even punish dissent, the very worst of infringements on the civil liberties that we have worked so hard to extend to all and protect and preserve, will reign, and threaten not just the terrorists, but all Americans.

When I think of all our forefathers fought for to create this independent Nation, with freedom and justice for all; when I think of the struggle to end slavery, to win the right to vote and to ensure that all Americans fully participate in this society, and all the lives that were given in these efforts, it makes me sick to think that today we might pass this travesty of justice and freedom and fairness, and in doing so undermine the government of checks and balances that they in their wisdom constructed, relinquish our responsibilities in this body, and dishonor their memory and their legacy.

Although neither I or most of our members have had an opportunity to fully review the legislation, it appears clear that most of the provisions of this act are un-necessary to accomplish the goals of ferreting out terrorists and their abettors. In other instances they go too far or continue long after they would be reasonably needed under the very worst of circumstances.

At the very least we need to apply the restraint of time and opportunity for full review, as well as make possible the opportunity to amend and thus fix the more egregious parts before a vote is taken on a measure such as this, which will change the culture of our society in terrible ways, and give those who wanted to destroy not only our prosperity but our freedom, the victory in the end.

I urge all of my colleagues to vote H.R. 3108, the leadership bill down, and protect the freedoms that make America, America.

Mr. GILMAN. Mr. Speaker, today we have been debating an important bill. Our deliberations this afternoon will provide modernized surveillance capabilities aimed at capturing terrorists which will ensure that new technology can be executed in multiple jurisdictions anywhere in the United States.

The Patriot Act will expand the definitions related to terrorist organizations; provide the seamless flow of information between law enforcement and intelligence agencies; strengthen our northern border by tripling the number of Border patrol personnel in each state along this border; and most importantly will permit the courts to issue a generic order, which will still identify a target, yet permit the court order to be presented to a carrier, landlord or custodian and allow that the surveillance may be undertaken as soon as technically feasible on any new location.

There has been extensive discussion on the floor with regard to these new surveillance provisions by those fearing the abdication of our civil rights protections with the passage of this Act.

While, I am confident that nobody in this chamber is interested in either deteriorating our civil rights or failing to provide our nation with the necessary law enforcement and intelligence tools to defeat terrorism, I believe it is important to bear in mind the times in which we currently find ourselves.

A month and one day ago, we were barbarically and cowardly attacked by terrorists. Nearly six thousand lives were lost—more than in the attack on Pearl Harbor. Our economy has been adversely affected, and our constituents are demanding that we provide protection against any further terrorist assaults. While, we did not ask for the war we now find ourselves involved in it is our duty as Members of Congress to provide the necessary tools and laws necessary to defeat those who wish to harm America.

Mr. Speaker, we learned during Vietnam that we cannot fight and expect to win a war when we fail to provide our military with the resources necessary for victory. Let us not make that same mistake twice and fail to provide the tools necessary to win this war—our war against terrorism.

We can and will continue to protect our civil liberties by providing constant oversight over these initiatives. After all it is our responsibility in the Congress to provide such oversight and to insure that our government not overstep its bounds. I am confident that we will not fail in this regard.

Accordingly, I rise in full support of the Patriot Act and I urge all of my colleagues to support this important legislation.

Mr. OXLEY. Mr. Speaker, I am pleased that this Congress is going to give our law enforcement and intelligence communities the tools they desperately need to track down terrorists and prevent another murderous attack on our people.

September 11th ushered in a new era in American history. We are vulnerable here at home, not just to the fanatics who hijacked those planes, but to other terrorists who have access to biological, chemical, and maybe even nuclear weapons. This threat will not end in 2 years, 5 years, or 10 years.

The provisions in this bill will help to put the FBI and CIA on a more equal footing with terrorists who are using electronic communications to plot with impunity. I have long warned that our wiretap laws have not kept pace with advances in technology. Law enforcement needs to be able to monitor cell phone calls and electronic communications, just as it has been able to listen in on old-style rotary phones.

Simply put, if we can't hear what terrorists are saying, we can't stop them.

Under the sunset language in this bill, these new authorities could expire in as little as 3 years and possibly in 5 years. Establishing that ''sunset'' date is a mistake. It sends an unintended message that our resolve is fleeting. It also tells a law enforcement community working around the clock that their power to protect us is provisional. And it suggests to the American people that in a few years, we might let down our guard.

We will not give our Armed Forces anything less than our full support in this war. Intelligence gathering is going to be every bit as important to this campaign as our military.

Surveillance is restrained by a body of agency rules, judicial approval, and congressional approval. As a former FBI agent, I applied for wiretap orders. They are not easy to get. The electronic surveillance provisions in the bill are constitutional and achieve the proper balance with our constitutional rights. I happen to think that safety and security during uncertain times is a most important civil liberty.

Through the actions we take, Congress must show that the U.S. will stay the course with the war on terrorism for the long haul. I hope that our law enforcement community will be able to deal with the inconsistency that the sunset poses, and use these common sense authorities to protect us from the terrorists who we have already been warned may be poised to strike again.

Mr. BOYD. Mr. Speaker, I rise today in support of H.R. 3108, the Uniting and Strengthening America Act. Since the attacks that devastated our Nation on September 11th, Congress has been working in a bipartisan fashion to develop the solutions to combating terrorism. I believe this bill provides the necessary solutions to one of the greatest challenges our country has ever faced. Congress and the President must work together to ensure that the necessary steps are taken in order to prevent terrorism from occurring on American soil and victimizing American citizens ever again. Providing federal law enforcement officials with the tools to fight the war on American is not only our civic responsibility, but our responsibility as American citizens. While expanding these powers, we must be mindful of protecting the civil liberties that every American enjoys, because these are the very freedoms that make this country great and for which scores of our forefathers have fought. This bill strikes the delicate balance between the two vital points of expanding power and protecting civil liberty.

It is important to update current laws to reflect the technological changes the 21st century has brought about, including new methods of communication. Federal law enforcement officials must have the capacity to monitor terrorists who utilize relatively new technology to plan attacks on Americans throughout the world. These provisions are essential to ensuring victory in our war against terrorism. Additional items included in this bill expand law enforcement power through new types of electronic surveillance, increased foreign intelligence gathering, and immigration reforms that will keep us a step ahead of any potential act of terrorism against Americans. It is also important to note there are provisions in the bill to ensure our civil liberties are protected. Among these is the mandatory sunset of the intelligence gathering provisions after five years. This allows Congress to evaluate whether the new powers given to justice officials have been successful and have respected the civil rights of each and every American citizen.

Again, Mr. Speaker, I rise in support of the Uniting and Strengthening America Act and urge that this legislation be adopted.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to this rule and in opposition to the clandestine way in which what was once a strong bipartisan package was changed and rushed to the floor with no consultation with this side of the aisle.

While I understand the difficult task of crafting legislation while the nation is still recovering from and investigating the terrorist attacks of September 11th, I am disappointed with the extremely limited choice placed before me. I want to provide our law enforcement with the tools they need to stop terrorism. I want to support this bill, but few of us even know what is in it since the Judiciary Committee never considered it.

In the aftermath of the attacks, we must strengthen our ability to find and punish those connected with these tragic events, and enhance our preparedness to prevent similar tragedies in the future. However, we must meet the critical counter-terrorism need of federal law enforcement and intelligence agencies without compromising the civil liberties of our citizens in the process. I have strong concerns about the bill we are considering today because I cannot be guaranteed it strikes this crucial balance.

I urge my colleagues to vote against the rule so we all can be assured this goal is met by bringing the original measure which was unanimously approved the Judiciary Committee, to the floor instead.

Ms. KILPATRICK. Mr. Speaker, today I rise in opposition to the rule and the antiterrorism bill we are considering today.

While the current circumstances require expedited action, we must also be deliberate and circumspect in our action. I know these aims run counter to one another, but at this juncture in our history it is critical that we think before we act. The attacks on our nation have changed us forever causing strong demands for action to improve our security. Our response to terrorism, however, must not thwart the very democratic values that this nation was founded upon.

Any legislative action we take must ensure that our traditions of civil liberty continue to stand strong—anything less would serve the goals of those who attacked us.

Unfortunately, we are now poised to consider a measure that grants our federal government broad sweeping powers to investigate not only terrorism, but all crimes. We are now poised to consider legislation that may jeopardize the civil liberties that we hold dear. Today we are forced by the White House and a few people in the House and Senate to circumvent a process that produced legislation that could truly be called bipartisan. The Republicans and the Democrats on the Judiciary Committee joined together to create a measure that received the unanimous support of the Committee. I commend Chairman SENSENBRENNER and Ranking Member CONYERS for their good work. The White House and the Republican leadership of the House, however, hijacked the Committee's work—forcing us to vote on this one hundred and eighty page bill with only a few short hours to review it.

There are thorny issues in the measure before us.

The House Judiciary Committee's counter-terrorism bill included a provision that sunsets these extraordinary increases in Government power in two years, ensuring that the House would be forced to review these measures at that time. This compromise was reached despite the fact that the White House and the Justice Department wanted the measure to be enacted for an indefinite amount of time.

The bill before us today, however, allows the measure to be revisited in three years. At that time, however, it is within the sole discretion of the President to decide whether or not to extend these measures for another two years. This is dangerous. This measure gives this administration nearly unbridled power to pursue terrorism and other crime. Yes, we need to address the ability of government to pursue terrorists. However, Congress should be able to change this measure if the current terrorist threat subsides. Congress should be the body revisiting this measure in two or three years. Congress should not delegate its constitutional duty to oversee the activity of the Executive Branch.

While I firmly support added measures to fight terrorism, we should not move in the direction of past mistakes. Fortunately we successfully removed provisions giving the administration the ability to detain suspect non-citizens for indefinite amounts of time. Unlimited detention is unacceptable. There must be thorough judicial review in a specified period of time. We must not repeat the mistakes of our past. We must not revert to the age of McCarthyism when accusation and innuendo operated with the force of law. I am concerned that those who support today's process and the measure before us today have not learned the lessons of history well enough.

I understand that the events of September 11 have necessitated heightened measures to ensure the security of our citizens. However, I hope these heightened measures do not distort our records on the issue of civil liberties. I am particularly concerned about those who suggest that our current situation justifies the practice of racial profiling or search and seizure procedures without clear standards that are subject to thorough review of our nation's judges. As an African American, I know all too well the ills of racial profiling. The President has proclaimed that our war on terrorism is not a war on Islam. He has proclaimed that our nation takes pride in its diversity, which is strengthened by our brothers and sisters of the Islamic faith. I suggest that if our policy is to focus our heightened investigative efforts solely on those who look Middle Eastern, or foreign, then we dishonor the President's noble proclamations. In this time of need we should focus our attention on all potential terrorists, including those who attack this country in the name of Christianity. Our outcry and efforts against foreign terrorism should be just as zealous against domestic terrorism. Our outcry against the Osama bin Ladens of the world should be just as strong against the Timothy McVeighs. Both seek to use terror and confusion to accomplish their warped political goals. By a truly comprehensive and objective attack on terrorism we lend credibility to our current war on terrorism and shine forth the light of freedom from our nation's shores.

Mr. Speaker, for these reasons I oppose the measure before us today. In our justified haste to catch those who perpetrated the events of September 11 and who pose a continued threat to our nation, we must not abort the ideals that have made our nation strong. In the face of this crisis we must not rend our civil liberties and thus our Constitution, lest we be prepared to cede victory to the terrorists.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2975, the anti-terrorism bill. I do so reluctantly because we were supposed to have had a bill on the Floor today that I could have supported. The House Judiciary Committee unanimously passed a bipartisan bill that adroitly found the right balance between giving federal authorities the tools they need to fight terrorism, while still protecting the civil liberties that our citizens hold so dear.

Unfortunately, a few members of the Republican leadership rejected this bipartisan legislation and created a new bill. This bill loses the balance that the previous legislation had achieved. The bill gives broad new powers to federal law enforcement officials while putting civil liberties at risk. Even worse, the bill prevents the Congress from reviewing these provisions in two years to ensure that the government is using its new powers in an appropriate manner.

In addition, this bill has not received proper consideration by the House of Representatives. Most members, in fact, don't even know what the bill contains. This may be the most sweeping, comprehensive piece of legislation dealing with law enforcement practices and civil liberties that this Congress will ever consider. Such important legislation demands careful scrutiny and deserves bipartisan agreement. This bill fails in both respects.

There is no question that the United States government must do everything in its power to protect our citizens. Our laws do need to be adjusted to properly reflect modern technology and to effectively respond to modern threats. The bill we consider today, however, is not the answer. I urge my colleagues to oppose this bill and to return to a bipartisan approach to improving our nation's security.

Mr. THOMPSON of California. Mr. Speaker, it is with great reluctance that I vote in support of the antiterrorism legislation that was debated in the House today. What began as a collaborative and bipartisan process, has become a clandestine and highly partisan catastrophe. My intention today, was to support H.R. 2975, the PATRIOT Act that was given thoughtful consideration and resulted in a well-crafted compromise. To my great regret, however, partisan procedures and pressures kept the House of Representatives from passing this legislation. Instead, the House took up a modified version of the Senate passed Uniting and Strengthening America Act.

With some adjustments by the House leadership, the legislation contains many important provisions to ensure that the intelligence and law enforcement communities can do their jobs. The bill makes changes to intelligence and surveillance laws to account for advances in technology. It also strengthens penalties for money laundering and possession of biological agents for a suspected terrorist. But I am concerned that the legislation fails to create a watchdog position within the Department of Justice to monitor intelligence and law enforcement activities enacted by this new law. It also abandons the original two-year sunset, to a sunset of up to five years depending upon presidential preference. I believe that a five-year period is too lengthy, and support a sunset period of up to three years to ensure that civil liberties are protected, while intelligence and law enforcement officials do their jobs.

Let me be very clear: I voted for the revised antiterrorism legislation today to ensure that the horrendous events of September 11th are never repeated. I am offended by the process but am compelled by the circumstances in which we live today. I believe that in the days ahead, the House and Senate conference committee will work to craft a compromise measure that the American people can fully

support. In this new day of extraordinary circumstances, the impossible became a reality. Consequently, decisive action is necessary to prevent future acts of terrorism on the United States.

Mr. UDALL of Colorado. Mr. Speaker, earlier this year we began this Congress by taking an oath to uphold the Constitution.

It was the second time I did so, but for me it was still a solemn moment and a source of great price—as I am sure it was for you and for the many of our colleagues who have served far longer than I.

It was a solemn moment because we were pledging ourselves to upholding the basic framework of our government, including the basic guarantees of the Bill of Rights. I think that is the highest and most important duty any American can undertake.

And it was an especially proud moment for me because it meant that I would again be privileged to be part of this great institution, the House of Representatives—an institution for which I have for so long had such great respect.

Since then less than six months have passed—but how long ago that seems to have been. Since September 11th, so many things have happened, and so many things have changed. And, unfortunately, one of the things that has changed is my pride in the way the House is meeting its responsibilities.

That is because today we are proceeding in a way that falls far short of the standard to which we should hold ourselves—and doing so in connection with legislation of the very highest importance, legislation that can affect the lives and liberties of all the American people.

To start with, like so many of our colleagues, I have not had an opportunity to learn fully what is in this bill beyond a cursory discussion in caucus, and while some Members of the House are versed on the particulars, I don't believe there has been enough time for debate and full consideration. On a subject so dear as our civil liberties, particularly in a time of crisis, surely the House could afford time to allow Members to read and understand this complicated legislative package before a vote. I do not know whether the objections raised by the bill's critics—such as those in today's letter from the American Civil Liberties Union—are well-founded or not. But I have no doubt that when it comes to matters as important as these it is far better to err on the side of caution.

Mr. Speaker, in times of war and crisis there is always a very delicate balance between the need to be secure and the need to protect civil liberty. There have been moments in our nation's history when this balance was not carefully preserved—and with shameful consequences. In the rush to fight the terrorist threat, I want to be absolutely certain that we strike the right balance and avoid looking back on this time with regret about our haste and lack of wisdom.

I am not an expert on fighting terrorism, but I know that if we are not careful in choosing our weapons, we can damage the very Constitution we have sworn to uphold. And I do know that there is a right way and a wrong way to legislate—and this is the wrong way.

And that, Mr. Speaker, is why I cannot vote for this bill today.

AMERICAN CIVIL LIBERTIES UNION
Washington, DC, October 12, 2001.

BE PATRIOTIC—VOTE AGAINST THE REVISED ''PATRIOT BILL''

DEAR REPRESENTATIVE: The ACLU is urging Members to vote no on the Rule, no on final passage and yes on the motion to recommit. Sadly, most Americans do not seem to realize that Congress is about to pass a law that drastically expands government's power to invade our privacy, to imprison people without due process, and to punish dissent. More disturbing is the fact that this power grab over our freedom and civil liberties is in fact not necessary to fight terrorism. Briefly, the substitute bill has the following problems:

Sharing Sensitive Information without Privacy Protections: The bill authorizes law enforcement to ''share criminal investigative information.'' This section permits the disclosure of sensitive, previously undisclosable information obtained through grand jury investigations or wiretaps about American citizens to the CIA, NSA, INS, Secret Service and military, without judicial review, and with no limits as to how these agencies can use the information once they have it, and without marking the information to indicate how the information can be used.

Sneak and Peek Searches: this section authorizes the wholesale use of covert searches for any criminal investigation thus allowing the government to enter your home, office or other private place and conduct a search, take photographs, and download your computer files without notifying you until later. The Congress rejected this provision two times last year because it was misguided and overbroad

Single-Jurisdiction search warrants for terrorism: This provision enables the government to go to a court in any jurisdiction where it is conducting a terrorism investigation, regardless of how insubstantial that location is to the investigation, to conduct a search anywhere in the country. This will allow the government to forum shop and make it practically impossible for individuals who are subjected to the search to challenge the search when the warrants are issued by a judge in a distant location.

New crime of Domestic Terrorism: This new crime is wholly unnecessary for the Administration's ''War on Terrorism.'' It expands the ever-growing cadre of federal crimes by authorizing the federal government to prosecute violations of state law and may be used to prosecute political protestors who engage in acts the government considers to be dangerous to human life.

Requires People to Turn in Suspects Even If They Don't Know Whether the Person Has Committed a Crime. This bill creates a new crime exposing people to criminal liability for lodging a person who he or she knows ''or has reasonable grounds to believe'' has committed or is about to commit a crime. This places a new burden on persons to turn in family and friends never before imposed on individuals.

Disclosing Intelligence Information on Americans to the CIA: The bill mandates that the FBI turn over any information on terrorism, even if it is about American citizens, that is developed in criminal cases. This will result in the CIA getting back into the business of spying on Americans.

Imposing Indefinite Detention: The bill allows for non-citizens to be detained indefinitely, without meaningful judicial review;

Reducing Privacy in Student Records: The bill overturns current law by giving law enforcement greater access to and use of student records for investigative purposes. Under the substitute, highly personal and potentially damaging information about American and foreign students will be transmitted to many federal agencies and could lead to adverse consequences far beyond the stated goal of the anti-terrorism bill.

Sunset of Wiretap Provisions: The House Judiciary Committee's bill would have sunset all of new wiretapping authorities in two years and two months. The sunset was designed to permit Congress to evaluate how the new authorities were being used, and whether there were abuses that would require additional privacy protections. The bill now pending before the House would gut the sunset provision by extending it to five years and three months (three years and three months, plus two more years upon a presidential certification).

Exclusionary Rule: The House Judiciary Committee's bill included a provision to exclude from criminal cases evidence that law enforcement seized illegally when monitoring Internet communications. This would have conformed the rules pertaining to illegal interception of Internet communications to the rules governing illegal interception of telephone calls. The bill now pending in the House omits this provision.

Expansion of Wiretapping Authority: The wiretapping provisions in the pending House bill are virtually identical to those in the bill the Senate approved last night. Both bills minimizes judicial oversight of electronic surveillance by: subjecting private Internet communications to a minimal standard of review; permitting law enforcement to obtain what would be the equivalent of a ''blank warrant'' in the physical world; authorizing scattershot intelligence wiretap orders that need not specify the place to be searched or require that only the target's conversations be eavesdropped upon; and allowing the FBI to use its ''intelligence'' authority to circumvent the judicial review of the probable cause requirement of the Fourth Amendment.

Most of these provisions are unnecessary for fighting international terrorism; some would be acceptable if they were implemented with appropriate judicial oversight. Law enforcement agents make mistakes—for example, the life of suspected Atlanta Olympic bomber Richard Jewell was turned upside down. Essential checks and balances on these new powers are omitted from this legislation. We can be both safe and free if the House takes the time to do this right.

For more information, please contact: Wiretapping—Greg Nojeim 202/675–2326, Crime Provisions—Rachel King 202/675–2314, Immigration—Tim Edgar 202/675–2318, Privacy—Katie Corrigan—202/675–2322.

Sincerely,

LAURA W. MURPHY,
Director.

GREGORY T. NOJEIM,
Associate Director & Chief Legislative Counsel.

Mr. KIND. Mr. Speaker, of all the issues we have considered, and will consider, in the aftermath of September 11, securing the safety of our Nation against the threat of terrorism may prove to be the most challenging aspect of our recovery and security focus. One reason the terrorists targeted our Nation is because of the freedoms we enjoy as a nation, and the importance we place on individual liberty.

By nature, the openness of American society is a liability when it comes to public safety. The attacks on the World Trade Center and the Pentagon have shown us that virtually any possible threat may be realized.

The challenge of securing the Land of the Free is a delicate task. By considering the laws that protect personal privacy we risk

alienating those values on which our Nation was founded. In taking on this challenge, I commend the Chairman and ranking member of the Judiciary Committee for recognizing the fundamental importance of this task, and working together to draft legislation in a fair and respectful manner. I just wish that process had been followed through all the way to the end instead of being hijacked the night before.

The legislation before us today is not perfect. I, like many Members, have reservations about expanding boundaries in which Government may more easily encroach on personal privacy. However, these reservations must be weighed in light of our experiences, as well as Section 8 of Article 1 of the Constitution which states ''Congress shall have the power—to provide for the common defense and general welfare of the United States . . .''

As a former prosecutor, I have experience in dealing with criminal investigations and prosecutions, and understand the inherent need to protect the public against terrorist activities. While I maintain concerns regarding some aspects of the bill regarding the specifics of electronic monitoring and other provisions, I acknowledge the importance of modernizing our laws to reflect the use of new technologies. I also appreciate the committee work on issues including improving the security of our borders, providing benefits to individuals involved in the immigration system who were detrimentally impacted under the law by the attacks, and updating the definition of terrorist activities and criminal penalties associated with terrorism in light of September 11. In addition, the sunset provisions attached to this legislation will provide for a review of these changes.

This legislation provides the best opportunity for our Nation to protect its citizens without crossing the Constitution, and I therefore support its passage.

Ms. HARMAN. Mr. Speaker, a long-scheduled appointment for minor surgery that was planned on the basis of the House leadership's announced calendar requires that I miss the vote on final passage of H.R. 2975.

I support many—though not all—of the counter-terrorism changes recommended by Attorney General Ashcroft. Indeed, I was part of the bipartisan group of members of Congress who met with him shortly after the tragic terrorist attacks of September 11.

Whether the bill implements those recommendations is difficult to tell. The time stamp on the text is 3:43 am this morning. Do we know what changes were made between it and the bill reported unanimously from the Judiciary Committee?

Mr. Chairman, the process by which we are considering this measure plays fast and loose with our Constitution. It may well be that a number of its provisions will be stricken by the Courts.

We should have had an opportunity to more carefully consider its provisions.

Law enforcement needs 21st century rules to combat 21st century enemies. A cursory review of this bill suggests that we are providing many of them. But some may go too far, some may not go far enough.

With some reluctance I support this bill. Not because I believe changes are not warranted, but because the rushed process by which the House is considering this bill is inappropriate given the severity of the challenge before this nation.

Mr. MCGOVERN. Mr. Speaker, I rise today in opposition to the version of the bill that has been presented before this House for consideration. Like every Member of this Congress, I believe we should provide law enforcement with every appropriate tool necessary to combat terrorism. In that spirit, I have supported all of the President's actions and requests, in both word and deed, since the horrific attacks which devastated this nation on September 11. Furthermore, I came to work this morning with every intention of voting for the carefully crafted bipartisan legislation that passed the House Judiciary Committee last week 36–0.

However, I now stand before this House in complete amazement at the events that have transpired over the past 24 hours. Last week, the Judiciary Committee took the Bush administration's proposal into mark-up, and carefully discussed and considered every aspect of this legislation. In an impressive display of bi-partisanship the concerns of every single one of the 36 members of the Judiciary Committee, from the right and the left, were addressed. For that, I applaud both Chairman SENSENBRENNER and Ranking Member CONYERS for their efforts.

Yet despite this monumental display of cooperation, we stand poised to vote this morning on a substitute bill that was never even considered in the committee setting, and whose contents few of us have even seen. I am deeply troubled by the injustice done to the legislative process by rushing this new bill onto the floor, replacing the carefully crafted bill that was so impressively constructed last week.

During this great nation's time of trial, we cannot underscore enough the importance of safeguarding the precious civil liberties and basic freedoms that underpin our society. Even in times of heightened alert, military action, and increased security awareness, it is our job as Members of the U.S. Congress to carefully consider the implications of extending the search and seizure powers of federal agencies, and ensure the protection of our basic rights as Americans. If we allow the cowardly terrorist actions of September 11 to redefine the freedoms that law-abiding citizens of this great nation are allowed to enjoy, then we have defeated ourselves. Nothing would greater please those who deplore America and our freedom loving society than to watch as we rashly whittle away our civil liberties out of fear and insecurity.

Mr. Speaker, I will oppose this legislation today, and I ask that all of my colleagues do the same. I fully support the efforts of President Bush to ensure the security of this nation, yet I will not vote to undermine the basic freedoms we all hold dear. It is crucial that we, as a united Congress, remain strong in this time of crisis, and protect the fundamentally American values and civil liberties that so many generations before us have struggled to create.

Mr. BUYER. Mr. Speaker, I rise today in support of the PATRIOT Act.

We are engaged in a great struggle to combat the forces of terrorism that threatened our Nation on September 11. For this struggle, we have called forth the strong arm of our military. But in addition, this struggle will also be fought by law enforcement here at home.

Our law enforcement officers need the best tools available to combat terrorism. This is not the case today and it is this deficiency that this bill seeks to remedy. For far too long we have neglected to equip our law enforcement with the tools they need to do their jobs as technology has changed.

This bill will permit wiretaps to be leveled against suspected terrorists the same as we do for drug lords and organized crime syndicates. With existing court protections in place, law enforcement will now be able to follow suspected terrorists when they use the Internet, a land line phone or numerous cell phones. Nor will law enforcement have to go back to various courts when suspects move from location to location to location.

Quite frankly, these provisions are long overdue. I regret that this bill includes a sunset provision. We need these provisions to be permanent.

MODIFICATION TO AMENDMENT ADOPTED PURSUANT TO HOUSE RESOLUTION 264

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the amendment considered as adopted pursuant to H. Res. 264 be further modified as follows: delete sections 302, 303, and 304.

This request has been cleared with the minority.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NADLER moves to recommit the bill H.R. 2975 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following:

''Section 225. Scope of Provisions

''This title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall apply only to investigations of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code), such that this title and the amendments made by this title (other than sections 205, 208, 211, 221, 222, 223, and 224, and the amendments made by those sections) shall not apply to violations of either sections 992(a)(1)(A), 922(a)(6), 922(a)(5), 922(m), or 924(a)(1)(A) of title 18, United States Code (pertaining to firearm dealers violations), or first-time non-violent violations of the Controlled Substances Act (as set forth in title 21, United States Code) unless such violations pertain to domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code).''

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes in support of his motion to recommit.

Mr. NADLER. Mr. Speaker, what this motion to recommit does is to make the provisions of this bill granting extraordinary powers to investigative agencies of governments apply only to extraordinary circumstances, only to investigations of terrorism or potential terrorism.

Mr. Speaker, a month ago, the United States was attacked; and in particular my district was attacked. I know or knew many people who were victims of that horrible attack, and I thirst to repay that attack and to make sure it will not happen again. But we can be attacked in many ways, and one of those attacks is to cause us to invade our own liberties as a reaction to the attack upon us, and that we must prevent.

Speaker after speaker on this floor today has described how this 187-page bill, seen by us only a few hours ago, with no opportunity to really look into it, to send out the text to law professors, to others, to really see the implications and to make intelligent judgments upon it may very well be a danger to many of our liberties.

Well, we have to act in haste, we are told. Why? Because we must prevent acts of terrorism. Let us grant that assumption. Fine. But why should these provisions then extend to anything but terrorism? We can pass the bill today. I will not vote for it, but we can pass the bill today, give our government the powers it says it needs, that the President and the Attorney General say they need to prevent terrorism and to defeat terrorists, but not grant that power with respect to everything else until we have had proper time to look into the question without the haste that this emergency imposes on us. And then we can say that these provisions should or should not, or some should and some should not, be extended to ordinary criminal investigations.

Let the terrorism bill proceed for terrorism now, albeit in haste, albeit hastily drafted, albeit not properly vetted. If that is the will of the body, let it be done for terrorism, but only for terrorism. And let us, for other things where the emergency is not immediate, take our time and do it properly.

So this motion to recommit simply says these extraordinary powers exist for terrorist threats, for investigations of terrorism, and not for others.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I rise and I speak to some in this body who share my view that the Senate bill, arguably, does not go far enough. And I speak to some in this body who recognize the great work that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did to cobble a compromise that everyone can rally around. Those are good reasons for us to step back, go back to the drawing board, and perhaps return with our original bill, if for no other reason than we are going to conference with the other body and it seems insane we are here negotiating with ourselves.

But let us think of some of the things that were in the bill that the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) wrote that are not in today. The gentleman from Illinois (Mr. HYDE) offered language that would track money launderers. Out of the bill. I think it should be in. The gentleman from Georgia (Mr. BARR) offered language, and I have trouble saying these words, that I agree with while in terms of tracking security officers. I offered language that was in the bill that would track people who come here on student visas and who overstay their visas and commit acts of violence, at least two of which were in that category that crashed into the World Trade Center in my hometown.

My colleagues, I have been to too many vigils, too many funerals, held too much hands of grieving families in my district to be satisfied with a bill that takes out so many of the provisions that we worked so hard for in the Committee on the Judiciary. There are many reasons why we should offer a motion to recommit, some of which are those which are shared by my colleague, the gentleman from New York (Mr. NADLER), who believes this bill goes too far. But there are also reasons, I say to all of my colleagues, for those who think we have watered down these efforts too far, to put back in some of the thoughtful provisions that the House Committee on the Judiciary put in.

There is no good reason not to recommit. There is going to be a conference on this bill. Why not go in with our strongest possible negotiating position, including the Hyde language, the Barr language, and the Weiner language that I would say would pass this House with 350 votes.

Mr. NADLER. Mr. Speaker, reclaiming my time, I agree with the other distinguished gentleman from New York. There are provisions that go too far in this bill, in my opinion; and there are things that are not in this bill that ought to be, again, after the wonderful work done by the distinguished gentleman from Wisconsin and the distinguished gentleman from Michigan and the committee as a whole, tossed out the window, a new bill, brand new, emergency we are told.

Limit this to the terrorism and let us work regular order, the way this House ought to proceed, so we may examine whether these powers belong in the general criminal field. There is no emergency we are told about there. The emergency pertains to terrorism, so let us proceed on an emergency basis, which we are doing now, voting for this bill virtually sight unseen, proceed on that emergency basis only for the terrorism emergency. Limit the bill to the terrorism emergency and look at the rest in our own good time.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit should be rejected for the following reason:

In many cases, what begins as an ordinary criminal investigation will end up leading into material relating to how terrorists finance themselves or how terrorists act and further criminal activity as well.

Let me give an example. Last month, the Prime Minister of the United Kingdom, Tony Blair, gave a very eloquent speech to the annual conference of his Labor Party somewhere in England. That speech was covered by C-SPAN. I saw most of it. I hope that many of the other Members did as well. But one of the things that Prime Minister Blair said was that 90 percent of the heroin that is sold in the United Kingdom is sold by Osama bin Laden's front groups, and the money that is used from people who purchase the heroin is used to finance Osama bin Laden's terrorist activities.

□ 1545

Under the motion to recommit by the gentleman from New York, if there is an ordinary, run-of-the-mill drug investigation that might include terrorist activity or might not include terrorist activity, the expanded law enforcement provisions of this bill would not apply until there is evidence that terrorist activity has infiltrated that part of the drug trade.

By the time that evidence comes up, it might be too late, and there might be another terrorist strike that could have been prevented as a result of the increased law enforcement powers that are contained in this bill.

The motion to recommit by the gentleman from New York will not allow law enforcement to expand its scope in time because there would have to be showing of a linkage to international terrorism as defined by this bill. We should reject the motion to recommit simply for that reason. I urge a ''no'' vote.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 73, nays 345, not voting 12, as follows:

[Roll No. 385]

YEAS—73

Berkley
Berman
Bonior
Boucher
Brady (PA)
Capps
Capuano
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Davis (IL)
DeGette
Delahunt
Dingell
Engel
Farr
Fattah
Filner
Frost
Gephardt
Gonzalez
Green (TX)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Matsui
McCarthy (MO)
McCollum
McDermott
McKinney
Mink
Nadler
Oberstar
Olver
Owens
Paul
Pelosi
Rahall
Rodriguez
Roybal-Allard
Rush
Sabo
Sandlin
Scott
Sherman
Slaughter
Snyder
Solis
Thompson (MS)
Thurman
Udall (CO)
Visclosky
Waters
Watson (CA)
Watt (NC)
Wu
Wynn

NAYS—345

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Aderholt
Barton
Blunt
Boyd
Gillmor
Harman
McHugh
Miller (FL)
Napolitano
Quinn
Towns

□ 1618

Ms. LOFGREN, Messrs. GILMAN, KIND, McGOVERN, TANCREDO, BERRY, WEINER, GEORGE MILLER of California, KLECZKA, BLUMENAUER, Ms. BALDWIN, Messrs. MOLLOHAN, CROWLEY, RANGEL, NEAL of Massachusetts, Ms. RIVERS, Mr. SPRATT, Ms. HOOLEY of Oregon, Messrs. MATHESON, LIPINSKI, BORSKI, STRICKLAND, McNULTY, Mrs. LOWEY, Mrs. TAUSCHER, Messrs. BARCIA, KILDEE, CUMMINGS, DOOLEY of California, PASTOR, COSTELLO, MEEKS of New York, GORDON, MOORE, LANGEVIN, WAXMAN, DEFAZIO, HOLT, PALLONE, ROTHMAN, ROSS, Ms. VELAZQUEZ, Mr. LEVIN, Mr. BACA, Ms. BROWN of Florida, Messrs. DUNCAN, PETERSON of Minnesota, STUPAK, Ms. CARSON of Indiana, Messrs. ETHERIDGE, MENENDEZ, BENTSEN, PRICE of North Carolina, Ms. MILLENDER-McDONALD, Messrs. TANNER, PAYNE, SANDERS, HILL, GUTIERREZ, Mrs. MALONEY of New York, Mr. BLAGOJEVICH, Mr. BECERRA, Ms. JACKSON-LEE of Texas, Messrs. CLEMENT, LARSON of Connecticut, LANTOS, STARK, MARKEY, Ms. DELAURO, Mr. UDALL of New Mexico, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. WOOLSEY, Mr. EVANS, Mr. ORTIZ, Ms. ESHOO, Mr. BALDACCI, Mr. ALLEN, Ms. SANCHEZ, Mrs. DAVIS of California, Messrs. CONDIT, REYES, LAMPSON, THOMPSON of California, ACKERMAN and HINOJOSA changed their vote from ''yea'' to ''nay.''

Mrs. CLAYTON, Mr. McDERMOTT, Ms. LEE, Mr. OLVER, Ms. SOLIS and Ms. ROYBAL-ALLARD changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 79, answered ''present'' 1, not voting 14, as follows:

[Roll No. 386]

YEAS—337

Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)

Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—79

Ackerman
Baldwin
Barrett
Becerra
Blumenauer
Bonior
Boucher
Brown (OH)
Capuano
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Farr
Filner
Frank
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Kucinich
LaHood
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Nadler
Oberstar
Olver
Otter
Owens
Pastor
Paul
Payne
Peterson (MN)
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schakowsky
Scott
Serrano
Solis
Stark
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Woolsey
Wu

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—14

Abercrombie
Aderholt
Barton
Blunt
Boyd
Gillmor
Harman
Lewis (CA)
McHugh
Miller (FL)
Napolitano
Quinn
Roukema
Towns

□ 1626

Mr. HONDA and Mr. BECERRA changed their vote from ''yea'' to ''nay.''

Ms. CARSON of Indiana changed her vote from ''present'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.''

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2975, PATRIOT ACT OF 2001

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2975, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring the schedule for the remainder of the week and next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will yield, I thank the gentleman.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business next Tuesday, October 16, at 12:30 p.m. for morning hour, and at 2 p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. Of special importance to Members, on Tuesday, no recorded votes are expected until 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures, subject to rules:

First, on Wednesday, the conference report to accompany H.R. 2217, the Interior appropriations bill for fiscal year 2002. Also on Wednesday, H.R. 3004, the Financial Anti-Terrorism Act of 2001, which is money laundering legislation reported out of committee yesterday.

□ 1630

Finally, on Thursday the House is expected to take up H.R. 3090, the Economic Security and Recovery Act of 2001, which is expected to be reported out of the Committee on Ways and Means yet this afternoon or this evening.

Mr. Speaker, appropriators are also working hard on additional bills now in conference. It is our hope that additional appropriations conference reports will be available for consideration in the House at some point next week.

Mr. BONIOR. Mr. Speaker, I would inquire of the gentleman from Ohio if the aviation security bill is coming to the floor next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, we are hopeful it will come to the floor next week. We are still working on this legislation. The gentleman from Florida (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and others are working on it. We want to take this bill up with some urgency, but we cannot give the gentleman a firm time at this point.

Mr. BONIOR. Mr. Speaker, let me just say this. We have been very patient here. I have been raising this issue each week at the end of the week with a colloquy with the distinguished majority leader about the aviation security bill, and about the compensation bill for those who were laid off. Every week we have been told, well, we are working on that. We are working on it.

While we are working on it, the American people want some security in their flights. They want to know that their baggage is going to be checked. They want to know that there is a federally-secured inspection system in place. They want to know all of these things.

I must say, with all due respect, we are running out of patience, and I think the American people are running out of patience. That bill ought to have been brought to the floor today. It passed the Senate 100 to 0. There is no reason why we keep delaying and delaying and delaying.

So I want to encourage my friend, the gentleman from Ohio, and my colleagues on the other side of the aisle, have that bill on the floor as soon as we get back here next week. The American people are ready for it; we are ready for it on our side. I know Members on the gentleman's side are ready for it. There is no reason to continue to delay this important legislation.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

I would just say to the distinguished acting majority leader that in the Committee on Transportation and Infrastructure we have worked very diligently on a bipartisan basis sharing ideas, coming to agreement on virtually all items in an aviation security bill but one.

I would hope that we would have that legislation, either the majority version or our version. Certainly, I understand bringing up the majority version of this bill on the House floor next week, but with an opportunity for us to offer our package as a substitute, or an amendment in the nature of a substitute.

I know, without going into the detail of it here, there is division over one issue. We ought to have an opportunity to elucidate that issue of who ought to conduct the screening of persons and carry-on baggage and checked baggage at airports. We ought to have a rational discussion on this subject. I hope that the majority will allow that to occur on the House floor next week.

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I know we have an important briefing, and Members are waiting to hear the briefing and to catch airplanes and get home with their families, which is also very important.

We totally agree that it is very urgent to bring this measure to the floor. As we know, the Senate completed action only late last night. There are some differences between the President's proposal and the Senate bill. There are some complex issues still to be resolved. But we are very hopeful we can get that to the floor next week and get these issues resolved, and provide the American people an additional sense of security, in addition to the National Guard and other important measures that have been taken in the interim.

I would tell the gentleman that the points are well taken, and we will move with urgency.

Mr. BONIOR. Mr. Speaker, I would just say to my friend, the gentleman from Ohio, and he is my friend, that the Senate worked last night on the bill we just passed here a few moments ago. The gentleman on his side saw fit to bring it to the floor and get it done today.

There is no reason why we cannot move on this important piece of legislation. It passed the Senate 100 to 0. The American people want security in aviation, in flying in this country. We need it, and we need it yesterday. So I want to encourage all my colleagues on the other side to pressure their leadership to get it to the floor.

We know what the issue is. The issue is whether we are going to have a professional Federal work force inspecting. Everyone understands that. Why do we not have a debate on that? This is what this is about.

It should not be about one or two people on that side of the aisle who are holding this up because they do not want it. It should be a debate where everybody decides on this floor. If we win, fine. If they win, fine. Let us get on with the business of taking care of the flying public.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3073

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 3073.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT TO TUESDAY, OCTOBER 16, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 16, 2001 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Mr. GEPHARDT) for today after 12:30 p.m. on account of business in the district.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of previously scheduled surgery.

Mr. MILLER of Florida (at the request of Mr. ARMEY) for October 9 and the balance of the week on account of family medical reasons.

Mr. ADERHOLT (at the request of Mr. ARMEY) for today on account of his house catching on fire.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 19. A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 16, 2001, at 12:30 p.m. for morning hour debates.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L Ackerman, Robert B Aderholt, W. Todd Akin, Thomas H Allen, Robert E Andrews, Richard K Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H Baker, John Elias E Baldacci, Tammy Baldwin, Cass Ballenger, James A Barcia, Bob Barr, Thomas M Barrett, Roscoe G Bartlett, Joe Barton, Charles F Bass, Xavier Becerra, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D Bishop, Jr., Rod R Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L Boehlert, John A Boehner, Henry Bonilla, David E Bonior, Mary Bono, Robert A Borski, Leonard L Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A Brady, Corrine Brown, Sherrod Brown, Henry E Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E Capuano, Benjamin L Cardin, Brad Carson, Julia Carson, Michael N Castle, Steve Chabot, Saxby Chambliss, Donna M Christensen, Wm. Lacy Clay, Eva M Clayton, Bob Clement, James E Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A Condit, John Cooksey, Jerry F Costello, Christopher Cox, William J Coyne, Robert E (Bud) Cramer, Jr., Philip P Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E Cummings, Randy ''Duke'' Cunningham, Danny K Davis, Jim Davis, Jo Ann Davis, Susan A Davis, Thomas M Davis, Nathan Deal, Peter A DeFazio, Diana DeGette, William D Delahunt, Rosa L DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D Dicks, John D Dingell, Lloyd Doggett, Calvin M Dooley, John T Doolittle, Michael F Doyle, David Dreier, John J Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J Ehlers, Robert L Ehrlich, Jr., Jo Ann Emerson, Eliot L Engel, Phil English, Anna G Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E Ford, Jr., Vito Fossella, Barney Frank, Rodney P Frelinghuysen, Martin Frost, Elton Gallegly, Greg

Ganske, George W Gekas, Richard A Gephardt, Jim Gibbons, Wayne T Gilchrest, Paul E Gillmor, Benjamin A Gilman, Charles A Gonzalez, Virgil H Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J Goss, Lindsey O Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C Greenwood, Felix J Grucci, Jr., Luis Gutierrez, Gil Gutknecht, Ralph M Hall, Tony P Hall, James V Hansen, Jane Harman, Melissa A Hart, J. Dennis Hastert, Alcee L Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Wally Herger, Baron P Hill, Van Hilleary, Earl F Hilliard, Maurice D Hinchey, Rubén Hinojosa, David L Hobson, Joseph M Hoeffel, Peter Hoekstra, Tim Holden, Rush D Holt, Michael M Honda, Darlene Hooley, Stephen Horn, John N Hostettler, Amo Houghton, Steny H Hoyer, Kenny C Hulshof, Duncan Hunter, Asa Hutchinson, Henry J Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E Issa, Ernest J. Istook, Jr., Jesse L Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B Jones, Paul E Kanjorski, Marcy Kaptur, Ric Keller, Sue W Kelly, Mark R. Kennedy, Patrick J Kennedy, Brian D. Kerns, Dale E Kildee, Carolyn C Kilpatrick, Ron Kind, Peter T King, Jack Kingston, Mark Steven Kirk, Gerald D Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J Kucinich, John J LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B Larson, Tom Latham, Steven C LaTourette, James A Leach, Barbara Lee, Sander M Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O Lipinski, Frank A LoBiondo, Zoe Lofgren, Nita M Lowey, Frank D Lucas, Ken Lucas, Bill Luther, Carolyn B Maloney, James H Maloney, Donald A Manzullo, Edward J Markey, Frank Mascara, Jim Matheson, Robert T Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Jim McCrery, James P McGovern, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A McKinney, Michael R McNulty, Martin T Meehan, Carrie P Meek, Gregory W Meeks, Robert Menendez, John L Mica, Juanita Millender-McDonald, Dan Miller, Gary G Miller, George Miller, Patsy T Mink, John Joseph Moakley, Alan B Mollohan, Dennis Moore, James P Moran, Jerry Moran, Constance A Morella, John P Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F Napolitano, Richard E Neal, George R Nethercutt, Jr., Robert W Ney, Anne M Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L Oberstar, David R Obey, John W Olver, Solomon P Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R Owens, Michael G Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M Payne, Nancy Pelosi, Mike Pence, Collin C Peterson, John E Peterson, Thomas E Petri, David D Phelps, Charles W. Pickering, Joseph R Pitts, Todd Russell Platts, Richard W Pombo, Earl Pomeroy, Rob Portman, David E Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J Rahall, II, Jim Ramstad, Charles B Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M Reynolds, Bob Riley, Lynn N Rivers, Ciro D Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R Royce, Bobby L Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C Scott, F. James Sensenbrenner, Jr., José E Serrano, Pete Sessions, John B Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H Smith, Lamar S Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E Souder, Floyd Spence, John N Spratt, Jr., Fortney Pete Stark, Cliff Stearns, Charles W Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E Sununu, John E Sweeney, Thomas G Tancredo, John S Tanner, Ellen O Tauscher, W.J. (Billy) Tauzin, Charles H Taylor, Gene Taylor, Lee Terry, William M Thomas, Bennie G Thompson, Mike Thompson, Mac Thornberry, John R Thune, Karen L Thurman, Todd Tiahrt, Patrick J. Tiberi, John F Tierney, Patrick J Toomey, Edolphus Towns, James A Traficant, Jr., Jim Turner, Mark Udall, Tom Udall, Robert A Underwood, Fred Upton, Nydia M Velazquez, Peter J Visclosky, David Vitter, Greg Walden, James T Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E Watson, Melvin L Watt, J.C. Watts, Jr., Henry A Waxman, Anthony D Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F Wicker, Heather Wilson, Frank R Wolf, Lynn C Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

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

4228. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV01–905–1 IFR] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4229. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate [Docket No. FV01–948–2 IFR] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations [Docket No. 99–092–2] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4231. A letter from the Chairman, National Capital Planning Commission, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

4232. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Secretary's certification that full-up, system-level live fire testing of the T-AKE Auxiliary Cargo and Ammunition Ship Class would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

4233. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Cost or Pricing Data Threshold [DFARS Case 2000–D026] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4234. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Domestic Source Restrictions-Ball and Roller Bearings and Vessel Propellers [DFARS Case 2000–D301] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Use of Recovered Materials [DFARS Case 2001–D005] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4236. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Cancellation of MIL-STD–973, Configuration Management [DFARS Case 2001–D001] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4237. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Section 8(a) Program [DFARS Case 2001–D009] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4238. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to SEMAP Lease-up Indicator [Docket No. FR–4604–I–01] (RIN: 2577–AC21) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4239. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program—Fiscal Year 2002 [Docket No. 4680–N–02] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Operating Subsidiaries of Federal Branches and Agencies [Docket No. 01–21] (RIN: 1557–AB92) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063–0046; FRL–7066–7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4242. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [AD-FRL–7066–4] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4243. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Approval of Section 112(I)

Authority for Hazardous Air Pollutants; State of Delaware; Department of Natural Resources and Environmental Control [DE001–1001; FRL–7056–7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4244. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities [AD-FRL–7067–9] (RIN: 2060–AG91) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4245. A communication from the President of the United States, transmitting His report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; (H. Doc. No. 107—132); to the Committee on International Relations and ordered to be printed.

4246. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations—— Chemical and Biological Weapons Controls: Australia Group; Chemical Weapons Convention [Docket No. 010914228–1228–01] (RIN: 0694–AC43) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4247. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 010112013–1013–01; I.D. 091801A] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4248. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Class Deviation from the Provisions of 40 CFR 35. 3.25(b)(1) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4249. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— Board of Veterans' Appeals: Rules of Practice—Time for Filing Substantive Appeal (RIN: 2900–AK54) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4250. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— Board of Veterans' Appeals: Rules of Practice—Subpoenas (RIN: 2900–AJ58) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4251. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—User Fee Airports [T.D. 01–70] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4252. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Name Change Of User Fee Airport in Ocala, Florida [T.D. 01–69] received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 2001–58] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4254. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations [Rev. Rul. 2001–46] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4255. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Liabilities Assumed in Certain Corporate Transactions [TD 8964] (RIN: 1545–AY55) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4256. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4257. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accrual of Medicaid Rebate Liability— received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4258. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Archer Medical Savings Accounts [Annoucement 2001–99] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4259. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Applicable recovery period under IRC Sec. 168(a) for slot machines, video lottery terminals, and gaming furniture, fixtures and equipment—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4260. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out inventories [Rev. Rul. 2001–45] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4261. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Loss Utilization in a Life-Nonlife Consolidated Return Separate v. Single Entity Approach—received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4262. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001–47] received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on October 12 (legislative day of October 11), 2001]

Mr. REYNOLDS: Committee on Rules. House Resolution 263. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107–237). Referred to the House Calendar.

[Submitted October 12, 2001]

Mr. DIAZ-BALART: Committee on Rules. House Resolution 264. Resolution providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes (Rept. 107–238). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2336. A bill to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers (Rept. 107–239). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1408. Referral to the Committee on the Judiciary extended for a period ending not later than October 16, 2001.

H.R. 2541. Referral to the Committee on the Judiciary extended for a period ending not later than November 2, 2001.

H.R. 3016. Referral to the Committee on the Judiciary extended for a period ending not later than October 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SENSENBRENNER:

H.R. 3108. A bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Energy and Commerce, Financial Services, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. ALLEN, Mr. ENGLISH, Mr. MCNULTY, Mr. WALSH, Mr. LAFALCE, Mr. KOLBE, Mr. KIND, Mr. SWEENEY, Mr. MOORE, Mrs. EMERSON, Mr. POMEROY, Mr. MCHUGH, Mr. TAYLOR of Mississippi, Mr. SMITH of New Jersey, Mr. FROST, Mr. BOEHLERT, Mr. HINCHEY, Mr. FRELINGHUYSEN, Mr. PALLONE, Mrs. ROUKEMA, Mr. BORSKI, Mr. SAXTON, Mrs. MINK of Hawaii, Mr. REYNOLDS, Mr. CAPUANO, Mr. FERGUSON, Mr. THOMPSON of California, Mr. KILDEE, Mr. ANDREWS, Mr. STUPAK, Mr. OBERSTAR, Ms. SLAUGHTER, Mr. MENENDEZ, Mr. TRAFICANT, Mr. BALDACCI, Mr. ROSS, and Mr. BROWN of Ohio):

H.R. 3109. A bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. GEPHARDT, Mr. LIPINSKI, Mr. DEFAZIO, Mr. BORSKI, Mr. RAHALL, Mr. BOSWELL, Mr. HOLDEN, Mr. CLEMENT, Mr. COSTELLO, Mr. NADLER, Ms. BROWN of Florida, Mr. BARCIA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mrs. TAUSCHER, Mr. MATHESON, Mr. HONDA, Mr. MASCARA, Mr.

BALDACCI, Mr. CUMMINGS, Mr. PASCRELL, Mr. MCGOVERN, Mr. LAMPSON, Mr. BAIRD, Mr. CARSON of Oklahoma, Mr. SANDLIN, Mr. BLUMENAUER, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Mr. LARSEN of Washington, Mr. FILNER, Mr. MENENDEZ, Mr. BERRY, Mr. HOLT, Mrs. CAPPS, and Mr. LANTOS):

H.R. 3110. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR:

H.R. 3111. A bill to authorize the Secretary of the Treasury to issue 21st Century Independence Savings Bonds; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. MCKEON, and Mr. SAM JOHNSON of Texas):

H.R. 3112. A bill to amend the Workforce Investment Act of 1998 to establish a national emergency grant program to respond to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii (for herself, Mr. BONIOR, Ms. CARSON of Indiana, Mrs. CLAYTON, Mr. CLAY, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. STARK, Ms. WATERS, Ms. WOOLSEY, and Ms. BROWN of Florida):

H.R. 3113. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. ACEVEDO-VILA:

H.R. 3114. A bill to amend the Internal Revenue Code of 1986 to make permanent the increase in the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3115. A bill to allow letters sent to the White House, marked ''America's Fund for Afghan Children'', to be mailed free of postage; to the Committee on Government Reform.

By Mr. BENTSEN:

H.R. 3116. A bill to amend the Internal Revenue Code of 1986 to eliminate tax subsidies for ethanol fuel; to the Committee on Ways and Means.

By Mr. CLEMENT:

H.R. 3117. A bill to suspend temporarily the duty on 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 3118. A bill to amend title 23, United States Code, relating to minimum penalties for repeat offenders for driving while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida:

H.R. 3119. A bill to amend title II of the Social Security Act to increase to $1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. KELLER:

H.R. 3120. A bill to provide for a study on the feasibility of giving airlines access by computer to lists of suspected terrorists; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself and Mr. UDALL of New Mexico):

H.R. 3121. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 3122. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mrs. MORELLA, Mr. GILMAN, Mr. PAYNE, Mr. ROTHMAN, Mr. PALLONE, Mr. LANGEVIN, Mr. BARCIA, Ms. HOOLEY of Oregon, Mr. LAMPSON, Mr. LARSON of Connecticut, and Mrs. MCCARTHY of New York):

H.R. 3123. A bill to amend chapter 40 of title 18, United States Code, to increase the penalties for using an instrumentality of interstate commerce to threaten to kill, injure, or intimidate any individual or unlawfully to damage or destroy property by means of fire or an explosive; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 3124. A bill to amend the Internal Revenue Code of 1986 to provide that the special tax imposed on the recognition of built-in gain by an S corporation shall not apply to the extent such gain is reinvested in the business; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 3125. A bill to amend the Truth in Lending Act to impose a temporary cap on credit card interest rates, and for other purposes; to the Committee on Financial Services.

By Mr. SANDLIN:

H.R. 3126. A bill to amend the Truth in Lending Act to impose a temporary cap on credit card interest rates, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of New Mexico:

H.R. 3127. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture.

By Mr. UNDERWOOD:

H.R. 3128. A bill to authorize the establishment of a National Guard of the Northern Mariana Islands; to the Committee on Armed Services.

By Mr. BROWN of South Carolina (for himself, Mr. ADERHOLT, Mr. BAKER, Mr. BUYER, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. GRAHAM, Mr. GRAVES, Mr. KERNS, Mr. LARGENT, Mrs. MYRICK, Mr. PHELPS, Mr. PITTS, Mr. PLATTS, Mr. SHIMKUS, Mr. SHOWS, Mr. TAYLOR of Mississippi, Mr. GOODLATTE, Mr. MANZULLO, Ms. HART, Mr. REHBERG, Mr. OSBORNE, Mr. COBLE, Mr. GUTKNECHT, Mr. CALLAHAN, Mr. GRUCCI, Mrs. WILSON, Mr. KELLER, Mr. ISTOOK, Mr. KOLBE, Mr. LUCAS of Oklahoma, Mr. MCKEON, Mr. CALVERT, Mr. WELDON of Florida, Mr. CANNON, Mr. GIBBONS, Mr. LOBIONDO, Mr. LEWIS of California, Mr. OTTER, Mr. EHLERS, Mr. REGULA, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. EHRLICH, Mr. WICKER, Mr. LATHAM, Mrs. BONO, Mr. HILLEARY, Mr. BRYANT, Mr. GREEN of Wisconsin, Mr. TOOMEY, Mr. WATTS of Oklahoma, Mr. PENCE, Mr. DUNCAN, Mr. HEFLEY, Mr. ISAKSON, Mr. LATOURETTE, Mr. SIMPSON, Mr. COMBEST, Mr. AKIN, and Mr. DOOLITTLE):

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress that public schools may display the words ''God Bless America'' as an expression of support for the Nation; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. GILMAN, and Mr. CROWLEY):

H. Con. Res. 249. Concurrent resolution providing for a joint session of Congress to be held in New York City, New York; to the Committee on the Judiciary.

By Mrs. MYRICK:

H. Res. 265. A resolution amending the rules of the House of Representatives to prohibit access to classified information by Members who do not have the appropriate security clearance required for viewing the information; to the Committee on Rules.

ADDITIONAL SPONSORS

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

H.R. 162: Mr. CUMMINGS.

H.R. 218: Mr. COMBEST, Mr. RILEY, and Mr. FOSSELLA.

H.R. 424: Mr. FILNER, Mr. SMITH of New Jersey, and Mr. MCGOVERN.

H.R. 482: Mr. FERGUSON.

H.R. 488: Mr. FORD.

H.R. 510: Mr. GRUCCI and Mr. ROTHMAN.

H.R. 674: Mr. ROTHMAN.

H.R. 709: Mr. BACA.

H.R. 782: Mr. LIPINSKI and Mr. GOODE.

H.R. 783: Mr. SMITH of New Jersey.

H.R. 868: Mr. GREEN of Wisconsin.

H.R. 951: Mr. FLETCHER, Mr. DINGELL, Mr. PUTNAM, Mr. LAHOOD, Mr. SMITH of Michigan, and Ms. HART.

H.R. 981: Mr. GRAHAM.

H.R. 1158: Mr. GANSKE.

H.R. 1176: Mr. PRICE of North Carolina.

H.R. 1187: Mrs. BIGGERT.

H.R. 1331: Mr. FORBES.

H.R. 1374: Ms. KILPATRICK, Mr. BONIOR, Ms. RIVERS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. SMITH of Michigan.

H.R. 1411: Mr. HAYES.

H.R. 1582: Mr. GREEN of Texas.

H.R. 1682: Ms. LEE.

H.R. 1723: Mr. BENTSEN and Ms. CARSON of Indiana.

H.R. 1784: Mr. GUTIERREZ and Ms. HOOLEY of Oregon.

H.R. 1810: Ms. KILPATRICK.

H.R. 1822: Ms. DEGETTE, Mr. HEFLEY, and Ms. MCCOLLUM.

H.R. 1861: Ms. BALDWIN.

H.R. 1911: Mr. BEREUTER.

H.R. 1919: Mr. SWEENEY, Mr. FOSSELLA, Mr. SOUDER, Mrs. KELLY, Mr. BLUNT, Mr. GILMAN, Mr. FLETCHER, Mr. FRANK, and Mr. ROTHMAN.

H.R. 1979: Mr. MOORE.

H.R. 2107: Mr. LUCAS of Kentucky.

H.R. 2117: Mr. BERRY.

H.R. 2125: Mr. GEKAS, Mr. CONDIT, and Mr. KLECZKA.

H.R. 2160: Mr. ROTHMAN.

H.R. 2163: Mr. HONDA.

H.R. 2173: Mr. LAHOOD and Mr. ETHERIDGE.
H.R. 2288: Mr. REYES.
H.R. 2329: Mr. PENCE and Mr. VISCLOSKY.
H.R. 2357: Mr. GIBBONS.
H.R. 2381: Mr. SCHAFFER and Mr. FATTAH.
H.R. 2395: Mr. MCNULTY.
H.R. 2405: Ms. LEE and Mr. BLAGOJEVICH.
H.R. 2521: Mrs. JOHNSON of Connecticut, Mr. LIPINSKI, Mr. FORD, and Mr. TANNER.
H.R. 2577: Ms. KILPATRICK, Mr. BONIOR, Ms. RIVERS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. SMITH of Michigan.
H.R. 2610: Mr. OWENS, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. BACA, Mr. BORSKI, and Mr. CLYBURN.
H.R. 2623: Mr. HONDA.
H.R. 2693: Ms. WATSON, Mr. SHERMAN, and Ms. SOLIS.
H.R. 2695: Mr. JEFFERSON.
H.R. 2715: Ms. PELOSI.
H.R. 2722: Mr. PRICE of North Carolina, Mr. FARR of California, and Mr. BONIOR.
H.R. 2725: Ms. DELAURO.
H.R. 2747: Mr. ALLEN, Mr. FRANK, and Ms. RIVERS.
H.R. 2769: Mr. FILNER.
H.R. 2805: Mr. RYUN of Kansas.
H.R. 2817: Mrs. ROUKEMA and Mr. GREEN of Wisconsin.
H.R. 2850: Mr. MCHUGH, Mr. FROST, and Mr. HINCHEY.
H.R. 2866: Mr. MCGOVERN and Mr. WAXMAN.
H.R. 2896: Mr. STEARNS.
H.R. 2897: Mr. ROTHMAN.
H.R. 2902: Ms. CARSON of Indiana.
H.R. 2906: Mr. SOUDER.
H.R. 2940: Ms. CARSON of Indiana and Mr. RANGEL.
H.R. 2946: Mrs. THURMAN, Mr. MALONEY of Connecticut, and Mr. BALDACCI.
H.R. 2950: Mr. BOEHLERT, Mr. ACEVEDO-VILLA, and Mr. KERNS.
H.R. 2951: Mr. GREENWOOD, Mr. HORN, and Mr. MORAN of Virginia.
H.R. 2961: Mr. KANJORSKI.
H.R. 2989: Mr. ENGLISH and Mr. HOLDEN.
H.R. 2998: Mr. NORWOOD and Mr. LINDER.
H.R. 3000: Mrs. JONES of Ohio.
H.R. 3007: Mr. ISAKSON, Mr. GRUCCI, Mrs. MORELLA, and Mr. SWEENEY.
H.R. 3011: Mr. LAFALCE and Ms. CARSON of Indiana.
H.R. 3014: Mr. LAHOOD, Mr. MORAN of Kansas, and Mr. MCDERMOTT.
H.R. 3015: Mr. MCGOVERN, Ms. CARSON of Indiana, and Mr. CONYERS.
H.R. 3017: Mr. MCGOVERN, Mr. EVANS, Mr. FROST, Ms. BROWN of Florida, Mr. FILNER, Mr. FALEOMAVAEGA, and Ms. CARSON of Indiana.
H.R. 3040: Mr. MCNULTY and Ms. CARSON of Indiana.
H.R. 3045: Mr. MORAN of Kansas.
H.R. 3046: Mr. GORDON.
H.R. 3059: Mr. TRAFICANT, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. BISHOP, Ms. KAPTUR, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BROWN of Ohio.
H.R. 3060: Mr. SHERMAN.
H.R. 3067: Mr. BERMAN, Mr. BACA, Mr. FILNER, Mr. REYES, Ms. PELOSI, and Mr. WYNN.
H.R. 3073: Mr. LAFALCE.
H.R. 3085: Mr. ISRAEL.
H.R. 3101: Mr. ROSS, Mr. LARSEN of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, and Mr. UDALL of Colorado.
H.R. 3106: Mr. HASTINGS of Florida and Mr. BOEHLERT.
H. Con. Res. 26: Mr. SMITH of New Jersey and Ms. CARSON of Indiana.
H. Con. Res. 45: Mr. ROGERS of Kentucky and Mr. TOOMEY.
H. Con. Res. 102: Mr. ACKERMAN.
H. Con. Res. 181: Mr. SENSENBRENNER.
H. Con. Res. 184: Mr. ISTOOK, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. BALLENGER, and Mr. COOKSEY.
H. Con. Res. 188: Mr. CALVERT.
H. Con. Res. 197: Mr. WAMP and Mr. OWENS.
H. Con. Res. 211: Mr. PAYNE and Ms. MCCARTHY of Missouri.
H. Con. Res. 230: Mr. FALEOMAVAEGA, Mr. FARR of California, Ms. BERKLEY, Mr. COSTELLO, and Mr. MORAN of Virginia.
H. Con. Res. 232: Mr. ENGLISH, Mr. KNOLLENBERG, Mrs. KELLY, Mr. REHBERG, Mr. HYDE, Mr. SHERWOOD, Mr. SHUSTER, Mr. HAYES, Mr. CHAMBLISS, Mr. BURTON, of Indiana, Mr. ADERHOLT, Mr. WATKINS, Mr. THUNE, Mr. GIBBONS, Mr. SESSIONS, Mrs. CAPITO, Mrs. WILSON, Mr. OSBORNE, Mr. MORAN of Kansas, Mr. GALLEGLY, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, and Mr. ROGERS of Kentucky.
H. Con. Res. 233: Mr. WAXMAN and Mr. GOODLATTE.
H. Con. Res. 234: Mr. LAHOOD and Mr. BROWN of Ohio.
H. Con. Res. 243: Mr. GREENWOOD, Mr. SCHAFFER, Mr. ALLEN, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. GARY G. MILLER of California, Mr. DIAZ-BALART, Mrs. ROUKEMA, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Pennsylvania, Mr. MICA, Mr. ISSA, Mr. CALLAHAN, Mr. ISTOOK, Mr. SUNUNU, Mr. ROGERS of Michigan, Mr. DREIER, Ms. SANCHEZ, Mr. WAMP, and Mr. FOLEY.
H. Res. 133: Mr. BROWN of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3073: Mr. MEEKS of New York.

EXTENSIONS OF REMARKS

"SUPPORT FOR U.S. FROM AFGHAN COMMUNITY OF NEW ENGLAND"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. FRANK. Mr. Speaker, as are all of us, I have been meeting regularly with people in my district about the terrible mass murders which were inflicted on us and how we should respond. One of the groups with which I was most interested in meeting consists of Afghans who are living in the U.S., and who are strongly supportive of our efforts not simply to repel terrorism against us, but to help their native country free itself from the tyranny now oppressing them under the rule of the Taliban. On Monday, October 8, I had a very useful informative meeting with a number of people from the Afghan community in New England. Given that these are people who believe in freedom, and also practice it, they were not all in complete agreement with everything the U.S. government has done since September 11, nor were they in complete agreement with each other on every point. But they were united on the basic points, embodied in the statement which they presented to me.

We should remember that the major victims of the alliance between the Taliban and Osama bin Laden on a continuing basis are the people of Afghanistan, women especially, but all in Afghanistan who are being subject to a brutal, terroristic regime. To remind us all of this, and to share with my colleagues the insights presented to me by Afghans who are committed to helping us resolve this issue, I ask that their very thoughtful statement be printed here.

October 8, 2001.

Congressman BARNEY FRANK,
Newton, Massachusetts.

CONGRESSMAN BARNEY FRANK: Thank you for the time and for the opportunity you have given us to meet with you in your office. We represent the few Afghan families who live in Massachusetts. There are roughly 100 Afghan families in Massachusetts. Most of us have come to United States in the 1980s when the Russians invaded Afghanistan. Around 20 families have come to United States in the past two years. Those who come in the 1980s are mostly US citizens now.

After the September 11th terrorist attacks in New York and in Washington we, the Afghan Community of New England in Massachusetts, issued a Statement and a Press Release the day after the attack. We strongly condemned these terrorist acts and expressed our solidarity and unity with our President and our Government. We also expressed our sadness, sorrow and condolences with those families who lost their loved ones.

Long before the September 11th attacks, all Afghans in the United States and abroad and the Afghans inside Afghanistan raised their voices loudly and warned the world about the existence and threats of these non-Afghan terrorist groups inside Afghanistan. It is unfortunate to say that the government of Pakistan, its military forces, and the ISI helped, funded, and created these terrorist groups along with Taliban who rules Afghanistan right now. Taliban do not represent the Afghan society. We would like to see a broad based government, which includes all the people of Afghanistan regardless of their ethnic, linguistic, and religious differences. We wished this goal had been accomplished through a peaceful mean.

Today, we are deeply concerned about the fate of the civilians inside Afghanistan. We appreciate the aid package for the refugees inside and outside Afghanistan and the food dropping efforts. We would like to see this humanitarian assistance to continue throughout the wintertime. We would like to see that the United States and the free world not to abandon Afghanistan and to plan for the future of Afghanistan. We need to rebuild and re-construct Afghanistan.

Sincerely yours,
AFGHAN COMMUNITY OF NEW ENGLAND IN MASSACHUSETTS.

TRIBUTE TO MRS. FRANK (CAROLINE) GUARINI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. RANGEL. Mr. Speaker, I rise today in praise of the late Mrs. Frank (Caroline) Guarini, Senior, mother of former Congressman Frank J. Guarini, Jr. Mrs. Guarini's life spanned the entire 20th century; entering our world on March 25, 1900 in Niagara Falls, New York and departing it on September 9, 2001 at her home in Secaucus, New Jersey. On September 13th I was privileged to be in attendance with her loving son and family in a service celebrating her life.

After completing her education in Canada, then Caroline Critelli worked in her family's furniture business before marrying Frank J. Guarini, Sr. in 1923. Never forgetting her Italian immigrant background, she raised her two children Ms. Marie Mangin and Mr. Guarini, Jr. to be proud of their heritage and grateful for all of that life had blessed them with.

To this end, Mrs. Guarini remained devoted to the public throughout her life, contributing to the community through service and through the arts. In November of 1999, Mrs. Guarini was recognized by the Christopher Columbus Foundation for her continuous participation in its Columbus Day Parade where she was referred to as a "child's dream of a fairy Godmother". And in celebration of her 100th birthday in 2000, she played the theme song from Dr. Zhivago on piano on an international television broadcast.

Whether in the capacity of work, family, service, church, or neighbor, everyone who met Mrs. Guarini was touched by her. Those that had the honor of knowing Mrs. Guarini, will forever remember her grace, charm, and beauty.

IN MEMORY OF LUCILLE PERK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the life of Lucille Perk of Cleveland.

Lucille Perk may always be best remembered as an avid bowler. She bowled with Vic's Floral team in the Southeast Ladies League for more than twenty years. When her husband, Ralph Perk, who was the mayor of Cleveland from 1972 through 1977, was invited to a White House dinner with president Nixon, she did not accompany him. Pressed for an explanation, the mayor explained that his wife could not attend because it was her bowling night. People across the country knew the story of the Ohio woman who preferred bowling to dinner at the White House.

As dedicated as she was to her teammates at the bowling alley, she was even more dedicated to her community, her church and her family. The mother of seven, she was named Italian Mother of the Year by the Italian-American Civic Club in 1965. For more than thirty-five years while her husband was in politics, Lucille answered telephone calls from constituents.

Lucille was a regular attendee of meetings of the Parent Teachers Union at Our Lady of Lourdes parochial school. She was a lifelong member of Our Lady of Lourdes parish. She was also a member of the Southeast Isabella Guild of the Knights of Columbus and the Knights of St. John's women's auxiliary. She was a founder of two mission circles supporting priests in El Salvador and South Africa.

Lucille Perk was a dedicated wife, mother, community volunteer, and bowler. She has become a part of the culture of Cleveland. My fellow colleagues, please join me in honoring the life of this remarkable woman.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. TIAHRT. Mr. Speaker, I offer my thanks and congratulations to the Chairman of the Agriculture Committee, Mr. COMBEST, and the Ranking Members, Mr. STENHOLM, for crafting this bipartisan legislation, which I am pleased to support. The bill before us is the result of more than two years of hard work by the Agriculture Committee and I believe the efforts of the Committee are reflected in this Farm Bill.

This legislation comes at a time of historically low commodity prices and high costs for farmers and ranchers. This has resulted in drastically lower production. Last year in my state of Kansas, wheat production was only 80

percent of the previous year's crop. While this was still good enough to enable Kansas to lead the nation in wheat production, it resulted in a production value decrease of nearly $30 million from the previous year. Corn production was down by 4 million bushels from 1999, and sorghum grain production was down 27 percent, though I am pleased to report to my colleagues that Kansas did retain its position as the number one sorghum grain production state in the nation.

The difficulties facing the farmers and ranchers of Kansas did not stop there. Soybean production was down nearly 40 percent and was at its lowest level in five years. And hay production was down 13 percent from 1999. Mr. Speaker, these facts strongly suggest the need for a farm policy which continues current successful agricultural programs and offers a balanced approach for addressing issues of important to those Americans who produce crops and livestock. It is time for Congress to step forward and demonstrate our commitment to the men and women who feed our Nation.

There are numerous reasons why I will vote for the Farm Security Act of 2001. I support this legislation because it offers essential income support to farmers and ranchers, thus guaranteeing a safe, affordable, and dependable food supply for the United States and many parts of the world. The American people are truly a blessed and fortunate people considering that we spend only 11 cents of every dollar we earn on food. In other nations that figure may be as high as fifty cents on the dollar.

It is not just the worker on the farm or ranch who will feel the benefits of this Farm Bill. This legislation provides much-needed resources to the agricultural economy, which will guarantee the continued viability of the food and fiber sector where nearly one-fifth of America's civilian workforce is employed. Mr. Speaker, by supporting production on our farms and ranches, we are ensuring that domestic agriculture remains robust and the job market in America's food and fiber industry is strong.

I heard from many of my constituents back in Kansas regarding the need for additional conservation in this year's Farm Bill. I am pleased to tell them that we have considerably increased funding for conservation programs. This legislation contains an average of $1.285 billion per year for Environmental Quality Incentives Programs, plus an additional fund of $60 million per year to address water issues. The bill added 5.7 million acres to the Conservation Reserve Program, which is 2.8 million acres above the currently authorized acreage. It adds 1.5 million new acres to the Wetlands Reserve Program. It authorizes $25 million for the Wildlife Habitat Incentives Program, an amount that increase to $50 million by the year 2011. Finally, our conservation efforts are augmented by the implementation of the Grasslands Reserve Program which allows up to 2 million acres to be preserved as grasslands. Mr. Speaker, through the Farm Security Act, our commitment to conservation is stronger than ever.

This legislation also reflects America's commitment to the less fortunate in our society who need a helping hand. Through the efforts of the Ag Committee, we have simplified the federal food stamp program to guarantee that needy families throughout our nation have better access to America's food supply. The Farm Security Act accomplished this through making needed improvements in food assistance programs by giving states greater flexibility, doing away with unnecessary barriers to participation, and increasing assistance to working families, or those individuals known as the ''working poor.'' Under this plan, individual states will be able to provide six months of transitional food stamp benefits for families leaving the Temporary Assistance for Needy Families program. It includes incentives for states to improve quality control systems and the Emergency Food Assistance Program will receive an additional $40 million for commodity purchases.

Under this year's Farm Bill, our willingness to help others is not confined to our own borders. This legislation provides increased funds to transport U.S. producers' surplus commodities to the world's developing nations. It also increases the cap on funds used to provide food assistance on a grant basis or on credit terms to struggling countries. Additionally, funding for the Foreign Market Development Program is increased by $7 million per year over its current level. This program is an effective approach to acquiring new foreign customers for American producers and new markets for American crops and livestock. Recent Department of Agriculture figures indicate that in 1980, the United States held a 24 percent share of world agricultural markets. Now, that figure has dropped to nearly 18 percent. I believe this bill improves the ability of our producers to compete.

The Farm Security Act of 2001 is a fair and balanced bill which enjoys the support of agriculture and conservation groups. It addresses critical farm program needs and also makes significant improvements to America's conservation, rural development, export promotion, nutrition and research programs. It fully complies with the budget approved by Congress earlier this year and meets our WTO obligations. I commend the Chairman and the Committee for their work on this Farm Bill and I strongly encourage my colleagues to vote for it.

ESSAY BY RABBI EMANUEL RACKMAN AND STEPHEN WAGNER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. ENGEL. Mr. Speaker, I rise to call attention to a powerful essay by Rabbi Emanuel Rackman of Bar Ilan University and Stephen Wagner of Bar Ilan University entitled, ''Philo-Semitism in the Work of the Polish Nobel Laureate Czeslaw Milosz: He Pays Tribute to Jewish Literature.'' According to the article, while there has been anti-Semitism among the Polish masses, the Polish aristocracy and intelligencia ''were overwhelmingly philo-Semitic.'' According to the essay, Milosz's opinion ''corroborates the views of the great Jewish writer, the poet and novelist Chaim Grade, originally, like Milosz, from Vilna . . .''

For several years, I have been striving to protect the works of Chaim Grade, many of whose writings were lost due to the complexities Grade faced by the copyright laws after he came to the United States following World War II. I urge my colleagues to support my legislation to fully protect Grade's works, H.R. 2971.

I ask unanimous consent that the full text of the Rackman/Wagner essay be printed at this point.

PHILO-SEMITISM IN THE WORK OF THE POLISH NOBEL LAUREATE CZESLAW MILOSZ: HE PAYS TRIBUTE TO JEWISH LITERATURE

Numerous very interested reviews of Czeslaw Milosz's newly published book, Milosz's ABC's inspired us to read it. The various, truly unexpected, unpredictable subjects, alphabetically arranged as if encyclopedia entries, may well require a volume of comments. So we comment here on only one subject, conspicuously absent from this work both as a subject and in spirit—anti-Semitism.

Czeslaw Milosz, a Polish nobleman, gives as much attention and loving devotion to his Jewish friends and acquaintances, subjects and issues, as Polish ones. The absence of the least trace of anti-Semitism in Milosz's book is to us, as American Jews, a revelation, for it corroborates the views of the great Jewish writer, the poet and novelist Chaim Grade, originally, like Milosz, from Vilna, who said that in Poland anti-Semitism was mainly among the masses—evidently under the influence of the Church of pre-Vatican II—whereas the Polish aristocracy and intelligentsia, with rare exceptions, were overwhelmingly philo-Semitic. Indeed, Chaim Grade wrote a poem of homage to the greatest poet of Poland, Adam Mickiewicz, famous as a philo-Semite, calling him ''the conscience of Poland.''

Chaim Grade is a master of utmost objectivity, well aware of the horrors of anti-Semitism, for which reason in his Lamentations about the program in Kielce, July 1946—not yet translated—he describes the Polish doctor who at the funeral of the victims denounces the murderous mob with the fiery pathos of a Hebrew prophet. It is the very same doctor, a devout Catholic, who rescued more than twenty Jews from the Nazis, hiding them in his house, again as described by Chaim Grade in his acclaimed philosophical Dialogue, My War With Hersh Rassayner, the complete text of which, edited and revised by Chaim Grade himself, has just been translated into English. Scholar agree—and among them Professor Emeritus Millon R. Konvitz of Cornell University—that the Philosophical Dialogue of Chaim Grade is indeed the Book of Job on the Holocaust and that, like the Book of Job, it belongs ''among Jewish writings that are considered sacred . . . which in the Hebrew Scriptures are wisely placed in the part known simply as writings.'' Chaim Grade attended the funeral of the victims of the pogrom of Kielce with Antek Yitzhak Zuckerman, one of the foremost leaders of the Warsaw Ghetto Uprising, who said that ''while it took one Pole to betray one hundred Jews, it took one hundred Poles to save one Jew, and the Poles who were saving Jews are the glory of mankind.'' Chaim Grade's works reflect this truth.

No doubt, it is Chaim Grade's absolute objectivity and utmost spiritual and intellectual honesty that inspired Czeslaw Milosz, the spiritual and literary heir of Mickiewicz, to devote to him a chapter of homage in Milosz's ABC's, where among other important comments, he reports what a Jewish authority should have reported a long time ago: The Nobel Prize for Isaac Bashevis Singer was cause for violent controversies among Yiddish-speaking New York Jews . . . Above all, . . . in the opinion of the majority of the disputants, Grade was a much better writer than Singer, but little translated into English, which is why members of the Swedish Academy had no access to his writings.

Singer gained fame, according to this opinion, by dishonest means. Obsessively concerned with sex, he created his own world of Polish Jews which had nothing in common with reality—erotic, fantastic, filled with apparitions, spirits, and dybbuks, as if that had been the quotidian reality of Jewish towns. Grade was a real writer, faithful to the reality he described, and he deserved the Nobel Prize . . . Grade was attentive to the accuracy of the details he recorded and has been compared with Balzac or Dickens. . . .

This statement by an authority of Czeslaw Milosz's stature, himself a Nobel laureate, is a very serious matter. Czeslaw Milosz goes on to describe Jewish life in Poland as it was and Jewish-Polish relations as they were, all as reflected in the works of Chaim Grade. It is regrettable that he did not know what was very well known in Jewish literary circles, that Chaim Grade forbade all from nominating him for the Nobel prize, mostly because his pre-world war II prophetic and poetic visions of doom were recited like prayers both in the Vilna Ghetto and in Auschwitz, along with the poetry of the great Jewish poet Yitzhak Katznelson, who, together with his wife and sons, perished in Auschwitz, and of whose works very little has been rescued. All this was reported by the surviving eyewitnesses in Yiddish and published in Argentina, then in English in America—check the Jewish Book Annual—the American Yearbook of Jewish Creativity 1990–1991, 5751. Many people regretted Chaim Grade's decision, for it was taken advantage of by the writer unequivocally rejected by the Jewish writers and readers for reasons well explained by Czeslaw Milosz, who, by whatever means, got the prize and paraded the foremost representative of Jewish literature, of the very Judaism. Thus, the issue is not that Chaim Grade does not have the Nobel Prize, but that, from the Jewish viewpoint, the least suitable, the worst possible writer, has it.

As Czeslaw Milosz rightly testifies, the Jewish people have the greatest appreciation for Chaim Grade, especially because of his volumes of lamentations in poetry and prose about the Holocaust, for which Encyclopedia Judaica reports, he is declared ''the national Jewish poet, as Bialik was in his day.'' Chaim Grade's volumes resurrect the life of East European Jewry, such as it truly was, very much as stated by Czeslaw Milosz who, a Pole from Vilna, knew this life very well and is a most reliable witness.

Czeslaw Milosz's report about the Jewish attitude towards the Yiddish Nobel laureate may be corroborated by the following vignette: Professor Saul Lieberman, the Dean of the Jewish Theological Seminary of America, heard the news from Sweden, and exclaimed in utter disbelief, ''What?!!! But he wrote only pornography!'' When Bar-Ilan University in Israel was approached about a prize for the Yiddish laureate, he was rejected so emphatically that the issue was never raised again.

Czeslaw Milosz's report is especially important in view of the general contempt for the Yiddish Nobel laureate. Thus, less than a month before the incomprehensible news from Sweden, John Simon wrote on September 12, 1978, in The Esquire: International understanding is a delightful thing. How nice it was at the recent Pula Film Festival, in Yugoslavia, between looking at films, to find a group of critics and scholars from various countries in agreement about the vast overratedness of that self-inflated, dully repetitious, barely second-rate fictionalist Isaac Bashevis Singer.

And Israel Shenker concluded the definitive literary obituary of the Yiddish laureate in August 1991, in the Book Review of the New York Times: He shied from chicken soup—and chickens—and became a devoted vegetarian . . . ''So, in a very small way, I do a favor for the chickens,'' Singer said. ''If I will ever get a monument, chickens will do it for me.''

A New York Times reporter in 1978, the year of the shocking choice of the Nobel prize for literature, Israel Shenker is known to have approached the late Eugene Rachlis, the Editor-in-Chief of Bobbs-Merryl, then Chaim Grade's English publisher (now it is Knopf); and asked, ''what's going on? Everybody says that it is your man who should have gotten the prize.'' All this explains why Israel Shenker chose to end the definitive literary obituary of the Yiddish laureate with the laureate's own ''chickens'' words.

And all this proves the great truth of the words of the man who is America's conscience, Abraham Lincoln, ''you can fool all of the people some of the time, you can fool some of the people all of the time, but you cannot fool all of the people all of the time.'' Most importantly about this case is, of course, not just that the Yiddish laureate is a ''pornographic writer,'' as rightly denounced by Saul Lieberman, nor that he is merely a ''self-inflated, dully-repetitious, barely second-rate fictionalist,'' as rightly stated by John Simon and colleagues, nor that—as he himself knew and said—he is a writer for ''chickens,''—whatever this may mean. The most important is precisely as Czeslaw Milosz testifies, ''he created his own world of Polish Jews which had nothing in common with reality,'' as the result of which he has misinformed and mislead people, preventing them from knowing the truth about Jewish life in Eastern Europe, especially about Jewish-Polish relations. It is to be hoped that responsible people like John Simon and Israel Shenker will appreciate Czeslaw Milosz's testimony, that they are aware that the Jewish people are no ''chickens,'' that, prize or no prize, the Jewish people have rejected the so-called Yiddish laureate, that his prize remains an incomprehensible insult, if not an outrage. And we cannot be too grateful to Czeslaw Milosz, the Polish Nobel Laureate, for having made in his ABC's room also for Chaim Grade, the Jewish master, who describes Jewish life in Eastern Europe as it really was, and, above all, the Jewish spirit such as it is, always and everywhere, beyond time and space, the spirit of the Bible.

RABBI EMANUEL RACKMAN,
Chancellor, Bar Ilan University.
STEPHEN WAGNER, Esq.,
Counsel, Bar Ilan University.

TRIBUTE TO THE COLORADO GENERAL ASSEMBLY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude to the Colorado General Assembly. I respectfully submit the following Colorado Joint Resolution for the RECORD.

HOUSE JOINT RESOLUTION 01S2–1002

By Representative(s) Dean, Spradley, Grossman, Fritz, Cloer, Alexander, Bacon, Berry, Borodkin, Boyd, Cadman, Chavez, Clapp, Coleman, Crane, Daniel, Decker, Fairbank, Garcia, Groff, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller, Mitchell, Nunez, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Saliman, Sanchez, Schultheis, Scott, Sinclair, Smith, Snook, Spence, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, William S., Williams T., Witwer, and Young; also Senators(s) Matsunaka, Thiebaut, Andrews, Perlmutter, Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Phillips, Reeves, Takis, Tate, Taylor, Teck, and Windels.

CONCERNING THE EXPRESSION OF THE SENTIMENTS OF THE GENERAL ASSEMBLY REGARDING THE TERRORIST ATTACKS ON AMERICAN SOIL ON SEPTEMBER 11, 2001.

Whereas, September 11, 2001, may live in infamy as the day on which more people lost their lives or were injured on American soil as the result of acts of terrorism than on any other single day in history; and

Whereas, On that day, terrorists forcibly commandeered four commercial jet airliners scheduled to fly routes from the east coast of the continental United States to the west coast; and

Whereas, Once in control of these aircraft, the terrorists implemented a dastardly, suicidal plan of unparalleled proportions never before carried out in this country or anywhere else in the world; and

Whereas, The terrorists, piloting aircraft fully laden with highly flammable jet fuel and with total disregard for the lives of the passengers and crews on board or persons on the ground, turned these jet airliners into flying weapons of mass destruction, each with tremendous explosive power, and aimed their weapons at targets in New York City and Washington, D.C., our nation's capital, two of the most densely populated areas in our country; and

Whereas, Two of these aircraft were intentionally flown directly into the World Trade Center Towers in New York City, resulting in the terrifying, total destruction of two of the tallest buildings in the world, home to some 50,000 workers and up to 100,000 visitors daily and causing untold loss of life and injury to innocent, unarmed civilians; and

Whereas, A third jetliner slammed into the Pentagon in Washington, D.C., headquarters of our country's national defense and the largest office building in the world, also causing extensive damage, loss of life, and injury to persons; and

Whereas, The fourth plane, presumably aimed at targets in Washington, D.C., or possibly the presidential retreat at Camp David, Maryland, crashed in rural Pennsylvania, killing all on board, including the pilot, United Airlines Captain Jason M. Dahl from the Ken Caryl Valley area of Jefferson County, Colorado, and flight attendant Kathryn Laborie, originally from Colorado Springs, Colorado; and

Whereas, Although we may never know for sure, authorities believe, based on cell phone calls from at least two passengers on the fourth plane, Jeremy Glick and Mark Bingham, to relatives on the ground in New Jersey and California, that passengers heroically struggled with the hijackers and probably took actions that prevented this plane from reaching the terrorists' planned target; and

Whereas, Many firefighters, law enforcement personnel, military personnel, and others worked tirelessly to try to save as many lives as possible in these disasters, and it is possible that more than three hundred fifty police officers and firefighters in New York City lost their lives in the line of duty; and

Whereas, The total loss of life and injuries resulting from these cowardly acts will be in the many thousands of people, if not more, and, in the words of New York Mayor Rudolph W. Giuliani, will be ''more than any of us can bear''; and

Whereas, President George W. Bush and the United States Congress, acting in bipartisan agreement, have made available all of the resources of the federal government to hunt down those responsible for these vicious war crimes; and

Whereas, After these events President Bush declared, ''The resolve of this great nation is being tested''; and

Whereas, President Bush said in punishing those responsible that ''We will make no distinction between the terrorists who committed these acts and those who harbor them''; and

Whereas, President Bush also stated that in punishing the guilty we must guard against assigning guilt to the blameless and must treat all Americans with the respect that they deserve, and we must particularly guard against unjustified discrimination against Muslims, Arab Americans, and others from the Middle East; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the General Assembly expresses its complete and utter condemnation of and outrage at the terrorist attacks that occurred on our soil on September 11, 2001;

(2) That the General Assembly expresses its heartfelt sympathy for the victims of these tragedies and their families;

(3) That the General Assembly commends the heroism of the many emergency personnel and individual citizens who responded to the scenes of these disasters;

(4) That the General Assembly wants terrorists to know they have failed in their mission to break the American spirit, but rather, these heinous acts have served only to strengthen our resolve; and

(5) That the General Assembly expresses its full support to President George W. Bush and the United States government in its actions to hunt down the perpetrators of these crimes against humanity and to punish those responsible, including any person or government that aids, abets, protects, finances, or harbors the perpetrators, in an appropriate manner.

Be it Further Resolved, That copies of this Resolution be sent to the Honorable George W. Bush, President of the United States, Colorado's delegation in the United States Congress, the Honorable George E. Pataki, Governor of the State of New York, the Honorable James Gilmore III, Governor of the Commonwealth of Virginia, the Honorable Rudolph W. Giuliani, Mayor of the City of New York, the Honorable Anthony A. Williams, Mayor of the District of Columbia, and the families of the late Captain Jason M. Dahl of Jefferson County, Colorado and the late Kathryn Laborie of Colorado Springs, Colorado.

DOUG DEAN,
Speaker of the House of Representatives.
JUDITH RODRIGUE,
Chief Clerk of the House of Representatives.
STAN MATSUNAKA,
President of the Senate.
KAREN GOLDMAN,
Secretary of the Senate.

CONGRATULATIONS TO BILL PUTNAM ON BEING INDUCTED INTO THE BROADCASTERS HALL OF FAME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a few moments today to pay tribute to Bill Putnam, a friend and constituent of mine, and a pioneer in the broadcasting arena.

On November 12, 2001, in New York City, Bill Putnam will be inducted into the Broadcasting Hall of Fame for his long and distinguished career in television. It is my privilege to share with you his many accomplishments and to recognize his great work in the Springfield, Massachusetts area. I am pleased to share these remarks and his accomplishments in the CONGRESSIONAL RECORD and to congratulate him on his well-deserved honor.

Bill Putnam started WWLP in Springfield, the first licensed UHF station in the United States. WWLP has a long history of ''firsts'' in Springfield for a small market station. The station ran editorials, used longer news formats, ran an ''As Schools Match Wits'' high school quiz show, and aired a considerable amount of local programming. For more than 30 years, Bill Putnam himself did the editorials for the station, making WWLP the example of what local television is supposed to be.

Bill Putnam concentrated not only on the local market, but was a visionary into what broadcasting should become. He lobbied extensively for changes that would treat UHF signals on televisions the same as VHF signals. In the 1950's, many television sets either did not have UHF tuners or had tuners that were simply not as good as their VHF counterparts. The ''All Channel Act'' and subsequent FCC regulations, of which Bill Putnam was an outspoken advocate, made UHF stations able to get the market share that made them viable in mixed markets. In turn, this created the platform that gave us independent television, and is today the backbone of FOX and the UPN and WB networks.

Bill Putnam later served on the MSTV Board, a reversal that some found ironic since it was a group started by VHF owners trying to keep UHF people out of their market. He was the Secretary of the NBC Affiliates Board and was the head of the All-Industry committee on Teletext in the late 1970s. His contributions were integral as to why Fin-Syn regulations were redone in the early 1980s. Bill Putnam was an outspoken advocate on this issue.

Bill Putnam's interests are greater than broadcasting alone. Bill is a past President and Treasurer of the American Alpine Club and continues to serve as a U.S. delegate to the UIAA, the international standards club for climbing. He is the longest serving member of that group.

In addition, he was written and had published 11 books, with more than two currently underway.

Bill Putnam is also a decorated and distinguished patriot. He is a World War II veteran with two Purple Hearts, a Combat Infantry Badge, and a Silver Star, and he has the scars to prove it. He enlisted as a private in the military and came out as a first lieutenant.

Bill Putnam is currently the Sole Trustee of the Lowell Observatory in Flagstaff, Arizona where he resides with his wife, Kitty Broman, who is also well known in broadcasting circles.

Mr. Speaker, it is my privilege to honor Bill Putnam on being recognized and honored by the Broadcasters Hall of Fame for a long and distinguished career that has benefitted the lives of so many in the Western Massachusetts area. Congratulations on the good work.

IN MEMORY OF MONSIGNOR CASIMIR CIOLEK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a wonderful man who has served his community selflessly his entire life, Monsignor Casimir Ciolek.

Monsignor Casimir Ciolek has served the spiritual community of Cleveland in countless capacities, but most recently served as chaplain at Cleveland Hopkins International Airport, where he held daily mass. Past assignments include the director of the St. Vincent de Paul Society in the Cleveland Diocese and also spiritual director for the national St. Vincent de Paul Society's Midwest region.

Monsignor Ciolek attended Cathedral Latin School and John Carroll University before entering the St. Mary seminar to become a priest. After ordination in 1946, Ciolek was appointed chaplain of Parmadale, the first Catholic children's residence of its kind. After a brief period of service, he went to the Catholic University of America in Washington, D.C. to study social work.

After moving back to Cleveland in 1957, he was assigned assistant director of Catholic Charities, and ten years later was promoted director. In 1977 he decided to become pastor of S.S. Peter and Paul Church in Garfield Heights, retiring from his post in 1992.

Monsignor Casimir Ciolek has served selflessly his entire life. His dedication and countless contributions to the Cleveland community have touched and affected the lives of thousands, and his memory will never be forgotten.

Mr. Speaker, please join me in honoring the memory of an incredible man, pastor, and friend, Monsignor Casimir Ciolek. His warm smile and gentle spirit will be remembered by all.

THE MEXICAN SENATE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KOLBE. Mr. Speaker, often on this floor, I have spoken about our friends across our southern border. The country of Mexico is important because it shares a border, because it increasingly shares a culture with us and because it increasingly shares our commitment to democracy and freedom.

On September 11, the U.S. was the object of a still-incredible attack by terrorists. And, on that very day, the Mexican Senate stopped its

legislative work to adopt a resolution of sympathy and support for the United States.

One week later, the government of Mexico released a statement which reiterated ''our solidarity with the people and government of the United States.''

Mr. Speaker, I thank the government and the people of Mexico for their concern and support. I attach these two statements, translated into English, for all our Members to read.

STATEMENT OF THE MEXICAN SENATE, SEPTEMBER 11, 2001

''The Mexican Senate wishes to express to the Government of the United States of America as well as to all Nations, its most profound sympathy and deep indignation relative to the barbarous acts which today have offended the entire world.

''The Mexican Senate calls upon all men and women of good faith to prevent this tragedy from escalating into an interminable blood bath.

''Let us bring together the governments and peoples of the world to work together to guard against further harm; to scrupulously respect human rights throughout the world; and to build together a peaceful, dignified, and just world for all mankind.''

THE MEXICAN GOVERNMENT WILL PARTICIPATE IN THE SPECIAL PERMANENT COUNCIL MEETING OF THE OAS

(Statement of the Mexican Government (Deliberated with the Mexican Senate), September 18, 2001)

The Mexican government declared its most energetic and unequivocal indignation for the terrorist atrocities that took place in New York and Washington, D.C. on September 11, 2001, which brought about incalculable human and economic loses and they have caused profound grief in the international community. Regarding this, we reiterate our solidarity with the people and government of the United States.

These events are true crimes against humanity; they shake up the true foundation of civilized co-existence among nations and represent a serious threat for peace and international security. Therefore, the Mexican Government condemns terrorism categorically in every shape or form, being for political, philosophical, ideological, racial, ethnic, religious or whatever reason.

In agreement with resolution 1368 (2001) of the Security Council of the United Nations, the Mexican Government ratifying our peaceful vocation, expresses its total willingness to collaborate, with the urgency and firmness that the situation requires, in the cooperation of international efforts leading to the prevention and eradication of terrorism, as expressed by the General Assembly of the United Nations in resolution A/56/1, dated September 12.

Regarding the diplomatic measures that have been developing in recent days in the Interamerican environment, the Mexican Government manifests its decision to participate actively in the Special Permanent Council Meeting of the OAS, summoned for the 19 of September at the OAS Headquarters, with the intention of reaching a consensus about the political and diplomatic actions that are considered appropriate in responding to the call of the General Assembly of the United Nations and for the decision taken by the Security Council.

Likewise, Mexico applauds its initiative for calling for a Consultation Meeting of the Ministers of Foreign Affairs, in agreement with article 61 of the Charter of the Organization, which establishes the perfect forum in the hemisphere to agree upon the measures that the present situation demands. The decisions that come from that forum must be taken under the protection of article 53 of the Charter of the United Nations, which prohibits the application of restrictive measures adhered to regional agreements or by regional organisms without the explicit authorization of the Security Council, and being fully understood that the decisions adopted and to be adopted by the Security Council and the General Assembly of the United Nations on the subject, must prevail above any other adopted in the hemispheric environment.

Regarding the summons of the Interamerican Reciprocal Assistance Treaty, the Mexican Government considers that, in agreement with what was expressed by the President of Mexico, on September 7 at the OAS Headquarters, this is not the ideal mechanism to confront the present challenges regarding the safety of our region. Mexico considers that a Consultation Meeting of the Foreign Affairs Ministers in the framework of the OAS would have an upgraded hierarchy and greater representation of the continental community, since the Interamerican Reciprocal Assistance Treaty only has half of the amount of members that the OAS has.

Notwithstanding the above mentioned, whichever the hemispheric measures applied that will deal with the tragic happenings of September 11, Mexico will seek a consensus in the region that will actively defend the principles and intentions of the United Nations and will provide political and diplomatic cooperation for the legitimate efforts applied to take to justice those intellectual authors, organizers and sponsors of these actions, as well as those responsible in giving them support and protection.

The Mexican Government, as it has always done and as is its obligation, will proceed with total respect for the traditional principles of our foreign affairs policies specified in our Constitution.

INTRODUCTION OF VETERANS' PENSION IMPROVEMENT ACT OF 2001—H.R. 3087

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. EVANS. Mr. Speaker, I rise today to introduce the Veterans' Pension Improvement Act of 2001. This important legislation would recognize the military service of our Nation's wartime veterans by providing low-income veterans with pension benefits at age 65 without regard to a finding of total and permanent disability. The bill would reinstate a provision of Public Law 90–77, which was repealed in 1990.

From 1967 until 1990, the Department of Veterans Affairs (VA) was authorized to presume that low-income veterans were disabled at age 65. In hearings on the 1967 bill, the American Legion testified that providing for benefits at age 65 would affect less than one-tenth of one percent of pension applicants and that the cost associated with providing medical examinations and disability adjudications would be reduced. Recent evidence indicates that the Legion's 1967 assessment was correct.

In 1990, Congress eliminated the presumption of permanent and total disability at age 65 in Public Law 101–508. At that time, the Congressional Budget Office optimistically predicted that the measure would generate savings of $17 million in 1991 and total savings of $313 million over the five-year period. Such savings have not materialized. According to VA, it is rare for a wartime veteran with income below the pension threshold to be found not permanently and totally disabled. Rather than saving money, VA estimates that it is spending more money to provide medical examinations than would be paid out if benefits were granted at age 65.

A July 1997 sample of pension claims showed that only 5.9 percent of all claims from veterans age 65 and older were initially denied on the basis that the claimants were not permanently and totally disabled. In 1998 and 1999, that number was even lower with only three percent of claims denied on that basis. After taking into account reversals on appeal, VA estimates that fewer than 300 veterans age 65 and older per year are denied disability pension based upon a finding that they are not permanently and totally disabled.

VA projects the annual cost of the benefit will be less than $2 million per year. The cost of providing medical examinations for these claims exceeds $2 million per year. In addition to the costs of the medical examinations, additional costs are incurred in rating the disability. Our current policy is penny-wise and pound-foolish.

Currently VBA has a backlog of 536,626 claims pending in regional offices. Another 95,066 claims are pending appeals to the Board of Veterans Appeals. Requiring the VA to provide a medical examination and make a disability determination on claims, which are almost certain to result in a finding of disability, is exacerbating the backlog with no financial gain to the government. Although prior legislation presumed a finding of disability at age 65, this bill would provide for a service pension without regard to disability similar to that previously provided to veterans of Indian Wars and the Spanish-American War.

VA would only be required to obtain a medical examination and a finding of disability for those veterans over 65 who seek additional benefits based upon a disability which renders them homebound or in need of aid and attendance. This would reduce the cost and workload of providing disability examinations for low-income veterans who are almost always found to be disabled.

The bill does not specifically require that veterans be unemployed to qualify for the benefit. This reflects the practical reality that wartime veterans whose income is low enough to qualify for pension benefits are almost always unemployed. Full-time employment at the minimum wage level provides income which exceeds the pension amount and would therefore disqualify a veteran for benefits.

Mr. Speaker, in order to reduce the backlog and reduce the cost of making expensive disability determinations for claims of elderly wartime veterans. I ask my colleagues from both sides of the aisle to support the Veterans' Pension Improvement Act of 2001.

IN HONOR OF MR. KENNETH A. CARLSON AND HIS DOCUMENTARY ''GO TIGERS!''

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Kenneth A. Carlson, the writer, director and producer of successful high school football team, the Massillon Tigers.

''GO TIGERS!'' has long been a vision for creator Kenneth A. Carlson, and became a reality during the 1999 football season. Carlson, a native Ohioan, has desired to create a film of his hometown for more than 10 years, and focus primarily on the town's incredible love for football. Throughout his travels to the town, he had the opportunity to re-live a part of his life that he thought he had outgrown, but that always remained an important part of his soul.

''GO TIGERS!'' chronicles a pivotal season for the Massillon football team; following the team's poor season in the previous year, the entire town was confronted with a school tax levy that was necessary to protect the jobs and livelihood of the school district.

The documentary follows the team, marching band, and fans through a whirlwind season from a town where boys are born with pigskins in hand. Kenneth Carlson has the gift of bringing the season to life, from the personal stories of teammates to great wins and losses. Carlson manages to touch the human spirit and soul with this film and effectively portrays life from a small, Ohio ''football town.'' Carlson truly captures the essence of a small rustbelt town that draws its major identity from football.

Mr. Speaker, please join me in honoring a distinguished writer, director, and producer, Mr. Kenneth Carlson on his stunning documentary, ''GO TIGERS!''

FARM SECURITY ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mr. UDALL of New Mexico. Mr. Speaker, my vote on H.R. 2646, the Farm Security Act of 2001 has been a difficult one. I have struggled to determine how H.R. 2646 would benefit rural farmers and ranchers in northern New Mexico. I have always been a strong advocate for family farmers in New Mexico and I want these hardworking families to be successful and their farms profitable. However, H.R. 2646 fails these families in many ways. This new farm bill encourages overproduction while prices are low, fails to adequately help small farmers, and increases federal spending in times of economic uncertainty.

After much thought, I must agree with President Bush and his analysis of H.R. 2646. I want to support a farm bill that is better for rural America, supports the environment, and expands the opportunities for our farmers in growing world markets. I agree with President Bush that H.R. 2646 fails to meet these objectives. For these and other reasons, I regret that I will vote against H.R. 2646 in its current form.

I encourage the Administration to continue working with Congress to provide a plan that meets these new policy goals. Our current economic uncertainty, and some are starting to call it a recession, forces us to think wisely before spending. Combined with emergency aid, more tax packages and economic aid programs, we are facing some difficult fiscal hardships. For example, within the past several weeks, Congress passed a $40 billion emergency fund in response to the September 11th attacks; we have approved a $15 billion emergency aid package for U.S. commercial airlines; and we currently are negotiating with the President for an economic stimulus package that could reach $75 billion. With that in mind, I can not support H.R. 2646 in its current form and in our current climate.

I agree with President Bush, and I call for a thorough examination of current farm policy. Our current farm bill does not expire until September 2002. Let's take the time to get it right. We must modernize the nation's farm programs to reflect changing technologies, markets, and environmental agendas. Yet, we must develop a farm program that protects and supports small family farmers and ranchers such as those in New Mexico. I question how the Farm Security Act would help the small farmers and ranchers in an equitable way.

Mr. Speaker, the next generation of the nation's farm programs should have the flexibility to meet the diverse needs of all farmers and ranchers. It is time to seize this unique opportunity to develop long-term, progressive farm program solutions that are fair and benefit all farmers and ranchers.

I am hopeful, however, that if this bill returns from a conference committee, it will contain the necessary improvements that will allow me to support this effort. I do support a new farm bill, but one that helps small farmers and ranchers, is strong on conservation, and is fiscally sound in uncertain economic times. I am confident the other body will produce a farm bill that we all can support to keep small family farmers and ranchers strong and in business.

HONORING DR. RALPH W. SHRADER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor a true friend of Northern Virginia, Dr. Ralph W. Shrader, who will receive the Northern Virginia Community Foundation's 2001 Community Leadership Award tomorrow, October 12, 2001, at the Foundation's Gala.

As many of my colleagues know, Dr. Shrader is chairman and chief executive officer of Booz-Allen and Hamilton, one of the world's largest and oldest management and technology consulting firms, based in McLean, Virginia. Dr. Shrader also serves as president of the firm's Worldwide Technology Business division. His expertise in the area of global communications is unparalleled.

I cannot imagine a more deserving recipient of this award. Dr. Shrader's commitment to community service has spanned many years and focused on dozens of projects and programs. Just as importantly, he has set an admirable tone for Booz-Allen's employees, encouraging all personnel to donate their time to worthwhile causes.

Dr. Shrader leads by example. He is currently chairman of The Neediest Kids, a nonprofit organization that donates clothing and school supplies to at-risk children, so that they, too, can reach their full potential in school. But the list of his philanthropic undertakings does not end there: he is a former chairman of the American Cancer Society's Capital Baron's Ball, and works with many other charitable organizations that make our communities better places to live, work and raise families. Group like The National Business and Disability Council and The Women's Center have sought him out to deliver keynote addresses at their conferences.

Booz-Allen employees are quick to point out that Dr. Shrader makes their needs and aspirations a top priority. He formed a Women's Advisory Board at the firm, has supported employee forums on important issues, and received a commendation from the company's Workforce Diversity Council.

Mr. Speaker, in closing, I want to congratulate Dr. Shrader on receiving this award. It strikes me that the theme of this weekend's Foundation Gala, ''Transforming Our Community'', could not be more appropriate. Dr. Shrader has, indeed, transformed his community for the better, proving that one man can make a difference in the lives of many. He is that rare individual who cares more about doing good than getting credit. I ask all of my colleagues to join me in congratulating Dr. Shrader on this prestigious honor.

INTRODUCTION OF THE NORTH ATLANTIC RIGHT WHALE RECOVERY ACT OF 2001

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. DELAHUNT. Mr. Speaker, I rise today to introduce the North Atlantic Right Whale Recovery Act of 2001 which will coordinate and expand United States and international programs for the conservation and protection of North Atlantic Whale. This bill is designed to improve the management and research activities for right whales and increase the focus on reducing mortality caused by ship collisions, entanglement in fishing gear, and other causes. The most endangered of the great whales, the northern Atlantic right whale has shown no evidence of recovery since the whaling days of the 1900s despite full protection from hunting by a League of Nations agreement since 1935. Today the population of North Atlantic Right Whales remains at less than 350 animals.

Right whales are at risk of extinction from a number of sources. These include, ship strikes, the number one source of known right whale fatalities, entanglement in fishing gear, coastal pollution, habitat degradation, ocean noise and climate change. This legislation requires the Secretary of Commerce to institute a North Atlantic Right Whale Recovery Program, in coordination with the Department of Transportation and other appropriate Federal

agencies, States, the Southeast and Northeast Northern Atlantic Right Whale Recovery Plan Implementation Team and the Atlantic Large Whale Take Reduction Team, pursuant to the authority provided under the Endangered Species Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

This legislation would require the Secretary of Commerce within 6 months of enactment, to initiate demonstration projects designed to result in the immediate reductions in North Atlantic right whale deaths. There are 4 distinct areas that I believe we should be focusing our attention on. First, we should develop acoustic detection and tracking technologies to monitor the migration of right whales so that ships at sea can avoid right whales. Second, we need to continue work on individual satellite tags for right whales. This is yet another way that we can track whale migration and alert ships at sea of the presence of whales and avoid ship strikes. Third, this legislation would speed up the development of neutrally buoyant line and ''weak link'' fishing gear, so that we can either avoid having whales become entangled in the first place or when they do the ''weak links'' break and they can more easily become disentangled. Finally this legislation supports research and testing into developing innovative ways to increase the success of disentanglement efforts.

This legislation allows for the government to provide fishermen ''whale safe'' fishing gear in high use or critical habitat areas. This is crucial, because once we have developed this ''whale safe'' gear we need to get it in the water as soon as possible. I believe an assistance program that is fair to fishermen will be needed and we are asking the agencies to tell us the potential costs so we can ensure that the gear can be deployed where needed.

This legislation requires the Secretary of Transportation and Commerce to develop and implement a comprehensive ship strike avoidance plan for Right Whales because ship strikes are the leading cause of right whale mortalities. The plan incorporates the Mandatory Reporting System which I helped shepherd through Congress in 1997. This system requires large vessels traveling through designated critical right whale habitats to contact area Coast Guard authorities. Ship pilots report course, speed, location, destination and route and are alerted to the presence or nearby whales. The system has helped mariners to better navigate away from these endangered animals. Through this legislation, the reporting system will be improved to include the collection and analysis of data on traffic patterns and ship strikes.

This legislation also establishes a right whale research grant program. This program will establish a peer review process of all innovative biological and technical projects designed to protect right whales. In addition to the scientific community, this peer review team will also be comprised of representatives of the fishing industry and the maritime transportation industry. It is important that from the very beginning we have the input of the people who are on the water every day. Their knowledge and experience is absolutely necessary to developing innovative practices and techniques to save right whales.

Congress has appropriated over $8 million dollars in the last two years to protect right whales. I believes that now is the time to develop a comprehensive plan that spells out what we can do immediately to better protect these whales and focus our research efforts on innovative ideas and technologies that can identify whale migrations.

ALL STAR TRANSPLANT REUNION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GONZALEZ. Mr. Speaker, I rise today to commend the Texas Transplant Institute (TTI) in San Antonio, Texas for hosting a special All Star Transplant Reunion. This event will honor all transplant patients and living donors from every Transplant Institute Program in Texas. Guests will also be joined by Spurs basketball player and donor recipient, Sean Elliott.

San Antonio's Texas Transplant Institute was created in 1999 by combining the solid organ transplant program at Methodist Speciality and Transplant Hospital with the bone marrow/stem cell transplant program at Methodist Hospital. Over the years, the Institute has expanded. In May 2001, a liver transplant program was added to the Institute. And in July, a pediatric kidney transplant program was added to complete the full range of services provided at the Texas Transplant Institute.

Today, the Texas Transplant Institute is the only program in the United States that combines the resources and talents of both the bone marrow/stem cell program and the solid organ transplant program under one entity. Through its mission of ''Continuing the Legacy of Hope Through Patient Care, Research and Education,'' the Texas Transplant Institute is dedicated to serving patients who are in need of organ and bone marrow/stem cell transplants. Collectively, these programs have served over 2,500 patients. It has performed 1,684 kidney transplants, 631 bone marrow/stem cell transplants, 212 heart transplants, and 2 liver transplants to patients all over the United States.

On October 13, 2001, hundreds of transplant recipients, patients on waiting lists, and living donors who are considered an inspiration to more than 80,000 men, women, and children will unite. Many will meet for the first time with their respective donors, as well as other individuals who will attend and are urgently awaiting for a transplant to replace a failing kidney, heart, liver, lung, or pancreas.

Mr. Speaker, once again, I would like to commend the Texas Transplant Institute for hosting this special All Star Transplant Reunion. I especially want to thank the doctors and staff at TTI for their hard work and dedication and I wish them well as they continue their life-saving services to the community.

IN HONOR OF FARAH M. WALTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ms. Farah M. Walters for her induction into the 2001 Ohio Women's Hall of Fame. As President and Chief Executive Officer of University Hospitals Health System and University Hospitals of Cleveland since 1992, Ms. Walters will be placed in an elite group of women recognized for their outstanding contributions to their state and nation. Ms. Walters presides over a system that serves patients at more than 150 locations in Northeast Ohio and which is the region's largest private sector employer.

Ms. Walters graduated from the executive MBA program at Case Western Reserve University's Weatherhead School of Management and holds a Masters of Science in Nutrition from Case Western Reserve University. She has consulted and lectured for major health organizations such as the Pan American Health Organization, American Hospital Association, National Institutes of Health, the U.S. Army, and various hospitals and universities. Ms. Walters has received numerous prestigious awards for her work. For example, in May 2001 she was awarded the Ellis Island Medal of honor by the National Ethnic Coalition of Organizations Foundation; in February, 1999 she became the first woman to receive the Business Executive of the Year award from the Sales & Marketing Executives of Cleveland; and in May 1998 she became the first woman to receive the Business Statesmanship Award from the Harvard Business School Club. In January 1993, Mrs. Walters was appointed to Hillary Rodham Clinton's National Health Care Reform Tax Force, and in 1993 Modern Healthcare selected her as one of the 50 individuals in the USA to shape the future of health care in the country. In addition, University Hospitals of Cleveland has been the recipient of many awards under her leadership, including the North Coast 99 Diversity Award from the Employer Resource Council and Enterprise Development and the Exemplary Voluntary Effort Award from the U.S. Department of Labor.

Ms. Walters also serves on a variety of national and local boards and is active in civic affairs. She is on the board of the LTV Corporation and has served on a number of key committees of the Association of American Medical Colleges in Washington, D.C. She also serves on the board of Cleveland Tomorrow, Greater Cleveland Roundtable and Ohio Business Roundtable. In 1994 Ms. Walters was appointed by Governor VOINOVICH to serve on the 15 member Commission to Study the Ohio Economy and Tax Structure. Within the community, she has served as Chairman for the 1997 United Ways Campaign, the first woman and the first CEO of a non-profit organization to be selected for the position.

Ms. Walters will be honored by the Ohio Womens Hall of Fame on October 17, 2001. She and her husband Stephen have one daughter named Stephanie.

HONORING THE CITY OF CLOVIS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to thank the citizens of Clovis, California for their outpouring of sympathy and compassion in the wake of the tragedy which took

place in New York City and Washington, DC on September 11.

At this time, I would like to submit for the CONGRESSIONAL RECORD a document sent to me by Clovis Mayor Jose Flores, on behalf of the people of Clovis.

PROCLAMATION HONORING THE VICTIMS OF TERRORIST ATTACKS, THE RESCUE WORKERS AND THE COURAGE OF THE PEOPLE OF THE UNITED STATES

Whereas, the World Trade Center and the Pentagon were attacked by terrorists in a cowardly act on September 11, 2001, resulting in tremendous loss of innocent lives of our fellow Americans; and

Whereas, civilian hostages on some of the aircraft also sacrificed their lives with a last heroic act to intervene to successfully thwart the terrorists; and

Whereas, the citizens of the City of Clovis express their deepest sympathy for the victims of the attack and the families and friends of the victims who must now face such sorrow and loss; and

Whereas, the citizens of the City of Clovis recognize and give thanks for the actions of the rescue workers, many of whom have, through their own selfless actions, given their own lives in an effort to save their fellow citizens; and

Whereas, even in the midst of such a terrible attack on our country, the courage of the people of the United States has shown through for all the world to see; and

Whereas, in such trying times, the American people have shown to the world that we are strong and united have shown to the world that we are strong and united together against terrorism and in support of our country and its values of freedom. Now, Therefore, Be It

Resolved, that the Clovis City Council does hereby extend our deepest sympathy to the families of the victims, our most heartfelt gratitude to the rescue workers seeking to aid our fellow Americans, and our assurance to the world that we, as citizens of the United States, stand united and will not tolerate terrorism or be diminished by its actions, but rather we, as a free people, will prevail against evil and continue to be a beacon of freedom for the world.

A PRAYER FOR MY COUNTRY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SMITH of Michigan. Mr. Speaker, I would like to share with my colleagues a poem written by Sarah Shaw for her Jerome, Michigan, church service, September 30, 2001.

A PRAYER FOR MY COUNTRY

It's utter terror—disbelief, at what my eyes behold.
It's so unbelievable, as I watch this scene unfold.
Where three years ago I'd been there, and had marvelled at the sight.
The majestic New York City skyline, all lit up by night.
Now horror, seeing attacks, watching both towers aflame
Saw the huge plane flying, as for its attack it came
With total disbelief I stood, staring at my T.V.
This cannot be happening!! This cannot truly be!!
But it was real indeed, the U.S.A. had been attacked!
So our nation plunged into war—it's a deadly fact.
The scene was there before me, the story slowly revealed.
For the passengers in four hi-jacked planes—their doom was sealed.
The hi-jackers were so full of hate flying through the sky,
Their aim to ''kill America'' to do so they would die.
Two of the planes hit both twin towers squarely—all aflame.
One plane to the Capital, the Pentagon, was its aim.
The last plane met resistance from some passengers, so brave,
A Pennsylvania mountain became its deadly grave.
So the tale of this tragedy spread across our Nation,
Dazed people unable to believe this revelation.
How could it be? How can lives be changed in just a moment?
How could anyone hate like that? With so much vengeance vent?
But it was real indeed, the U.S.A. had been attacked,
Our Nation plunged into a war, it was a deadly fact.
Through the days that followed, found me glued to my T.V. set,
This tragedy consumed me, I felt so helpless—and yet
My deep desire was to be a part of the rescue teams,
Then I could go into combat against those evil schemes,
Of those who brought destruction, who had attacked our Nation.
Since I could not go, I'm left with sadness and frustration.
The scene was utter destruction, the question, where to start?
Many rescue workers poured in, coming to do their part.
Firemen and police men, skilled workers with their big machines.
Doctors and nurses and ambulances, also on the scene.
All working tirelessly, upon this mountain of debris.
How frantically they struggled, to find victims to set free.
Then new disaster, damaged buildings suddenly collapsed,
The rescue teams became the victims, as many were trapped.
Rescuers continued working, they knew they must go on.
The missing, numbered thousands, so they searched from dawn to dawn.
Our Nation now in mourning, candles lit across the land.
Our red, white and blue flags waving, many in childrens hands.
At Washington Cathedral, folks of all creeds gathered there.
Joining our President and Congress, in a time of prayer.
Also at this service, four past Presidents of our Nation,
With all heads bowed, aching hearts, seeking God's affirmation.
In churches, and in town halls, in parks all across our land.
Prayers of every creed and language, God will understand.
So now in our sorrow, we must all turn to God above,
May he surround our Nation with his everlasting love! Amen.

CONGRATULATING THE PEOPLE OF TAIWAN ON NATIONAL DAY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, I wish to extend to the people of Taiwan my congratulations on the occasion of National Day. Today's event reminds us of the strong ties and shared principles between the United States and the people of Taiwan.

Today, the people in Taiwan continue to enjoy high standards of living. Under the leadership of President Chen Shui-Bian, Taiwan has demonstrated great economic resilience and has made gestures to improve dialogue with the mainland. Additionally, Taiwan's relationship with the United States is becoming increasingly strong. Bilateral trade between Taiwan and the United States topped $64.8 billion last year, and Taiwan is the United States' eighth largest trading partner. Last year, nearly 30,000 students from Taiwan were enrolled in United States colleges and universities. Additionally, the United States, outside of Asia, is the number one destination for Taiwan travelers. Clearly, Taiwan and the United States share many values in common such as attachment to freedom, democracy and human rights.

I also wish to thank President Chen for his strong words of support after the terrorist attacks of September 11. The people of Taiwan recognize the importance of solidarity in times of difficulty, as they recently coped with the devastating effects of two typhoons, and I thank them for their offer to assist in international efforts to eliminate worldwide terrorism.

On this day of celebration for the people of Taiwan, I offer them my best regards and gratitude for their support and friendship.

TRIBUTE TO VENA RICKETTS, MD

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to honor Dr. Vena Ricketts for her tremendous contributions to our local and global communities. On October 12, 2001, Olive View-UCLA Medical Center Foundation will honor Dr. Vena Ricketts with the ''Nelle Reagan Award for Distinguished Community Service'' in Woodland Hills, California.

Dr. Ricketts stands out among physicians as a dedicated volunteer whose efforts reach those in medical need worldwide. She serves as a team leader on missions which provide impoverished people throughout the world with vital medical and dental care. These philanthropic missions have taken Dr. Ricketts to Nepal, Ghana, Bulgaria, Bethlehem, Palestine, Gambia, and most recently, Cambodia.

Dr. Ricketts has also been extremely dedicated to serving her local community throughout her years in practice. She has served as a volunteer physician at the Hollywood Centrum Organization and the local House of Magdalene. In addition, Dr. Ricketts is the Medical Director at the Church on the Way in Van Nuys, California.

Currently, Dr. Ricketts is a professor at the UCLA School of Medicine and Assistant Chair of the Department of Emergency Medicine at the Olive View-UCLA Medical Center. She founded and heads up the hospital's Health Career Day in which hundreds of local students have been provided the opportunity to learn about career options in the medical field.

The innovative teaching methods used by Dr. Ricketts at this career expo have received significant national attention. She received the Department of Emergency Medicine ''Golden Award for Excellence in Teaching'' as well as the National Emergency Residents Association ''Augustine D'Orta Award for Excellence in Health Policy and Community Service''.

Dr. Ricketts serves as an inspiration to all of us through her tireless dedication to providing exceptional medical care to people in need around the world. It is a distinct pleasure to ask my colleagues to join me in saluting Dr. Vena Ricketts on her outstanding achievements.

THE OPPRESSED WOMEN OF AFGHANISTAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GILMAN. Mr. Speaker, I want to thank the gentlelady from California (Ms. SOLIS) for arranging this special order today. I also want to extend my best wishes and prayers to the women of Afghanistan.

Just as we cannot forget the horrific events of September 11, 2001, we must not forget the women of Afghanistan who have been suffering under the brutal Taliban regime since 1996. They were the first victims of the Taliban.

Today, there are thousands of widows in the capital of Afghanistan who are unable to leave their homes, even for food and emergency medical care. Women are forced to cover themselves from head to toe, denied access to education and proper health care, forbidden to work so that they may support their families, and face brutal beatings if they do not comply with the rules set forth by their oppressors. Amnesty International calls Afghanistan under the Taliban ''a human right catastrophe.'' These women are struggling to survive in what has become a police state claiming to be a theocracy.

Nonetheless, by enacting these oppressive measures, the Taliban regime claim they are restoring Afghanistan to the purity of Islam. However, authorities in a number of Muslim countries insist that few of the regime's dictates have a basis in Islam. The religion of Islam requires all Muslims to cherish women, and requires that their status to be equal to that of men. It is the Taliban's interpretation of Islam and treatment of women that is un-Islamic. It is they who are the unbelievers, the oppressors, and the blasphemers. And it is they who continue to use violence and a distorted interpretation of Islam to force their ideology on others.

My sympathies and prayers with the women of Afghanistan, and I hope that their ordeal will soon come to an end.

OPPOSE DELAYS IN ENFORCING EXECUTIVE ORDER 13166

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to the amendment offered by the gentleman from Oklahoma, which would delay enforcement of Executive Order 13166 that requires federal agencies and organizations that receive federal funding to provide translators to limited English proficient individuals.

Executive Order 13166 promotes actions consistent with, but not unduly burdensome to, the fundamental mission of federal programs. Flexibility is recognized as essential—states and providers need only do what they can, given their circumstances, to assist limited English proficiency (LEP) individuals. For example, street signs do not need to be translated into characters and doctors who serve LEP individuals on an infrequent basis are not required to have full-time interpreters or bilingual staff, this would be considered undue burden.

The need for Executive Order 13166 and its implementing guidance cannot be overstated. LEP individuals—many of whom initially enter the United States as refugees and asylees—endure restricted access to critical public health, hospital and medical services which they often desperately need. The most recent Census data that documents over 31 million individuals, over one in nine Americans, speak a language other than English at home. While this reality should be viewed as a cultural strength of our nation, in the health care context an individual's limited English proficiency often results in inadequate health care. An inability to comprehend the patient, mixed with a fear of liability, can also lead some doctors to order expensive, otherwise avoidable tests. Conversely, because of communication problems, non-English speakers often avoid seeking treatment until it is absolutely necessary, which disproportionately causes them to under utilize cost-effective preventive care. This is not only unhealthy, but often more expensive. Without Executive Order 13166 and translation services for LEP populations, citizens and non-citizens alike suffer.

Parents of citizen children, who have limited knowledge of English, can not explain to the doctor what is wrong with their child nor do they understand what the doctor tells them to do for treatment. If a LEP individual arrives at a hospital with symptoms of tuberculosis—or smallpox—without an interpreter, hospital staff and public health officials would be unable to communicate with the patient and a public health hazard could easily spiral out of control.

Here are additional stories that have resulted from inadequate LEP translation services available.

A Korean woman appeared for a gynecology exam, but no interpreter or language line assistance was provided. The clinician used the 16-year-old son of a complete stranger to translate.

A woman requiring treatment for a uterine cyst was unable to receive treatment on two separate occasions because an interpreter was unavailable.

A man suffering from a skin condition requiring laser treatment underwent treatment for over a year. The man endured days of pain after each treatment, but was unable to communicate this because he was never provided with an interpreter. Only after a community organization intervened did the clinic understand the patient's pain and adjust the treatment.

A Russian-speaking woman experienced life-threatening complications from prescribed medications. Without an interpreter or use of a language line, doctors in the emergency room were unable to treat her. Only because a Russian-speaking young girl happened by and agreed to help were doctors able to save the woman's life.

A Russian-speaking woman's none-year-old son had to translate before and after his mother's angioplasty. The hospital refused to use a language line and the child translated for several hours each time.

This Executive Order will have a profoundly positive impact on ensuring that all individuals, regardless of language, receive quality care and that disparities in health care access and outcomes due to language barriers are being addressed. There is no good reason to delay the full enforcement of Executive Order 13166. Therefore, I strongly urge my colleagues to vote against this amendment.

DAVID NEVES, RHODE ISLAND'S TEACHER OF THE YEAR

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to David Neves, a Scituate music teacher who was recently named Rhode Island's Teacher of the Year.

Mr. Neves has been a member of the Scituate High School music department for 25 years and has devoted his career to instilling a love and appreciation for music in all of his students. Throughout his tenure at Scituate, Mr. Neves has directed the band program and served as the conductor for the symphonic band, jazz ensemble and orchestra. Any one of these projects consumes an extraordinary amount of time, yet Mr. Neves has undertaken all four with tireless enthusiasm.

In addition to providing basic music instruction, Mr. Neves has led his students on trips to Montreal, Toronto, Orlando, and Washington, DC, and even allowed them to produce top-quality recordings in professional studios. Through his efforts, the students in Scituate's music program have experienced life beyond their community, and they will relish and draw on those experiences for years to come.

Mr. Neves was selected for this honor from among nominees of schools all over the state. He will now compete for National Teacher of the Year and will be recognized at a Presidential ceremony here in Washington in the spring. I am very much looking forward to welcoming Mr. Neves to our nation's capitol and congratulating him on this impressive honor in person.

I think we all know the impact one exceptional teacher can have on his students. One teacher can change the course of a child's life by inspiring confidence, promoting excellence, and opening his students' eyes to possibility. Mr. Neves is truly an outstanding asset to his profession and community, and for that, I am

grateful. I know the entire second district of Rhode Island joins me in extending hearty congratulations on his wonderful achievement.

TRIBUTE TO TRI-ANIM HEALTH SERVICES, INC.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN. Mr. Speaker, I rise today to honor Tri-anim Health Services, Inc. of Sylmar, California. On October 12, 2001, this unique organization will receive the ''Outstanding Corporate Contributor of Health Education'' award from the Olive View-UCLA Medical Center Foundation in Woodland Hills, California.

Tri-anim Health Services, Inc. is the nation's largest provider of specialty health care products used in respiratory, anesthesia and critical care. Employing over 220 people nationwide with annual sales exceeding 100 million in revenue, Tri-anim prides itself on quality employees who continuously exceed the expectations of customers.

The Tri-anim corporate commitment to exceptional service extends beyond the boundaries of the company. The organization frequently donates medical equipment and supplies throughout the world benefiting thousands of people in Armenia, China, Columbia, Equador, Nicaragua and Russia to name a few. Tri-anim is also active in numerous local philanthropic endeavors. In particular, the company provides strong financial support to the American Cancer Society, Braille Institute and SHARE.

Most recently, Tri-anim donated 13 notebook computers to a Los Angeles school for children with autism. These computers allowed the students to enhance their ability to communicate and learn. In fact, the special software provided enables some students to communicate in sentences for the first time.

Tri-anim is recognized industry-wide for its renowned technological advances. The company's award-winning website was the first one dedicated to respiratory, anesthesia and critical care. The site offers approximately 32,000 products from more than 250 manufacturers.

Tri-anim Health Services, Inc. has risen above and beyond any other organization of its kind through the extraordinary dedication of each employee to providing exceptional service in the health care arena. It is a pleasure to ask my colleagues to join me in saluting Tri-anim on their outstanding achievements.

THE WASHINGTON POST PUTS ITS FINGER ON 'THE ARAB PARADOX'

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. GILMAN. Mr. Speaker, a very astute editorial was printed in today's Washington Post underscoring a provocative point: That the regimes of Arab states, which have little if any democratic legitimacy, use hatred for the United States and Israel to deflect criticism of their internal policies.

In our hearing yesterday in our Committee on International Relations on public diplomacy in the fight against terror, the very same point was made. And, to be sure, it has even been made by some moderate Arab leaders.

The fact is that these policies of blaming others are self-defeating. They do not lead to any long-term reform. They do not even allow any real release of tension. In this modern age, they lead to intolerance of others, support for terrorism, or terrorism itself.

We need to fully consider these points, as do the rulers of the ''moderate'' Arab states.

For the information of my colleagues, I request that the Washington Post editorial be printed at this point in the RECORD:

[From the Washington Post: Oct. 11, 2001]

THE ARAB PARADOX

Arab nations, including those considered allies of the United States, have been struggling with their response to the U.S.-led military campaign in Afghanistan. If their contortions were not so familiar they would be hard to understand: After all, Osama bin Laden and his al Qaeda organization are sworn enemies of the Egyptian and Saudi governments, which in turn depend on the United States for their security. But it took Egyptian President Hosni Mubarak three days to choke out a statement supporting ''measures taken by the United States to resist terrorism''; and even then he coupled it with a parallel demand that Washington ''take measures to resolve the Palestinian problem.'' Meanwhile, Mr. Mubarak's longtime foreign minister, Amr Moussa, now the secretary general of the Arab League, prompted first Arab states and then the 56-nation Islamic Conference to adopt a resolution yesterday opposing U.S. attacks on any Arab country as part of the anti-terrorism campaign—a position that offers cover to Iraq's Saddam Hussein.

In effect, Mr. Mubarak and Mr. Moussa are backing both the military action of the U.S. alliance and the political position of Osama bin Laden, who on Sunday claimed that unjust American policies in Israel and Iraq justified his acts of mass murder. The world, Mr. Moussa said, needs to address the ''causes'' of the terrorism, and he suggested that a United Nations conference might be the best forum. There's little doubt what he has in mind: After all, Mr. Moussa only a couple of months ago led the attempt to hijack the U.N. conference on racism and revive the libel that ''Zionism is racism.''

Behind this contradictory rhetoric lies one of the central problems for U.S. policy in the post-Sept. 11 world: The largest single ''cause'' of Islamic extremism and terrorism is not Israel, nor U.S. policy in Iraq, but the very governments that now purport to support the United States while counseling it to lean on Ariel Sharon and lay off Saddam Hussein. Egypt is the leading example. Its autocratic regime, established a half-century ago under the banner of Arab nationalism and socialism, is politically exhausted and morally bankrupt. Mr. Mubarak, who checked Islamic extremists in Egypt only by torture and massacre, has no modern political program or vision of progress to offer his people as an alternative to Osama bin Laden's Muslim victimology. Those Egyptians who have tried to promote such a program, such as the democratic activist Saad Eddin Ibrahim, are unjustly imprisoned. Instead, Mr. Mubarak props himself up with $2 billion a year in U.S. aid, while allowing and even encouraging state-controlled clerics and media to promote the anti-Western, anti-modern and anti-Jewish propaganda of the Islamic extremists. The policy serves his purpose by deflecting popular frustration with the lack of political freedom or economic development in Egypt. It also explains why so many of Osama bin Laden's recruits are Egyptian.

For years U.S. and other Western governments have been understanding of Mr. Mubarak and other''moderate'' Arab leaders. They have to be cautious in helping the United States, it is said, because of the pressures of public opinion—the opinion, that is, that their own policies have been decisive in creating. Though the reasoning is circular, the conclusion has been convenient in sustaining relationships that served U.S. interests, especially during the Cold War. But the Middle East is a region where the already overused notion that Sept. 11 ''changed everything'' may just turn out to be true. If the United States succeeds in making support or opposition to terrorism and Islamic extremism the defining test of international politics, as President Bush has repeatedly promised, then the straddle that the ''moderate'' Arabs have practiced for so long could soon become untenable. Much as it has valued its ties with leaders such as Mr. Mubarak, the Bush administration needs to begin preparing for the possibility that, unless they can embrace new policies that offer greater liberty and hope, they will not survive this war.

TRIBUTE TO ABBY HOCHBERG-SHANNON

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LAMPSON. Mr. Speaker, colleagues, as the Chairman of the Congressional Missing and Exploited Children's Caucus, most of you have heard me speak on the House floor about children's issues. Today, I want to wish a fond farewell to the member of my staff who has worked so hard on these issues during my years in Congress—Abby Hochberg-Shannon. Abby is leaving her position as my Legislative Director today to work for the National Center for Missing and Exploited Children.

All of us who serve in Congress know how important our staff members are to us. Abby was one of the first people I hired when I came to Congress in 1997. She has a real passion for children's issues, which was so important when two young constituents were tragically abducted during my first term. Abby's hard work was integral to the establishment of the first-ever Congressional Missing and Exploited Children's Caucus. Now the caucus includes over 150 Members of Congress who provide a loud and unified voice as advocates for missing children.

Now Abby is going to the National Center for Missing and Exploited Children. I am proud that she will be continuing her work on these issues with such an outstanding organization. Although she will be sorely missed, I don't feel like I am losing a staff member. I know that I and other members of the Caucus will continue to work with Abby Hochberg-Shannon and the National Center on this issue so we can 'bring our missing children home'.

Thank you Abby for 5 years of dedicated work. The Hill will miss you.

TRIBUTE TO PROCTER AND GAMBLE

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERWOOD. Mr. Speaker, I want to pay tribute to Procter & Gamble and the 2,500 working men and women at the P&G paper products plant in Mehoopany, Pennsylvania, as they celebrate the plant's 35th anniversary on October 17 and 18.

The Mehoopany plant, which is P&G's largest plant in the world, makes a major contribution to the local, state and national economy. The plant's dedicated employees produce Pampers and Luvs disposable diapers, Bounty paper towels, Bounty napkins and Charmin bathroom tissues. The plant's payroll is over $130 million annually. P&G contributes over $200 million a year to the Pennsylvania economy in purchases of materials, freight, supplies and services. Hundreds of additional people are employed to provide those purchases.

Procter & Gamble is making an investment of $350 million to add two new paper-making machines and converting equipment. The Mehoopany site was chosen by P&G for expansion as the most attractive option in meeting their economic, distribution and infrastructure needs.

I am pleased to say that the Mehoopany facility continues to be recognized not only as a business leader, but also for its environmental and safety records. The plant has won two Governor awards for environmental excellence and four safety awards from the American Forestry and Paper Association over the past five years.

P&G's Mehoopany plant not only fills the needs of millions of American consumers, but goes beyond U.S. borders by exporting more than $150 million worth of tissues, towels, napkins and diapers to Canada, Europe and Latin America each year.

I clearly remember when the Mehoopany Plant began operations in 1966. I was just leaving the military and returning to Wyoming County to start my career. Since that time, I have seen the creation of several thousand good paying and stable jobs in Pennsylvania's 10th Congressional District. The plant draws its work force from six northeastern Pennsylvania counties. The continued success of the Mehoopany plant is due to the dedication and commitment of the men and women who work there.

Our nation's economic prosperity depends on companies like Procter & Gamble which are willing to invest in the future of our nation and in the men and women who have done such an outstanding job in producing the high quality products that consumers both domestically and internationally want and need. Congratulations to Procter & Gamble and to its employees on the 35th anniversary of the Mehoopany plant.

IMPROVING TEACHER QUALITY

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LANGEVIN. Mr. Speaker, today I had planned to offer an amendment to strengthen teacher quality. However, I withdraw this amendment out of respect for the hard work of Chairman YOUNG, Chairman REGULA, and Ranking Member OBEY in crafting a strong, bipartisan bill.

Mr. Speaker, before I withdraw my amendment, I want to address the importance of training not only our teachers, but our substitutes as well.

Substitute teachers are critical to our children's education, yet less than 15 percent of them participate in any type of professional development. On average, students will spend the equivalent of 1 full year with a substitute teacher before high school graduation. America's substitutes have become an integral part of our teacher workforce, yet in all but 1 State, substitutes need no teaching certification, and in 28 States principals may hire anyone with a high school diploma or a GED who is over 17. In addition, over half of the school districts in this country do not require face-to-face interviews or reference checks for potential substitutes, and almost one-third of districts do not conduct background checks. Moreover, many substitutes want to become full-time teachers. But without training, few pursue this ambition.

Most substitutes cite a lack of discipline among students as one of the most significant reasons they leave the profession. It is no surprise that they are unable to maintain discipline when they have not been trained in basic classroom management. With skills and content training, substitutes would be more inclined to stay and to take on full-time teaching responsibilities.

In the spring, I conducted a survey of all the public schools in my congressional district. Among the many issues revealed, these surveys illuminated the great shortage of qualified substitutes and the desire for more professional development programs for teachers and principals in Rhode Island. These problems are not unique to Rhode Island. They exist nationwide and are likely to be exacerbated in the coming decade as growing levels of teacher attrition and retirement and increased school enrollment combine to create a massive teacher shortage. Indeed, the National Center for Education Statistics estimates that we will need 2.4 million additional teachers over the next 11 years.

Encouraging States and local educational agencies to include substitute training in a comprehensive teacher quality program will improve the work of substitutes, the ability of teachers to attend professional development programs, and ultimately will improve education for our children.

I urge my colleagues to work with me to find innovative ways to help our substitutes as well as our full-time teachers be better prepared for our classrooms and better teachers for our children.

Mr. Speaker, I respectfully withdraw my amendment.

TRIBUTE TO THE ANTI-DEFAMATION LEAGUE AWARD RECIPIENTS

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. ADAM B. SCHIFF

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SHERMAN Mr. Speaker, we rise today to honor Shirley and Seth Hufstedler, Alan I. Rothenberg, and Erwin Chemerinsky. On October 11, 2001, each of these extraordinary individuals will be recognized at the Anti-Defamation League 2001 Jurisprudence Award Dinner.

Shirley Hufstedler is currently Senior of Counsel at Morrison & Foerster. Previously, she served as a Judge in the Los Angeles County Superior Court and an Associate Justice of the California Court of Appeals. Prior to that, Shirley was appointed and served as the U.S. Secretary of Education in 1979 by President Jimmy Carter.

Her husband, Seth Hufstedler is also Senior of Counsel at Morrison & Foerster. He has argued many cases before the California appellate courts, the 9th Circuit Court of Appeals and the U.S. Supreme Court. More recently he has served as President of the State Bar of California and the Los Angeles County Bar Association.

Alan Rothenberg is the founder of the U.S. Soccer Foundation and has dedicated himself to Major League Soccer for many years. He was Chairman, President, and CEO of the most successful World Cup in History. He also served as Chairman of the Board of the 1999 FIFA Women's World Cup, the most successful women's sporting event in history.

Finally, Erwin Chemerinsky is the author of four books on constitutional law. He has testified many times before Congress, the California Legislature and the Los Angeles City Council. Erwin has argued many cases in the U.S. Courts of Appeals and served as co-counsel in several cases before the United States Supreme Court.

Each of these well-respected individuals have remained dedicated to providing exemplary service to our community. It is a distinct pleasure to ask our colleagues to join with us in saluting them for their outstanding achievements.

HIGHWAY HOME IN HATFIELD, PENNSYLVANIA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to acknowledge the 50th anniversary of the Highway Home in Hatfield, Pennsylvania. The

Highway Home has been serving the needs of the elderly and I am honored to join them in their celebration.

The High Home was founded by the Highway Tabernacle Church of Philadelphia in 1951 and is a non-profit organization. Since 1980, the Highway Home has been licensed by the Commonwealth of Pennsylvania with the mission of excellent care to the elderly and enhancing the quality of their lives. They have met this mission with great success.

I am proud to join Highway Home in their celebration. Our community is fortunate to have such a fine facility that meets the important needs of our elderly.

RENEWAL COMMUNITY TECHNICAL LEGISLATION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. LAFALCE. Mr. Speaker, today, along with Representatives QUINN and REYNOLDS, I will be introducing legislation designed to enhance the effectiveness of the ''Renewal Community'' program which Congress adopted just last December. This legislation would allow the expansion of Renewal Communities to include census tracts which are not eligible under 1990 census data, but which are eligible under 2000 census data.

As Congress debates economic stimulus legislation, which is likely to include tax provisions, we urge inclusion of this simple, but important, legislative amendment to the existing Renewal Community program.

Late last year, Congress enacted bi-partisan legislation authorizing the designation of forty ''Renewal Communities,'' each of which will receive substantial investment tax benefits. Applications for selection of these Renewal Communities are due late in October, with final selection by HUD under a competitive process before the end of this year.

All census tracts in a Renewal Community application must meet objective criteria, including benchmarks relating to poverty and unemployment. However, the poverty rates and population used to determine compliance with such criteria are required to be determined using 1900 census data.

Use of dated economic data was probably necessary, given that the selection process will be completed before all 2000 census data is available. However, ironically, the result is that legislation designed to rejuvenate areas with rising poverty and declining economic conditions and population effectively ignores what has taken place over the last decade. The very census tracts that have declined economically over the last decade, as confirmed by objective economic data, are unnecessarily excluded from favorable investment treatment designed to reverse such economic decline.

This makes no sense. Therefore, the legislation we are introducing today in a simple one, which permits applicants that are awarded Renewal Community status to subsequently apply to HUD to expand their boundaries to include census tracts that did not meet the legislation's poverty or population criteria using 1990 census data, but would meet such criteria using 2000 census data.

It does not interfere with the selection process for the forty Renewal Communities, which is already underway. Nor does it alter the objective qualifications that each census tract must meet to qualify for inclusion in a Renewal Community. It merely allows Renewal Communities selected later this year to apply for the inclusion of adjacent census tracts that clearly justify inclusion in the Renewal Community, based on our most recent census data.

HONORING LILIA PULIDO ALVARADO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Lilia Pulido Alvarado. Mrs. Alvarado is being honored by the International Institute of Flint at their annual dinner on October 13th. She will be given their Golden Door award.

The International Institute pays tribute each year to an outstanding immigrant who has made a significant impact on the greater Flint community. It is the highest award the Institute presents. The recipient has demonstrated a lifelong commitment to improving the quality of life for newly arrived immigrants.

This year's recipient, Lilia Pulido Alvarado is a stellar example of this commitment. She has fought her entire life for immigrants. She immigrated to the United States from Mexico at the age of twelve with her parents and four siblings. Her father had been the Chief of Police in Zacatecas before an accident cut short his career. Lilia's mother worked as a midwife to support the family before the family moved to Michigan.

As a result of her father's accident and the move to a new country the family had a drastic change in their lifestyle. In Mexico the family lived in an 18-room house with servants, and an active social life. In Michigan the family lived in a shanty, sleeping on straw mattresses, cooking over a wood stove and had outdoor toilet facilities. Lilia did not know how to speak English and this created difficulties for her in school. The first day of school Lilia threw a book at the teacher and was expelled. The teacher had wanted her to read in English. Later in life this incident caused Lilia to fight passionately for schools to understand and incorporate the language and culture of the immigrant when teaching the student.

Fortunately, Lilia went on to complete her schooling, eventually earning an associate's degree, a bachelor's degree, a master's degree and a substance abuse counselor license. During this time she married, and raised four children. She paid for her education by picking apples. She has worked as the district director of the Michigan State University research project, ''Migrants in Transition;'' as a bilingual counselor for Model Cities, a counselor for battered women at the YWCA of Greater Flint, a teacher with the Flint Community Schools and the International Institute and as an insurance specialist for Blue Cross/Blue Shield. Her advocacy stretches beyond Flint to include the indigenous people of Mexico.

The community has recognized Lilia's contributions over the years. She has received awards from the United States Postal Service, United Way of Genesee County, La Raza Advisory Council to the Michigan State Board of Education, the YWCA, and she was cited in Rodolfo Acuna's book ''Occupied America, A History of Chicanos.''

Mr. Speaker, I ask the House of Representatives to join me in congratulating Lilia Pulido Alvarado as she receives the Golden Door award from the International Institute of Flint. Lilia has worked tirelessly to help make a better world for all.

PROCLAMATION FOR STEPHEN EDWARD MONSEES

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Stephen Edward Monsees. This young man has received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Stephen and bring the attention of Congress to this successful young man on his day of recognition, Friday, October 12, 2001. Congratulations to Stephen and his family.

INTRODUCTION OF THE PROTECTING AMERICA'S CHILDREN AGAINST TERRORISM ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise today to introduce legislation designed to protect our

most vulnerable citizens in the event of a terrorist attack: our children.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children perished aboard the planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated. And an estimated 10,000 American children lost a parent as a result of these atrocities—many of them losing their sole or primary caregiver.

In recent weeks, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we have realized that our understanding of the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

Finally, the World Trade Center and Pentagon attacks robbed untold numbers of children of their sole parent or caregiver. While these children are now largely being cared for by relatives and friends, they are considered orphans by the government. We must establish a method for settling these children in loving homes and ensuring that all possible aid and services are provided to them in a coordinated, comprehensive fashion.

I am proud to join my colleague, Senator HILLARY RODHAM CLINTON, in introducing today the Protecting America's Children Against Terrorism Act. This bill addresses each of these critical issues, supplying federal resources and coordination to ensure that our children's needs are met in the event of a terrorist attack.

The bill would protect children against bioterrorism by:

Establishing a National Task Force on Children and Terrorism. The task force would examine and make recommendations regarding the preparedness of our Nation's health system for mass casualties of children and youth resulting from bioterrorism.

Establishing a Children and Terrorism Information Network. The network would collect and disseminate information for health providers on how to prepare for a biological or chemical terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack.

Providing research funding on children and bioterrorism.

Supporting training programs for physicians and health care personnel.

Ensuring that the National Pharmaceutical Stockpile Program (NPSP) includes inventories to meet the medical needs of children.

The bill would protect our schoolchildren by:

Recommending advance plans for school evacuations, safe places and parental notification.

Ensuring mental health services for children affected by terrorism and their caregivers.

The bill would secure our social services infrastructure to assist children and families by:

Helping communities provide universal hotlines, such as 2–1–1.

And, finally, the bill would provide services for children orphaned as a result of terrorism by:

Establishing an Office of Children's Services after any disaster in which children have lost their custodial parent(s).

The events of September 11 have revealed to us the gaps in our preparedness for a major disaster. We owe it to our children to ensure that we close these gaps before a future emergency—be it terrorism, natural disaster, or other cause—requires that we take action.

I hope my colleagues will join me in lending strong support to the Protecting America's Children Against Terrorism Act. Our precious children deserve no less.

IN HONOR OF REVEREND W.J. HALL, D.D., PASTOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend W.J. Hall for his many outstanding years of service to the Bethel Baptist Church.

W.J. Hall was born August 1, 1928, to Mr. and Mrs. G.A. Hall in Oxford, NC. He attended elementary and high school in Oxford, NC. After graduating from Mary Potter High School in 1947, he went to Philadelphia, PA, to work. He also attended Temple University. In 1950, Reverend Hall joined the U.S. Army serving as a military policeman and working with the CID (Criminal Investigating Department). Following his honorable discharge from the Army in 1953, he completed a double major in religion and social studies at Shaw University in Raleigh, NC. Reverend Hall also earned 18 semester hours toward a masters degree in education at North Carolina College in Durham, NC. He used this knowledge when he taught 4 years of public school in North Carolina and Virginia. In addition, Reverend Hall is a member of Phi Beta Sigma, a Master Mason, and a member of NAACP.

Reverend Hall has been the pastor of several other churches, including the Olive Grove Baptist Church of Oxford, NC; Spring Street Baptist Church of Henderson, NC; and the Greenwood Baptist Church of Warrenton, NC.

He was married in 1954 to Miss Beatrice Mabel Sellars of Vass, NC. Together he and Mabel have two daughters, Wanda and Andrea.

Since Reverend Hall arrived at Pastor of the Bethel Baptist Church, he has been busy. Under his leadership, the church membership has greatly increased, the church has been painted and remodeled, a church paper has been published, a new parsonage added, a station wagon purchased and a new pastor's study built. A mural also has been added over the pipe organ, which was purchased by the trustees, along with a Hammond organ purchased. In addition, to his tremendous success at Bethel Baptist Church, he recently, received a divinity degree.

Mr. Speaker, Rev. J.W. Hall has devoted his life to educating others and his church; as such he is more than worthy of receiving our recognition. I ask my colleagues to join me in honoring this dedicated and hard-working man of faith.

RECOGNIZING THE 20TH ANNIVERSARY OF THE CLARENCE SENIOR CENTER

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 20th anniversary of the Clarence Senior Center in Clarence, NY.

The Clarence Senior Center is an important gathering place for our community—providing social, educational, recreational, and nutritional support for the town's independent senior population. The center is a place to share friendships and experiences, and encourages independence of its members, who range in age from 60 to 96.

Mr. Speaker, I ask that this Congress join me in saluting Clarence Senor Citizens, Inc., upon the occasion of the 20th anniversary of its center, and that this honorable body extend its sincerest appreciation to the staff, volunteers, members, and visitors who have made this facility such a tremendous asset to our community.

IN MEMORY OF MAJOR WALLACE COLE HOGAN, JR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. CHAMBLISS. Mr. Speaker, today I honor Major Wallace Cole Hogan, Jr. for serving our country in the United States Army. Major Hogan grew up in Macon, Georgia, and attended Valdosta State University. After graduation, he joined the Georgia Army National Guard as a Rifle and Mortar Platoon Leader.

Major Hogan was truly born to serve. His time with the National Guard included the 19th Special Forces Group Airborne, Commander of the Colorado Army National Guard, 20th Special Forces Group Airborne, and Alabama Army National Guard as a Detachment Commander. On April 4, 1993 Major Hogan accepted in Army active duty appointment in the grade of Captain. He was a member of the Green Berets and fought in the Persian Gulf War with the 1st Special Forces Group Airborne as a Battalion Operations officer and Detachment Commander. He also served as the Commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama.

Ultimately, Major Hogan arrived at the Pentagon and joined the Office of the Deputy Chief of Staff for Operations and Plans in June 1999. His work at the Pentagon included Special Operations Staff Officer in the Directorate of Operations, Readiness, and Mobilization and Executive Officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army.

On September 11, terrorists claimed the lives of our friends, family and loved ones

from all over this nation and the world. Major Cole Hogan was one of these loved ones. His parents are from Macon and happen to be personal friends of mine. My wife and I have two children and I can't imagine any greater pain than that which floods ones heart upon the death of a child. My prayers are with the Hogans during their most difficult time of grief.

In our mourning, we can't help but question how such a heinous act could come to fruition on American soil. But in a time where questions are many and words are few, I want to offer my most sincere condolences to the family of Major Hogan; his wife, Air Force Major Pat Hogan of Alexandria, VA and his parents, Mr. and Mrs. Wallace C. Hogan, Sr. of Macon, GA.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not gone unnoticed as evident by the numerous decorations and awards earned during his service. These recognitions include: The Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal with oak leaf cluster, Army Achievement Medal with five oak leaf clusters, Army Reserve Components Achievement Medal with two oak leaf clusters, Armed Forces Reserve Medal, Army Service Ribbon, Special Forces Tab, Ranger Tab, Scuba Diver Badge, Senior Parachutist Badge, and Pathfinder Badge.

I think we have a lot to learn from Americans like Major Cole Hogan. His dedication and patriotism are unwavering and a standard we all should strive to emulate. Major Hogan will be missed, as will so many others. These lives will not be forgotten. We must honor them by living on as they lived. The lives stolen by terrorists so easily could've been our own. We owe it to the fallen to press on and take hold of all that our forefathers fought for and dreamed we would live to enjoy. As a nation, Americans have always shown strength through adversity.

I commend Major Hogan for his service and I thank his family for raising up a man whose heart was to give his all for his country. His presence will be misdeed and his legacy will not be forgotten.

IMPACT AID

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of the Impact Aid program. Impact Aid remains one of the oldest, and most critical, elementary and secondary education programs administered by the Department of Education.

It is vital to more than 1,500 federally impacted school districts and 1.5 million children across the country who depend on the program for a quality education. This funding not only affects military children and children residing on Indian lands, but also an estimated 17.5 million children who attend financially strapped schools due to a large federal presence in their school districts. By increasing funding, we help local school districts, which have lost tax revenue as a result of the federal presence in their district, better serve their communities.

The Impact Aid program is an example of an effective, successful partnership and shared responsibility between federal, state, and local governments. Therefore, we must increase funding to ensure that students who attend federally impacted schools continue to receive a quality education. I urge my colleagues to join me in supporting the Impact Aid program.

TRIBUTE TO FRED R. JOHNSON OF ROME, GEORGIA, OCTOBER 1, 1927 TO OCTOBER 10, 2001

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. BARR of Georgia. Mr. Speaker, Rome, Georgia has lost one of its finest citizens. Frederick Ross (Fred) Johnson, a native of Floyd County, Georgia passed away on October 10, 2001. Fred attended Darlington School in Rome, and was a graduate of Auburn University and the Institute of Insurance Marketing at SMU.

Fred entered the Life Insurance Business in December 1949. He quickly became known as ''icon'' in the insurance industry, throughout Georgia, and nationally. As general agent, he developed the Rome-based Piedmont Agency into one of the largest life insurance agencies in the country. The Piedmont Agency was Georgia International's Agency of the Year for an unbelievable 30 consecutive years. His brother and partner in the Piedmont Agency, Bob Johnson, describes Fred as someone who loved a challenge and was very competitive. According to Bob, ''if the tree was the tallest, he wanted to get to the top.'' In an interview several months before his death, Fred said he believed the secret to selling life insurance, or anything else, was to get up in the morning with the resolution to follow through. He was the author of, ''The Secret of Selling Life Insurance,'' a training tool for agents, published earlier this year by New York Life Insurance Company.

Fred was a Director of the Rome Bank and Trust Company, and a member and current trustee at First Presbyterian Church. He served on the Board of Directors of Hand and Associates in Houston, Texas, and was a member of the Coosa Country Club. He was active in many other professional and community activities; and had a lifelong passion for politics. Fred Johnson was a fine family man, and a true friend to all in his community, including, thankfully, me. We will miss him.

A TRIBUTE TO CAPTAIN JASON M. DAHL, UNITED AIRLINES FLIGHT 93

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor Captain Jason Matthew Dahl, the pilot of United Airlines Flight 93, and a true American hero. He was doing what he loved to do when he lost his life along with thousands of others in the horrible assault on our nation that occurred on September 11. His bravery on that flight was reflective of the American spirit displayed in abundance by countless Americans that day. Jason grew up in the San Jose community, and his parents, who were the proprietors of Dahl's Dairy Delivery, used to deliver milk to Hillsdale Elementary School, where I served as principal.

From his childhood years, Jason had a strong desire to fly. His passionate devotion to this endeavor was only matched during his lifetime by his devotion to his family. Jason was born the youngest of five children on November 2, 1957, in San Jose, California, and grew up on Haga Drive, in the house where his widowed mother, Mildred, still lives. He attended Hillsdale Middle School and Sylvandale Middle School, both of which I would eventually helm as principal. He first manifested his affinity for flight during his years at Sylvandale, where he started building radio-controlled airplanes, and would fly these planes with his friend, Roger. He then joined the Civil Air Patrol, and was soon taking flying lessons from Amelia Reid at Reid Hillview Airport. He was a quick study, and was flying solo by the youthful age of 16. During this early period, Jason gave his father a photograph, depicting the two of them standing in front of a Cessna, on which Jason had written: ''Maybe someday this will be a 747.''

Jason attended my alma mater, San Jose State University, from 1975 to 1980, and graduated with a Bachelor of Science degree in Aeronautical Operations. While at San Jose State, Jason developed close, lasting relationships with a group of classmates, fellow members of the ''Flying Twenties'' club, who cemented their friendships while pumping fuel at Reid Hillview Airport in order to earn money to rent planes and buy their own fuel. Jason supported himself during his college years working at this job, as well as by flying advertising banners, doing aerial photo surveys, and teaching private flying lessons.

After graduating from college, Jason was hired by Ron Nelson Construction as a corporate pilot. A few years later, he applied to the commercial airlines, and he realized his dream when he got the call from United Airlines in June 1985. He steadily moved up the ranks at United, and when he was offered the position of flight instructor, he accepted it. Although Jason loved to fly, working at the training center allowed him to spend more time with his family.

Balancing the demands of career and family is a daunting challenge, especially for a pilot, but family was greatly important to Jason. No matter how busy his flight schedule, he always made the time for his wife, Sandy, and his children, Matt and Jennifer.

Captain Dahl was an emblem of the American dream. He was a committed family man and a successful pilot. His heroism on the morning of September 11, 2001, saved the lives of countless Americans in Washington, DC, and quite possibly many Members of Congress and others who work in the United States Capitol Building. Jason's mother recently told me that though she accepted his tremendous love of flying early on, she never could quell the concern any pilot's mother has for her child's safety. She said that Jason would reassure her by saying that if he ever were to experience an airborne disaster, he would be sure to go down over trees or an open field, and not over a populated area.

Over the woods of western Pennsylvania on the morning of September 11, Captain Jason M. Dahl kept his word.

''UNITED IN MEMORY'' MEMORIAL SERVICE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, one month ago, the most lethal terrorist attack in history was visited upon this Nation. Today, about 25,000 people attended the Department of Defense's ''United in Memory'' memorial service to celebrate the lives and mourn the loss of the people claimed in this attack. Members of the Cabinet and Congress joined the public on the grounds of the Pentagon ''to console and pray'' with the families of the victims and, as Secretary Rumsfeld said, ''remember them as believers in the heroic ideal for which this Nation stands and for which this building exists.''

The President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff all spoke of the loss we suffered on September 11 and the resolve that it has spawned. In the words of President Bush, ''Brick by brick we will quickly rebuild the Pentagon. In the missions ahead for the military you will have everything you need, every resource, every weapon, every means to assure full victory for the United States and the cause of freedom.''

I'd like to insert the following remarks into the RECORD so that they may forever pay tribute to those affected by terror on September 11th.

PRESIDENT PAYS TRIBUTE AT PENTAGON MEMORIAL

The President. Please be seated. President and Senator Clinton, thank you all for being here. We have come here to pay our respects to 125 men and women who died in the service of America. We also remember 64 passengers on a hijacked plane; those men and women, boys and girls who fell into the hands of evildoers, and also died here exactly one month ago.

On September 11th, great sorrow came to our country. And from that sorrow has come great resolve. Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered.

Americans are returning, as we must, to the normal pursuits of life. (Applause.) Americans are returning, as we must, to the normal pursuits of life. But we know that if you lost a son or daughter here, or a husband, or a wife, or a mom or dad, life will never again be as it was. The loss was sudden, and hard, and permanent. So difficult to explain. So difficult to accept.

Three schoolchildren traveling with their teacher. An Army general. A budget analyst who reported to work here for 30 years. A lieutenant commander in the Naval Reserve who left behind a wife, a four-year-old son, and another child on the way.

One life touches so many others. One death can leave sorrow that seems almost unbearable. But to all of you who lost someone here, I want to say: You are not alone. The American people will never forget the cruelty that was done here and in New York, and in the sky over Pennsylvania.

We will never forget all the innocent people killed by the hatred of a few. We know the loneliness you feel in your loss. The entire nation, entire nation shares in your sadness. And we pray for you and your loved ones. And we will always honor their memory.

The hijackers were instruments of evil who died in vain. Behind them is a cult of evil which seeks to harm the innocent and thrives on human suffering. Theirs is the worst kind of cruelty, the cruelty that is fed, not weakened, by tears. Theirs is the worst kind of violence, pure malice, while daring to claim the authority of God. We cannot fully understand the designs and power of evil. It is enough to know that evil, like goodness, exists. And in the terrorists, evil has found a willing servant.

In New York, the terrorists chose as their target a symbol of America's freedom and confidence. Here, they struck a symbol of our strength in the world. And the attack on the Pentagon, on that day, was more symbolic than they knew. It was on another September 11th—September 11th, 1941—that construction on this building first began. America was just then awakening to another menace: The Nazi terror in Europe.

And on that very night, President Franklin Roosevelt spoke to the nation. The danger, he warned, has long ceased to be a mere possibility. The danger is here now. Not only from a military enemy, but from an enemy of all law, all liberty, all morality, all religion.

For us too, in the year 2001, an enemy has emerged that rejects every limit of law, morality, and religion. The terrorists have no true home in any country, or culture, or faith. They dwell in dark corners of earth. And there, we will find them.

This week, I have called—(applause)—this week, I have called the Armed Forces into action. One by one, we are eliminating power centers of a regime that harbors al Qaeda terrorists. We gave that regime a choice: Turn over the terrorists, or face your ruin. They chose unwisely. (Applause.)

The Taliban regime has brought nothing but fear and misery to the people of Afghanistan. These rulers call themselves holy men, even with their record of drawing money from heroin trafficking. They consider themselves pious and devout, while subjecting women to fierce brutality.

The Taliban has allied itself with murderers and gave them shelter. But today, for al Qaeda and the Taliban, there is no shelter. (Applause.) As Americans did 60 years ago, we have entered a struggle of uncertain duration. But now, as then, we can be certain of the outcome, because we have a number of decisive assets.

We have a unified country. We have the patience to fight and win on many fronts: Blocking terrorist plans, seizing their funds, arresting their networks, disrupting their communications, opposing their sponsors. And we have one more great asset in this cause: The brave men and women of the United States military. (Applause.)

From my first days in this office, I have felt and seen the strong spirit of the Armed Forces. I saw it at Fort Stewart, Georgia, when I first reviewed our troops as Commander-in-Chief, and looked into the faces of proud and determined soldiers. I saw it in Annapolis on a graduation day, at Camp Pendleton in California, Camp Bondsteel in Kosovo. And I have seen this spirit at the Pentagon, before and after the attack on this building.

You've responded to a great emergency with calm and courage. And for that, your country honors you. A Commander-in-Chief must know, must know that he can count on the skill and readiness of servicemen and women at every point in the chain of command. You have given me that confidence.

And I give you these commitments. The wound to this building will not be forgotten, but it will be repaired. Brick by brick, we will quickly rebuild the Pentagon. (Applause.) In the missions ahead for the military, you will have everything you need, every resource, every weapon—(applause)—every means to assure full victory for the United States and the cause of freedom. (Applause.)

And I pledge to you that America will never relent on this war against terror. (Applause.) There will be times of swift, dramatic action. There will be times of steady, quiet progress. Over time, with patience and precision, the terrorists will be pursued. They will be isolated, surrounded, cornered, until there is no place to run, or hide, or rest. (Applause.)

As military and civilian personnel in the Pentagon, you are an important part of the struggle we have entered. You know the risks of your calling, and you have willingly accepted them. You believe in our country, and our country believes in you. (Applause.)

Within sight of this building is Arlington Cemetery, the final resting place of many thousands who died for our country over the generations. Enemies of America have now added to these graves, and they wish to add more. Unlike our enemies, we value every life, and we mourn every loss.

Yet we're not afraid. Our cause is just, and worthy of sacrifice. Our nation is strong of heart, firm of purpose. Inspired by all the courage that has come before, we will meet our moment and we will prevail. (Applause.)

May God bless you all, and may God bless America. (Applause.)

MEMORIAL SERVICE IN REMEMBRANCE OF THOSE LOST ON SEPTEMBER 11TH

REMARKS BY SECRETARY OF DEFENSE DONALD H. RUMSFELD

We are gathered here because of what happened here on September 11th. Events that bring to mind tragedy—but also our gratitude to those who came to assist that day and afterwards, those we saw at the Pentagon site everyday—the guards, police, fire and rescue workers, the Defense Protective service, hospitals, Red Cross, family center professionals and volunteers and many others.

And yet our reason for being here today is something else.

We are gathered here to remember, to console and to pray.

To remember comrades and colleagues, friends and family members—those lost to us on Sept. 11th.

We remember them as heroes. And we are right to do so. They died because—in words of justification offered by their attackers—they were Americans. They died, then, because of how they lived—as free men and women, proud of their freedom, proud of their country and proud of their country's cause—the cause of human freedom.

And they died for another reason—the simple fact they worked here in this building—the Pentagon.

It is seen as a place of power, the locus of command for what has been called the greatest accumulation of military might in history. And yet a might used far differently than the long course of history has usually known.

In the last century, this building existed to oppose two totalitarian regimes that sought to oppress and to rule other nations. And it is no exaggeration of historical judgment to say that without this building, and those who worked here, those two regimes would not have been stopped or thwarted in their oppression of countless millions.

But just as those regimes sought to rule and oppress, others in this century seek to

do the same by corrupting a noble religion. Our President has been right to see the similarity—and to say that the fault, the evil is the same. It is the will to power, the urge to dominion over others, to the point of oppressing them, even to taking thousands of innocent lives—or more. And that this oppression makes the terrorist a believer—not in the theology of God, but the theology of self—and in the whispered words of temptation: ''Ye shall be as Gods.''

In targeting this place, then, and those who worked here, the attackers, the evildoers correctly sensed that the opposite of all they were, and stood for, resided here.

Those who worked here—those who on Sept. 11 died here—whether civilians or in uniform—side by side they sought not to rule, but to serve. They sought not to oppress, but to liberate. They worked not to take lives, but to protect them. And they tried not to preempt God, but see to it His creatures lived as He intended—in the light and dignity of human freedom.

Our first task then is to remember the fallen as they were—as they would have wanted to be remembered—living in freedom, blessed by it, proud of it and willing—like so many others before them, and like so many today, to die for it.

And to remember them as believers in the heroic ideal for which this nation stands and for which this building exists—the ideal of service to country and to others.

Beyond all this, their deaths remind us of a new kind of evil, the evil of a threat and menace to which this nation and the world has now fully awakened, because of them.

In causing this awakening, then, the terrorists have assured their own destruction. And those we mourn today, have, in the moment of their death, assured their own triumph over hate and fear. For out of this act of terror—and the awakening it brings—here and across the globe—will surely come a victory over terrorism. A victory that one day may save millions from the harm of weapons of mass destruction. And this victory—their victory—we pledge today.

But it we gather here to remember them—we are also here to console those who shared their lives, those who loved them. And yet, the irony is that those whom we have come to console have given us the best of all consolations, by reminding us not only of the meaning of the deaths, but of the lives of their loved ones.

''He was a hero long before the eleventh of September,'' said a friend of one of those we have lost—''a hero every single day, a hero to his family, to his friends and to his professional peers.''

A veteran of the Gulf War—hardworking, who showed up at the Pentagon at 3:30 in the morning, and then headed home in the afternoon to be with his children—all of whom he loved dearly, but one of whom he gave very special care, because she needs very special care and love.

About him and those who served with him, his wife said: ''It's not just when a plane hits their building. They are heroes every day.''

''Heroes every day.'' We are here to affirm that. And to do this on behalf of America. And also to say to those who mourn, who have lost loved ones: Know that the heart of America is here today, and that it speaks to each one of you words of sympathy, consolation, compassion and love. All the love that the heart of America—and a great heart it is—can muster.

Watching and listening today, Americans everywhere are saying: I wish I could be there to tell them how sorry we are, how much we grieve for them. And to tell them too, how thankful we are for those they loved, and that we will remember them, and recall always the meaning of their deaths and their lives.

A Marine chaplain, in trying to explain why there could be no human explanation for a tragedy such as this, said once: ''You would think it would break the heart of God.''

We stand today in the midst of tragedy—the mystery of tragedy. Yet a mystery that is part of that larger awe and wonder that causes us to bow our heads in faith and say of those we mourn, those we have lost, the words of scripture: ''Lord now let Thy servants go in peace, Thy word has been fulfilled.''

To the families and friends of our fallen colleagues and comrades we extend today our deepest sympathy and condolences—and those of the American people.

We pray that God will give some share of the peace that now belongs to those we lost, to those who knew and loved them in this life.

But as we grieve together we are also thankful—thankful for their lives, thankful for the time we had with them. And proud too—as proud as they were—that they lived their lives as Americans.

We are mindful too—and resolute that their deaths, like their lives, shall have meaning. And that the birthright of human freedom—a birthright that was theirs as Americans and for which they died—will always be ours and our children's. And through our efforts and example, one day, the birthright of every man, woman, and child on earth.

PENTAGON MEMORIAL SERVICE

REMARKS BY GENERAL RICHARD B. MYERS, USAF, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Ladies and gentlemen, Today we remember family members, friends, and colleagues lost in the barbaric attack on the Pentagon—civilian and military Pentagon employees, the contractors who support us, and the passenger and crew of Flight 77. We also grieve with the rest of America and the world for those killed in New York City and Pennsylvania. We gather to comfort each other and to honor the dead.

Our DOD colleagues working in the Pentagon that day would insist that they were only doing their jobs. But we know better. We know, and they knew, that they were serving their country. And suddenly, on 11 September they were called to make the ultimate sacrifice. For that, we call them heroes.

We honor the heroism of defending our Nation. We honor the heroism of taking an oath to support the Constitution. We honor the heroism of standing ready to serve the greater good of our society.

That same heroism was on display at the Pentagon in the aftermath of the attack. Coworkers, firefighters, police officers, medics—even private citizens driving past on the highway—all rushed to help and put themselves in grave danger to rescue survivors and treat the injured.

One of them, who I had a chance to meet recently, was Army Sergeant Adis Goodwill, a young emergency medical technician. She drove the first ambulance from Walter Reed Army Hospital to arrive at the scene.

Sergeant Goodwill spent long hours treating the wounded—simply doing her duty—all the while not knowing, and worrying about, the fate of her sister, Lia, who worked in the World Trade Center. She would eventually learn that Lia was OK.

Prior to 11 September, Sergeant Goodwill hadn't decided whether to reenlist in the Army or not. After the tragic events of that day, her course was clear. And three weeks ago, I had the privilege of reenlisting her. With tears of pride in their eyes, her family, including her sister Lia, watched her take the oath of office. Sergeant Goodwill is with us today.

The heroes kept coming in the days following the 11th—individual volunteers, both civilian and military; firefighters; police officers; and civil and military rescue units working on the site. Other Americans helped too, as General Van Alstyne said, with donations of equipment, supplies, and food; letters and posters from school children; and American flags everywhere.

Today, we mourn our losses, but we should also celebrate the spirit of the heroes of 11 September, both living and dead, and the heroic spirit that remains at the core of our great Nation. This is what our enemies do not understand. They can knock us off stride for a moment or two. But then, we will gather ourselves with an unmatched unity of purpose and will rise to defend the ideals that make this country a beacon of hope around the world.

In speaking of those ideals, John Quincy Adams once said, ''I am well aware of the toil and blood and treasure that it will cost to . . . support and defend these states; yet, through all the gloom I can see the rays of light and glory.'' The light and glory of our ideals remain within our grasp. That's what our heroes died for.

Some of them—the uniformed military members—made the commitment to fight for, and if necessary, to die for our country from the beginnings of their careers. Our civilian DOD employees had chosen to serve in a different way but are now bound to their uniformed comrades in the same sacrifice. Other victims, employees of contractors and the passengers and crew of the airliner, were innocents—casualties of a war not of their choosing.

But if by some miracle, we were able to ask all of them today whether a Nation and government such as ours is worth their sacrifices; if we were able to ask them today whether that light and glory is worth future sacrifices; the answer, surely, would be a resounding ''yes.'' The terrorists who perpetrated this violence should know that there are millions more American patriots who echo that resounding yes.

We who defend this Nation say to those who threaten us—here we stand—resolute in our allegiance to the Constitution; united in our service to the American people and the preservation of our way of life; undaunted in our devotion to duty and honor.

We remember the dead. We call them heroes, not because they died, but because they lived in service to the greater good. We know that's small comfort to those who have lost family members and dear friends. To you, this tragedy is very personal, and our thoughts and our prayers are with you. We will never forget the sacrifices of your loved ones.

We ask God to bless and keep them. We pray for their families, and we also pray for wisdom and courage as we face the many challenges to come. And may God bless America.

TO HONOR MR. FRANK RIVERA AND ALT INC. AS A RECIPIENT OF THE NATIONAL MINORITY SERVICE FIRM OF THE YEAR

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 9, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to draw attention to one of my constituents, Mr. Frank Rivera, and his business, ATL,

Inc., which recently was selected to receive the National Minority Service Firm of the Year Award by the U.S. Department of Commerce's Minority Business Development Agency. Mr. Rivera was presented with this award in September during the 19th Annual National Minority Enterprise Development Week Conference.

Mr. Rivera, President and CEO of ATL, Inc., was selected to receive this honor because of his achievements and the role he has played to further the progress of minority business development. This award is a great honor, as Mr. Rivera competed with 32 nominees from nine states. He then was selected from a pool of regional winners from around the country for the National Minority Service Firm of the Year Award.

Minority Enterprise Development Week is an annual national celebration in recognition of the contributions made by minority businesses to the nation's economy. It is the largest federally-sponsored activity held on behalf of minority business development and attracts the participation of both public and private sector officials.

To give you some background on Mr. Rivera, he was born in 1944 in a small mining community of Globe, Arizona. The community at that time was segregated with the Caucasian land owners living on one side of town and the Hispanic mine workers living on the other side. Frank's father worked hard in the copper mines and the local utility company so Frank could have better opportunities for his life. The senior Mr. Rivera wanted the young Mr. Rivera to have career options and knew that only an excellent education could provide his son with the opportunities he never had. Mr. Rivera's mother, a homemaker, instilled his religious roots and an appreciation for his Hispanic culture into her son and gave him his religious roots.

In 1968, the young Mr. Rivera graduated from Arizona State University with a Bachelor's of Science degree in construction management. He would then go on to amass experience working for various construction firms. In March 1988, Mr. Rivera accepted a position at ATL, Inc., overseeing material testing and inspection for a light rail project with the Los Angeles Metropolitan Transit Authority. Upon completion of this assignment, Frank Rivera was offered the opportunity to purchase ATL, Inc. He marshaled his resources and in October of 1992, Frank and his partner David Hayes purchased ATL, Inc.

Mr. Rivera had a vision for ATL, Inc. He wanted to make it the best materials testing and geotechnical-engineering consultant in the state. Under his direction, he took the $800,000 annual business and grew it into a multi-million dollar firm. ATL's annual sales now top $4 million and will exceed $5 million annually within the next two years. Since 1992, it has grown to employ 57 people and currently is seeking more qualified engineers and technicians.

In addition to the success he has experience with ATL, Mr. Rivera has become a well-respected leader who has volunteered for numerous roles on various organizations. He is a Commissioner on the City of Phoenix Human Relations Commission and also Chairs its Business Development Committee. He is Chairman of the Associated Minority Contractors of America, Vice Chair of the Board of Directors for the Arizona Hispanic Chamber of Commerce and Chairs its Public Policy Committee. He also is a member of the Board of Directors of the Hispanic Contractors of America and the Valley of the Sun YMCA. In addition, he is a member of the Grand Canyon Minority Supplier Development Council, American Society of Professional Estimators, Society of American Military Engineers, American Welding Society, American Society for Nondestructive Testing and the Arizona State University Industry Advisory Council.

As you can tell Mr. Speaker, this award bestowed on Mr. Rivera and his company was earned through hard work and is well deserved. I ask you and my colleagues to join me in congratulating Mr. Frank Rivera and ATL, Inc.

REPORT ON THE 2001 OTTAWA MEETING OF THE NATO PARLIAMENTARY ASSEMBLY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

Mr. BEREUTER. Mr. Speaker, as you know, this Member led the House delegation of 13 Members of the House of Representatives to the major annual meeting of the NATO Parliamentary Assembly held in Ottawa, Canada, during October 5–9, 2001. In addition, to the usual variety of important issues involving NATO and the national legislative bodies of the NATO-member countries and those of associate member countries of this Parliamentary Assembly, such as America's missile defense program, NATO involvement in the Balkans, NATO expansion plans, and the European Security and Defense Program, this meeting was understandably pre-occupied by the American war against terrorism after the tragic events of September 11th at the World Trade Center in New York City, at the Pentagon, and at the crash site of a hijacked airliner in a Pennsylvania field.

Clearly, the most important signal of international support for our war against terrorism was the unprecedented invocation of Article 5 of the NATO Treaty by the North Atlantic Council for the 19 member nations. It is a formal recognition by NATO that a foreign attack on the United States is regarded as an attack on all the NATO members and thus it puts in place the resources for collective action upon request. It was not surprising, therefore, that the degree of solidarity by all of the NATO members delegations and those of the Parliamentary Assembly observer countries and associate member nations, including the Russian Federation, was very positive. Indeed it was overwhelmingly apparent, with a sense of unity, commitment, and pledges and action on cooperation that were evident in every ideological or partisan element of the Parliamentary Assembly.

Our delegation went to Ottawa with the expressed purpose of assessing that solidarity; reinforcing it, if necessary; responding to inquiries; and expressing our gratitude to our NATO partners and especially to the host country of Canada for their solidarity with us in this war and assistance to us in the aftermath of the horrific terrorist attack. We, the House delegation, believed and are now even more convinced that, during this past weekend, when the House was not in active session, the most important mission and place for us to be, when the House was not in session, was at the NATO Parliamentary Assembly meeting. As it turned out, this was undoubtedly one of the most poignant and important Assembly meetings in the 47 year history of this organization, which is the linchpin of parliamentary support for the most effective multilateral defense alliance in the history of the world.

Mr. Speaker, we were especially pleased that on your initiative you offered to come to address the NATO Parliamentary Assembly and deliver a written message from President George W. Bush. that initiative was rapidly and enthusiastically welcomed with a formal invitation. This is an exceedingly rare circumstance when the top elected leader of a NATO country, not the host country, addresses the Assembly. Thus we were very pleased and honored that you traveled on the weekend from your Illinois home to, a New York City event related to the recovery of that city, to Ottawa for your speech to the Plenary Session. There along with the addresses of Canadian Prime Minister Jean Chretien; Lord Robertson of Port Ellen, the Secretary General of NATO, and Ambassador Marc Grossman, U.S. Under-Secretary of State for Political Affairs, you set the proper tone for the Assembly deliberations and the legislative and executive actions that will follow around NATO nations and other countries. The great response to your speech, to your meetings with the governmental leaders of Canada, and to your sincere expressions of gratitude to the Canadian people for their extraordinary support and outpouring of sympathy, condolences, and solidarity after the horrendous terrorist attack on America, were so obviously appreciated. Your presence helped us under-gird the sense of NATO and broader international support for the war against terrorism which our country will lead.

Mr. Speaker, for the benefit of all our colleagues, I am including a copy of your speech to the Parliamentary Assembly, the message of President Bush to the Delegates, and the statement of this Member, the Chairman of the U.S. House delegation, who was privileged to follow you to the podium to speak for the American delegation.

STATEMENT BY THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES J. DENNIS HASTERT TO THE NATO PARLIAMENTARY ASSEMBLY, OCTOBER 9, 2001, OTTAWA, CANADA

Mr. President, thank you for allowing me to address this body today. It is a great honor for me and I thank you for this courtesy.

Mr. President, on September 11, 2001, a sworn enemy—an enemy that dares not confront us in the open—attacked us in the most cowardly fashion—by targeting innocent citizens. And make no mistake; it was not just an attack on America, it was an attack on all of us. It was an attack on the values of freedom and democracy that are embodied in each of the Parliaments represented in this Assembly.

This enemy operates in the shadows, hates with an unnatural passion, and practices political fanaticism that glorifies violent death and condemns innocent life.

These terrorists are cowards who flout international law and any standard of common decency. They hate freedom. But they also misunderstand something very fundamental. As my colleague the Minority Leader Mr. Gephardt said so clearly: and I quote ''They think freedom is our vulnerability.—It is our strength.''

Some say that America cannot serve as the world's policeman. Frankly, it is a role that Americans as peace loving people tend to shy away from. But the people of the United States are resolved—more resolved than I have ever seen them in my lifetime—to carry whatever burden is necessary to rid our world of the evil that threatens our democratic way of life.

True, the burden is heavy, but our strength as an alliance is mighty. And our cause is being joined by freedom loving nations around the world—even by those who traditionally have not been our allies at all. Together we must enforce the rules of common decency; together we must take the steps necessary to protect our citizens from these lawless and evil bandits.

And so the campaign has begun. Some of it quietly and some, as it began on Sunday, with military action, as American and British forces hit terrorist camps and Taliban strongholds.

Let there be no mistake, no uncertainty in the minds of those who wish us harm—you will be found, you will be punished and your roots will be destroyed so those who share your demonic views cannot rise again.

While the grim images from New York and Washington and a field in Pennsylvania will forever be seared in our minds, I am heartened by the support we've received in the days following these attacks.

Within 48 hours, my office had received letters of condolence and support from governments and parliaments worldwide, including governments from every nation represented in this room.

My fellow parliamentarians, on behalf of the United States Congress, and all Americans, I come before you to say thank you. Thank you for your condolences. Thank you for your solidarity. And thank you for your enduring support.

I want to mention a special word of thanks to America's northern neighbor and our hosts here today: Canada. More than 100,000 Canadians gathered in this city just days after the attack to express solidarity, in the words of the Prime Minister, ''as friends, as neighbors and as family.'' And in the spirit of family, the Canadian people welcomed some 45,000 Americans who found themselves here. In many instances Canadians spontaneously drove to airports and took stranded passengers into their homes.

At the other end of this great country two Vancouver police officers collected thousands of dollars for the families of police officers who died in the attack—and offered each donor a sticker with the Statute of Liberty, and American flag and the words, ''Never Forget.''

To the Canadian delegation I say thank you. You gave us shelter, you gave us comfort, and you gave us hope. No nation could have a finer neighbor than America has in Canada, and that is something we will ''Never Forget.''

Today, four weeks after these horrific acts, this massive outpouring of sympathy and fraternity continues to overwhelm. I recall vividly:

British Prime Minister Tony Blair crossing the ocean to stand with us in solidarity during a rare joint session of the United States Congress;

Tens of thousands of German citizens assemble at the Brandenburg Gate waving American flags;

Poles lighting candles outside the American embassy in Warsaw;

And in my ancestral home of Osweiler, Luxembourg each of the 139 families who reside in that tiny village flew the American flag on their homes—a village awash in red, white and blue.

These act of kindness and solidarity—and the thousands of others in every nation represented in this room, have moved our hearts and given strength to the American people.

Much has been written about America's willingness to stand with its European neighbors during and after World War II. I assure you, as the history of this new war—the war on terrorism—is written, the first chapter will be dedicated to you—our NATO allies—and others around the world—who stood tall in support of America.

Let me also tell you that Americans know that other nations, too, are crying out in pain. For the terrorists did not simply attack America that day, they assaulted the world.

Citizens from more than sixty nations perished. Among the dead are hundreds of Britons, Turks, Germans and Canadians. Gone too are Danes, Belgians, Italians, Spaniards, Portuguese, Irish, Czechs and others.

Clearly the attack on America was not an attack against one, it was an attack against all.

And let me hasten to add that this utterly evil act did not differentiate among religions. Alongside Christians, Sikhs, and Jews, the terrorists killed Muslims from Pakistan; Indonesia, Bangladesh, America, and many other nations.

My fellow Parliamentarians, President Bush told America and the world, we ''should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on T.V., and covert operations, secret even in success.''

Less important in this unconventional war will be your governments' commitments of infantry battalions, of naval vessels, or of fighter aircraft—although some will be needed. Each of us who serves in a Parliament must rethink our level of defense, security and intelligence expenditures. It can no longer be business as usual.

As President Bush and the other NATO heads of state join in solidarity, so too must we, as parliamentarians, continue to stand together. The events of September 11 remind us that there is so much that binds us, and so little that can divide us.

In the days after the attacks, the United States Congress convened for a solemn debate authorize our President to use ''all necessary and appropriate force'' to respond to the attacks and to deter future ones.

We approved a massive emergency spending package to begin rebuilding what the terrorists destroyed; to lend assistance for our troubled economy; and to buttress our military and intelligence efforts.

And while the NATO heads of state conduct the appropriate diplomatic, political, and military response to these attacks, we—as legislators—can and must work in tandem to fight these terrorists.

Much as we yearn to return to life as we knew it before September 11, we cannot, because the threat is still real—and it will be for sometime to come. As President Roosevelt said after the other great attack on American soil nearly 60 years ago, ''Hostilities exist. There is no blinking at the fact that our people, our territory and our interests are in grave danger.''

I am aware that during these deliberations and at previous sessions, you have debated the complex issue of missile defense. As we say in America, let me put in my two cents. Can there be any doubt that we must together work to develop and deploy defenses against all forms of attack? For if these terrorists could plan and execute the sinister acts of September 11, surely, if given the capability, they would not hesitate to launch missiles against our cities as well. They killed six thousand—they targeted fifty thousand—why would they hesitate to kill millions?

We as parliamentarians must enact or modify laws that enhance law enforcement cooperation. We must strengthen international financial safeguards, improve airline and airport security, and broaden immigration information and intelligence sharing.

Together, we must enact statutes that allow us to bring justice to the terrorists now operating a web of hate around the world.

These are difficult, complicated issues but we know how to sort them out. Writing laws is our profession—and we are good at it. But we must not get bogged down in indecision and let the perfect become the enemy of the good. We must not become complacent or allow ourselves to be distracted by other urgent needs. We simply need to get the job done or the horror that visited my nation on September 11 will be repeated, perhaps in your nation.

And, equally important, our Parliaments must continue to protect the freedoms and liberties that each of our nations hold sacred.

Only moments after granting our President the authority to employ military force against those responsible for the events of September 11, the United States House of Representatives took up a resolution calling for tolerance toward Muslims, toward Arabs, and toward others in America who might be unjustly treated based upon the acts of these few extremists.

The civilized and free world must do as much to embody the principles we proclaim, as we do to protect them.

Mr. President, I bring with me a personal message to this Assembly from the President of the United States in support of your resolution and to express appreciation to the nations assembled here ''for the sympathy expressed and the support offered by your governments and by your people.'' We will distribute that message to the delegations in writing. It says in part: and I quote ''to our Allies, our partners, and our friends around the world, I want to emphasize that we welcome all nations into an international coalition committed to finding, stopping, and defeating terrorism. The choice is clear, and all must choose. . . . Our cause is just and our cause is justice itself. . . . We ask for your support for this resolution and for this endeavor'' unquote.

When I hear President Bush speak of our cause as ''justice itself,'' I am reminded of the words of one of his predecessors, from my own home State of Illinois, the sixteenth President of the United States, Abraham Lincoln. Although he was speaking almost 150 years ago, his words still ring true today as we struggle to preserve for the future our sacred values. Abraham Lincoln said, ''let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this . . . succeeding millions of free, happy people, the world over, shall rise up, and call us blessed . . .''

Mr. President, as an alliance—as a World Community—we have been awakened to a new and horrible threat. But we are strong. And we are determined. Even as we pray for our young men and women who we have put in harms way, we are confident of their skill in battle, their patriotism, and their willingness to sacrifice.

None of us can predict the future but of one thing I am certain. We in America, and we in this proud Alliance, will continue to pursue freedom, democracy and peace, and we—not the terrorists—will be the victors.

I thank you.

A MESSAGE TO THE DELEGATES OF THE NATO PARLIAMENTARY ASSEMBLY FROM THE PRESIDENT OF THE UNITED STATES, OCTOBER 9, 2001, OTTAWA, CANADA

Distinguished representatives of the NATO Parliamentary Assembly, you come together today in mourning but with renewed conviction to act together in fighting the scourge of terrorism. The heinous events of September 11 represent an attack not only on the territory of one member of this Alliance or on the citizens of many but on the fundamental values that all civilized societies hold dear.

You come together today in an agreement. The resolution before you recognizes that terrorism is a new enemy but a common enemy. To confront this threat NATO will adjust its tactics as required to accomplish the coalition's strategic objective. We will cooperate in the new areas to uphold the true intent of the Alliance: the preservation of freedom. With the historic invocation of Article 5 on September 12, NATO members proclaimed their resolve to act.

And act we shall. With this resolution today, we can underscore our intention to take action on all fronts and by any and all means at our disposal. Those actions are already underway.

To our Allies, our partners, and our friends around the world, I want to emphasize that we welcome all nations into an international coalition committed to finding, stopping, and defeating terrorism. The choice is clear, and all must choose.

All must know, too, that we are fighting terrorists and the states that support and sponsor them, not the religion they pervert and profane. Our mission is to defend the rights we hold to be universal, not deprive others of them.

Our cause is just because our cause I justice itself.

Ladies and Gentlemen, the events of September 11 were beyond comprehension. On behalf of the American people, let me thank you for the sympathy expressed and the support offered by your governments and by your people, which have been beyond description. These past weeks have proven what we have always known: this is an Alliance of nations, of people, and of principles.

And let me give special thanks to the hosts of this assembly, the government and people of Canada. Our neighbors in Canada have welcomed you here to North America to multiply the solidarity that they have shown with the United States since the first moments of the crisis. Ottawa is a uniquely fitting place to declare transatlantic unity in this fight.

Many have said that the world changed on September 11. Let us say, with this resolution and with our continuing resolve, that it will indeed change with the defeat of international terrorism.

We ask for your support for this resolution and for this endeavor.

STATEMENT BY HONORABLE DOUGLAS BEREUTER, MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, NATO PARLIAMENTARY ASSEMBLY, OTTAWA, CANADA, OCTOBER 9, 2001

President Estrella, Speaker Hastert, my parliamentary colleagues, and honored guests: I appreciate the privilege to address the Assembly. My country, the United States of America, and my countrymen, have been dramatically affected by the events of September 11th and the aftermath. You have seen, and the world has seen, the absolutely horrific terrorist attacks on the towers of the World Trade Center in New York City and the Pentagon. Seared into our memory are the images of the explosion and collapse of those towers. We can only imagine, and involuntarily shudder with anguish, at the terrible choice that caused perhaps a score of people to leap to their deaths from the upper floors of those towers. We can only attempt to grasp the terror of the brutalized passengers in the four doomed commercial airliners that were hijacked. This attack on America was tantamount to an attack on the world and on civilization. Among the more than 6,000 people who perished were the citizens of nearly eighty other countries. Most of you here today lost some of your countrymen, and for some the toll reaches into the hundreds.

I can assure you that America greatly appreciates your incredible outpouring of sympathy and concern, and we return it in kind. We also appreciate the generous and crucial support for our people and our government—expressed by hundreds of thousands of your citizens and your governments. In simple, heartfelt, and generous ways you have reassured us. You have made the very crucial commitments that will enable us, together, as a community of nations, to win the battles ahead and the war against terrorism.

President George W. Bush addressed us in a Joint Session of Congress nine days after the attack. He spoke to the American people—indeed to the world—and proclaimed that ''the entire world has seen for itself the state of the [American] Union—and it is strong.'' We mourned our dead, and lauded the heroism of the policemen, firemen, and the passengers who gave their lives to thwart the fourth airliner from reaching its target on Capitol Hill or the White House. We absorbed the shock of massive foreign terrorism on American soil, something too many of our citizens thought or naively hoped would never happen. As a nation we rallied. It is no exaggeration to note that there is a sense of unity and resolve—across the whole country—which has not been equaled since we were attacked at Pearl Harbor. The patriotic fervor is palpable. The supply of American flags in our stores was exhausted, replenished and exhausted again and again.

For good reasons our President has labeled what lies ahead for our nation as ''war''—a war like none that we have seen before. Americans, notoriously an impatient people, have been counseled repeatedly that this will undoubtedly be a long and trying effort. We have been cautioned that we must be patient and persistent, and that we must recoil from acts of future terrorism against innocent civilians, ever stronger, more resolute, more committed. We can not cower from, or compromise with, this evil and extremist network of terrorists that has corrupted the precepts of the Islamic religion. We must know, too, that this evil is not personified simply in the being of Osama bin Laden, a tendency in the media. He wasn't mentioned in the President's address to Congress. President Bush properly framed the task ahead by saying—in his words:

''Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.''

My colleagues, I think we understand all too well that we will never completely eliminate every act of terrorism when there are people willing to launch suicide attacks. But, we must do everything possible to root out the terrorist cells and the network of terrorists organizations that has been allowed to grow in the absence of a concerted international effort. We must deny them the financial and technical resources to harm us. We must have increased vigilance to prevent such acts of terrorism and to protect each other. Changing our respective principles and policies, or retreating from involvement in the Middle East or elsewhere, will not placate these terrorists. For, at the heart of this matter is the fact they hate—they are fundamentally threatened by—the freedoms the countries of this Assembly hold dear. They are threatened by our freedom of speech, freedom of religion, freedom of assembly, freedom to pursue a desired course in life, and our democratic form of government.

Members of the Assembly, one thing is very clear to me. Perhaps every Member of U.S. Congress now realizes, and the American people increasing understand, that to effectively protect ourselves from terrorism, and to win the war against terrorism, we must have international cooperation in our intelligence and law enforcement. That cooperation must be broad-scale and effective. It must involved as many countries of the civilized world as possible. Certainly it must include all NATO countries and those nations which aspire to NATO membership. We need full Russian involvement and that of the important nations of Asia, the Middle East, North Africa, and key nations around the world.

Americans are enormously grateful and buoyed by the early decision of our NATO allies, in unprecedented action, to invoke Article 5 of the NATO Charter. This is the most important signal possible that the international community will stand beside the United States in our fight against terrorism. The early expression of support by the United Nations is also an important statement of solidarity against terrorism. From around the world, nation's leaders have expressed their concern and condolences, and their general, and sometimes very specific, offers of cooperation and assistance. As an example of the kind of support we will need, from the other side of the world we heard Australia's Prime Minister John Howard say his country would provide all the assistance needed—that Australia in his words ''would not be an 80 percent ally.''

Americans note with great appreciation the attendance of British Prime Minister Tony Blair at the joint session of Congress and the very strong words of support and solidarity he has expressed on behalf of the British people. They have begun this fight against terrorism with us. Thus begins one more chapter in our long and re-enforcing bilateral relationship. Already Canada, France, Germany, and Australia have joined this military force. Others undoubtedly are equally ready for this commitment of force.

As we face future terrorist attacks against the military and civilian populations of the nations that enlist in this war against terrorism, we must maintain our resolve—a full and continuing commitment. Not all of our tactics in these battles against terrorism will work exactly as planned. Parts of our populations, out of pacifism or naiveté, will seek, impossibly, to compromise and rationalize with these terrorists—who seek to undermine the resolve of the international community. That must not happen!

Since our venue is Ottawa, and we are enjoying the great hospitality of Canadians, the country with which the United States, overall, has the closest relationship, it is appropriate to first say to our Canadian neighbors that our hearts were lifted and our confidence was strengthened even further to have seen those 100,000 Canadians express their respect, friendship, condolences, and solidarity as they gathered here at Parliament Square. The hospitality, overwhelming generosity, and unconditional support you have offered truly warms the American heart and strengthens us immeasurably for the task ahead.

And, we are reminded again, of the time when Canadians took great risks to help

stranded Americans escape from Iran. It is not by accident that all precedents were broken to permit the Canadian embassy to be the only one built on America's premiere historic avenue—Pennsylvania Avenue—between the Capitol Building and the White House.

We know that it is not always easy for Canadians to be our neighbors—there are frictions. We sometimes take our friendship for granted since we have so very much in common. We acknowledge that there are trade problems, a range of other minor irritations, and we know that you have concerns, for example, that some aspects of our entertainment industry are so destructive of family life and our societies. We understand that living next to the behemoth to your south is not always comfortable. However, as Speaker Hastert reminded us, both our peoples have always been proud and grateful to live next to the longest undefended international border in the world. The $1.4 billion dollar a day export-import flow across that border is unmatched in world commerce and a reminder of how inextricably linked our economies and peoples really are.

I'm pleased that current polling of Canadians reflects a very strong recognition of what Americans have also concluded—that prevention procedures—sensitive and efficient, but also effective, must quickly be put in place, cooperatively, at that border. Some of us in Congress have been warning that our immigration and refugee screening systems, and especially our visa control system within the United States, are an open invitation to terrorism and crime. As your neighbor and friend, may I frankly and simply say that your border controls also certainly are not as strong as they should be. Our two societies are very open, with a renowned history of welcoming immigrants and refugees from around the world. We have seen this very highly commendable tradition and source of strength for both countries exploited by the terrorist cells of al Qaida. There undoubtedly are dangerous ''sleeper cells'' waiting in Canada and Europe, and the United States. They will unleash new terrorist attacks on our citizens if we don't neutralize them. Neither the United States nor Canada should forget the example of the terrorist cell living undisturbed in Montreal, which sent a member across the British Columbia border to bring terror to Americans at Los Angeles International Airport during the Millennium celebration. We, as law-makers, and our governmental agencies in both countries, have urgent work before us. We need to protect each other.

My parliamentary colleagues, permit me to close my remarks today by very briefly sketching out six points for consideration by NATO countries and NATO aspirants. They are an addition to the eight measures the North Atlantic Council on October 4th agreed to provide to the United States, individually and collectively. My additional points are as follows:

1. The positive comments and specific offers of support and assistance by President Vladamir Putin and other high-level Russian officials should be highly applauded and accepted as appropriate. Surely we receive very favorably President Putin's forward-looking comments about NATO expansion. Out of the darkly tragic terrorist acts can come recognition of the need for common concern and action against terrorism. China, too, may recognize they have common interest in this war against terror and join more effectively in stopping the proliferation of weapons of mass destruction and missile technology.

2. The NATO countries and all developed countries need to be totally committed to stop the flow of critical technology for weapons of mass destruction and missile technology to states that sponsor terrorism and to all terrorist organizations. International export competition or individual and corporate profit motives absolutely cannot be an acceptable excuse for the proliferation of such technology for terrorism.

3. The consensus for a total international war against terrorism must not be undermined by the faulty arguments we are starting to hear from a few of the best-intentioned and very humanely-oriented citizens of our respective countries. They argue that the violent terrorist attacks against the United States have their roots in poverty. Poverty is one factor that may bring recruits to terrorist groups. However, let there be no doubt about it, at its heart the source of terrorism and the motivation of the terrorist leaders is a fundamental fear and hatred of the freedoms that are the core principles of our democratic governments. The terrorists reject free and open societies, and democracy threatens their goals. Poverty alleviation and sustainable development assistance must, of course, be continued and accelerated by the international community, but we categorically reject the weak-minded efforts to create a moral equivalence between the free states of the North Atlantic Alliance and the terrorist assassins of al Qaida.

4. Our governments need to be concerned, and take all reasonable steps in concert, about the legacy we leave as a result of the successes we will have in the war against terrorism. First, we should have learned that we must not leave vacuums that are filled by totalitarian, repressive regimes or groups. Relatedly, the fact that in this war against terrorism we take up common cause with authoritarian regimes which have little if any democracy or basic freedoms and human rights for their citizens is not an acceptance of the status quo. Nor in any way should it be interpreted as a sign of NATO countries' complacency about such problems.

My colleagues, I've saved my last two points, number 5 and 6 for reason of importance and emphasis as I see it.

5. The importance of more effective international cooperation in law enforcement and related intelligence-sharing among all of the responsible partners in the war against terrorism cannot possibly be over-estimated. As President Bush emphasized, it should be directed against ''every terrorist group of global reach.'' One very positive impact of such an invigorated international effort is that it will also dramatically reduce the financial resources and success of drug cartels and criminal syndicates. Carrying through on this resolve will win important battles against the twin scourges of drugs and organized crime.

6. Finally, and of fundamental importance, we must recognize that the way of life and the basic freedoms which we cherish, and which largely define our democratic societies, made us particularly vulnerable to terrorist attacks. We have seen all too clearly that terrorists can use very ordinary practices, with low-tech means, inexpensively financed, to implement demonically clever plans for unleashing terror against our citizens. Therefore, our first line of defense, to defend so many vulnerable targets, is our citizenry. Every one of us must be vigilant to protect each other. Citizens must understand this is a new responsibility of citizenship is an open democratic society. It must be a vigilance, I emphasize, that does not descend to paranoia. It must not and need not result in mindless discrimination. My assembly colleagues, it was perhaps prescient that we recently changed the name of the ''Civilian Affairs Committee'' to the Committee on the Civil Dimension of Security. What better place to help our NATO countries and allies to educate our citizens to their new responsibility for individual vigilance against terrorism.

In each country—our citizens and the foreign nationals among us must work together. Citizen vigilance must be put in practice in the entire international community. Our civil liberties, our freedoms, and our ability to go on through life without fear depends upon this form of responsible and vigilant citizenship.

My colleagues, ladies and gentlemen, together we will win this war against terrorism. We will, we must; ultimately our treasured freedoms, civilization and our way of life depends upon our victory!

IN HONOR OF PATROL OFFICER JIM BENEDICT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the achievements and dedicated service of Patrol Officer Jim Benedict after his 32 years of service to the city of Cleveland.

Officer Benedict has served as a model officer for the city of Cleveland; he has remained steadfast in his convictions and principles. He has served his city and Nation with great dignity and honor, and has gained and earned the respect of his fellow man.

Throughout his term of service, Officer Benedict has served the force and city in countless capacities. His love of justice drove him to great lengths to uphold the law.

Officer Benedict served the Cleveland force for 32 years. During his entire term of service he was called a close friend and a true public servant. His selfless service earned him the respect of all his colleagues.

Mr. Speaker, please join me in honoring and recognizing Officer Jim Benedict for 32 years of dedicated and selfless service to the Cleveland community.

IN HONOR OF NAOMI SOLOMON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. ESHOO. Mr. Speaker, it is with a deep sense of sadness that I rise today to honor the life of Naomi Solomon, a victim of the terrorist attacks at the World Trade Center.

Naomi Solomon, beloved daughter of Herbert and Lottie, sister of Jed and Mark, aunt and friend, grew up on the campus of Stanford University where her father was a professor and today a Professor Emeritus of Statistics. Upon graduating from Henry Gunn Senior High School in Palo Alto, California, as class valedictorian, she attended Stanford University.

Naomi touched the lives of everyone who was blessed to know her. She was a talented classical pianist, an avid traveler and a successful businesswoman. In her professional life, she worked hard and smart, and she accomplished much. In the mid-1970's she was recruited by Bank of America where she worked for 13 years, becoming one of the very

few female vice presidents. She then went on to work for Chase Manhattan for nine years and most recently worked for Callixa, a San Francisco based software company, where she was Vice President of Business Development. Naomi was attending a conference in the North Tower of the World Trade Center on September 11th when the terrorists viciously attacked our Nation.

Naomi was committed and found great joy in her professional life, but her greatest devotion was to her family. No matter where she was in the world she always made time to call her mother every day. She loved her brother Jed's children as though they were her own, calling them several times a week just to chat. Her brother Mark and his wife recently welcomed their first child into the world and while he will never know his Aunt Naomi, he has been named Nathaniel after her.

Mr. Speaker, Naomi Solomon enriched the lives of everyone she knew and loved. We grieve with her family, one of the finest families I've ever known and whom I have an enduring friendship, and who I have the privilege of representing.

I ask my colleagues to join me in offering our deepest sympathy and that of our entire Nation to the Solomon family. We give gratitude for her all-too-brief life and we commend her into God's hands.

TRIBUTE TO SWIFT AND COMPANY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Swift & Company of Greeley, Colorado. Swift & Company is the distinguished recipient of a major contract providing high-quality pork products to the U.S. Military.

Through this contract, Swift & Company will supply fresh pork products to Defense Commissary Agency Stores in California, Arizona, Utah, and Nevada. For this, Mr. Speaker, I congratulate the company. This exemplary company was chosen by the Defense Commissary Agency out of twenty different competing firms. The pork it supplies the armed forces will be produced in Swift's Greeley, Colorado plant.

Swift & Company has been a shining example of what every company must strive for, producing a quality product while maintaining reasonable prices and high safety standards. I applaud the company for its noble effort to become a supplier of the U.S. Military.

As a company located in Colorado's Fourth Congressional District, Swift & Company not only makes its community proud but also those of its state and country. It is a true honor to have such an extraordinary company reside in Colorado and we owe it a debt of gratitude for its service. I ask the House to join me in extending wholehearted congratulations to Swift & Company.

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

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. LEE. Mr. Chairman, I rise today in strong opposition to the Istook Amendment.

This Amendment will increase federal spending for abstinence education only. It is imperative that we continue to support not only abstinence, but comprehensive sex education as well. 82% of American parents support a comprehensive approach to sex education being taught in our schools, including birth control, safer sex and abstinence.

We should not just spend taxpayer dollars on abstinence only programs while censoring information and access to information about contraception, which prevents unwanted pregnancies, decreases abortions and prevents sexually transmitted diseases, including the deadly HIV/AIDS virus.

According to Advocates for Youth, 93% of Americans support teaching comprehensive sex education in high schools, while 84% of Americans support sex education being taught in middle/junior high schools.

Also, seven out of ten Americans believe teaching abstinence only prohibits education on the use of condoms, preventing HIV/AIDS, and other sexually transmitted diseases.

In the United States more than 4 million teens acquire a sexually transmitted disease each year. The Centers for Disease Control reported that almost 3000 adolescents between the ages of 13–19 had been diagnosed with AIDS between 1995 and 1997.

We must act responsibly and not fail our children, parents, educators, and medical professions who oppose this amendment.

Research has also shown that 75 percent of the decrease in teen pregnancy between 1988 and 1995 was due to improved contraceptive use, while 25 percent was due to increased abstinence.

Soon, I will be introducing the ''Family Life Education Act of 2001,'' which would reform the abstinence only provision in the 1996 Welfare Reform Act to allow states to receive money for both abstinence and comprehensive sexual education, including contraception. Currently, states are only allowed to receive this money if they teach abstinence only.

Other supporters of teaching comprehensive sex education in schools include the American Medical Association, the American Academy of Pediatrics, and the Society of Adolescent Medicine.

I strongly urge my colleagues to join with me in voting no on the Istook Amendment. We must support our young people by providing them with the education necessary to prevent unwanted pregnancies, HIV/AIDS and other sexually transmitted diseases.

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

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to bring attention to the need for an additional $5.1 million to the Office of Civil Rights.

The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. They serve student populations facing discrimination and the advocates and institutions promoting systemic solutions to civil rights problems. An important responsibility is resolving complaints of discrimination. The Office for Civil Rights enforces five Federal statutes that prohibit discrimination in education programs and activities that receive Federal financial assistance. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; and age discrimination is prohibited by the Age Discrimination Act of 1975. The Department of Justice also has delegated OCR responsibility for enforcing Title 11 of the Americans with Disabilities Act of 1990. The civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds.

Though the Office of Civil Rights is so important, the current budget does not increase its funding.

While public schools remain more integrated today than they were prior to the civil rights movement, they are resegregating at accelerating rates and this spells trouble for minority students. A recent study by The Civil Rights Project of Harvard University found that segregation within the nation's schools has returned. During the 1990s, classrooms grew more segregated. Now, more than seventy percent of Black students attend schools with predominantly minority student bodies, which is a sizable jump from sixty-three percent in 1980, and nearly a third of Black children attend schools that are ninety to one hundred percent minority.

Mr. Chairman, this new segregation certainly undermines the educational prospects of not only Black, but all American children. Now is not the time to allow a retrenchment of segregation in education. I implore that we appropriate more funding to the Office of Civil

Rights in the Department of Education in order to provide it with the tools needed to reverse this new found segregation.

Mr. Chairman, we cannot wait another year, five years, or ten years to appropriate additional funds to the Office for Civil Rights. I believe that we know more now than we did a month ago the affect visible isolation and separation can have on our country. Let us not ignore the visible segregation that is going on in our education system. In an effort to leave no child behind, I request my colleagues vote in favor of this amendment to address this new segregation now.

IN RECOGNITION OF AFRICA WEEK AND THE AFRICAN CULTURAL EXCHANGE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the African Cultural Exchange on the 8th Annual 2001 Celebration of Africa Week held at the Hilton University of Houston, Texas, from September 27–October 4, 2001.

The late Dr. Kwame Nkrumah, the first President of Ghana, established the Africa Week program in 1954 to promote onward progress and global unity towards social, economic and cultural awareness. Dr. Kwame Nkrumah encouraged people of African descent all over the world to implement an annual Africa Week event.

Africa Week 2001 is organized by the Houston based Africa Cultural Exchange, Inc. (a nonprofit 50lc3), in collaboration with the International Guardian Newspapers, and the African News Digest. This event is supported and co-sponsored by the City of Houston, Alpha Phi Beta fraternity, and the Black Student Union of the University of Houston. In attendance this Africa Week were many members of the academic community, elected officials, community leaders, foreign embassy officials, youth, and elders all of whom are members of various ethnic backgrounds. Africa Week has become the symbol of international diversity, and this year's honorary guest and keynote speaker, exemplify that diversity.

The Honorary Guest for the 2001 Africa Week Celebration was His Majesty Rukirabasija Agutamba Solomon Gafabusa Iguru I, Omukama of Bunyoro Kitara Uganda. His Majesty Rukirabasija Agutamba Solomon Gafabusa Igura I has made many valuable contributions to the world community through his unselfish public service. The Keynote Speaker for the 2001 Africa Week Celebration is United States Senator KAY BAILEY HUTCHINSON of Texas.

Again, I want to congratulate The African Cultural Exchange and all of its collaborative partners on the 8th annual Africa Week. I wish them great success in the future, and thank them for their valuable service to the global community.

ECONOMIC STIMULUS AND WORKING FAMILIES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. SOLIS. Mr. Speaker, I rise today to speak about the urgent need to provide immediate economic stimulus to this country in the form of a payroll tax rebate for working families.

The United States is facing a crisis, and it is not merely a security crisis. There is a visible, pressing need for economic stimulus and worker relief.

We should move quickly to jumpstart the economy by putting money into the hands of the tax paying lower wage workers that are more likely to spend it immediately.

My bill, the Working Families Tax Rebate Act will do just that.

This bill will provide an immediate payroll tax rebate of up to $300 to people who didn't benefit from the tax cut signed into law in June.

The dramatic decrease in travel and tourism not only affects those workers employed by the airline industry.

Working men and women in the hospitality industry and service sector are also facing massive layoffs.

These people need immediate help with buying their groceries, preparing for the holidays, and paying their heating bills. Our shop keepers need consumers back in the stores.

I urge my colleagues to support H.R. 3015. Because this country needs economic stimulus now.

IN HONOR OF MR. MARTIN VITTARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize Mr. Martin Vittardi, Clerk of the City of Parma's Municipal Court and 2001 Honoree of the Year for the Italian American Brotherhood Club.

Mr. Vittardi has a long and distinguished history of public service in the Cleveland area. Upon graduation from John Carroll University in 1977, he took the position of Deputy Clerk for Cuyahoga County Probates Court and later decided to serve as Legislative Representative for the Seafarers International Union until 1988. Throughout his tenure in that position, Mr. Vittardi had the opportunity to lobby on behalf of countless labor issues in not only Columbus, but Washington D.C. as well.

Mr. Vittardi served in many different capacities, and was a true public servant. In 1987, then Councilman Martin Vittardi coordinated the very successful campaign of his good friend Mr. Mike Ries for Mayor. After inauguration, Mayor Ries appointed Mr. Vittardi Public Service Director for the City of Parma, where he oversaw countless city manners, including: community development, engineering, senior citizen programs, public lands and buildings, recreation, streets, and sewers.

In 1982, Mr. Vittardi served as Cuyahoga County Democratic Executive Committeeman. Soon thereafter he was elected Parma Councilman in Ward 3. In 1991, he was elected for a six-year term as Clerk of Court for Parma Municipal Court and re-elected again in 1997. In addition, Mr. Vittardi had the honor of serving as President of the Northeast Ohio Municipal Court Clerks Association in 1996–1997, and is currently serving as the President of the State of Ohio Municipal Clerks Association.

Mr. Vittardi has obviously been a great asset to not only his local community, but also throughout Northeast Ohio. He has earned the respect of his constituents, and served the public selflessly.

Mr. Speaker, please join me in honoring and recognizing Mr. Martin Vittardi on his long and distinguished career in public service, and in recognition of the Italian American Brotherhood Club's 2001 Awards.

HONORING CADENCE DESIGN SYSTEMS ON THE OCCASION OF THE NINTH STARS AND STRIKES CHARITY BOWLING TOURNAMENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. ESHOO. Mr. Speaker, I rise today to salute Cadence Design Systems led by their extraordinary President and Chief Executive Officer, H. Raymond Bingham, on the occasion of their ninth Stars & Strikes Charity Bowling Tournament to be held in San Jose, California on Sunday, October 14, 2001.

Since its inception in 1990, Stars & Strikes has become among the largest fundraisers of its kind in Silicon Valley, with Cadence donating 100% of all proceeds to deserving charitable organizations in the Bay Area. Working in partnership with other local corporations and individuals, Cadence has raised more than $1.7 million dollars for programs in the Bay Area. This year's event, featuring members of the San Jose Sharks hockey team, is expected to raise $500,000 to benefit the San Jose-based Resource Area for Teachers (RAFT), a non-profit organization serving more than 4500 teachers in Bay Area.

In an unprecedented effort to assist those affected by the recent terrorist attacks on the World Trade Center and the Pentagon, Cadence has pledged to match all funds raised for RAFT with a contribution to the American Red Cross and to the New York Firefighters' 9–11 Disaster Relief Fund. In doing this the company will build upon a long-standing tradition of community involvement and an abiding sense of corporate and civic responsibility. Under the able stewardship of Ray Bingham, Cadence has transformed itself from a $369 million supplier of electronic design automation tools to its current $1.3 billion position as one of the world's leading suppliers of electronic design automation products, methodology services, and design services.

Mr. Speaker, I ask my colleagues to join me in wishing Cadence Design Systems great success with this year's Stars & Strikes Charity Tournament. I pay tribute to and honor Ray Bingham for his special leadership and I thank all Cadence employees for their contributions to our community and our country.

TRIBUTE TO FARMER-CHEF MARKETING ALLIANCE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to the Farmer-Chef Marketing Alliance of Fort Collins, Colorado. The alliance prides itself on bringing together farmers and restaurant chefs to benefit local agriculture and businesses.

The Farmer-Chef Marketing Alliance, coordinated by Colorado State University and the Colorado Department of Agriculture's markets division, has created new opportunities for local farmers to sell fresh vegetables to local chefs. This innovative and unique program has given chefs fresher produce for their restaurants, enhancing the quality of their food while also supporting local farmers. In a recent edition of the Fort Collins Coloradoan, Dawn Thilmany, Associate Professor of Agriculture and Resource Economics at Colorado State University, said, ''There's a push for community-supported agriculture, and we think this is a good way to do it.''

The Farmer-Chef Marketing Alliance is a shining example of two different sectors coming together to achieve a common goal. I applaud the alliance for its courageous and noble efforts to enhance the quality of community restaurants while also supporting local agriculture through teamwork.

As an exceptional program located in Colorado's Fourth Congressional District, the Farmer-Chef Marketing Alliance not only makes its community proud, but also those of its state and country. It is a true honor to have this alliance reside in Colorado, and we owe it a debt of gratitude for its service. I ask the House to join me in extending wholehearted congratulations to the Farmer-Chef Marketing Alliance.

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

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. LEE. Mr. Chairman, I rise today to express my support for the H.R. 3061.

I believe this bill represents a good bipartisan effort which focuses on priorities many good programs that will benefit our nations and its citizen.

This bill also contains provisions which will be crucial in our efforts to rebuild the nation's confidence during the difficult days since the events of September 11, 2001.

I want to also express my appreciation to the chairman and the ranking Appropriations Committee and the Chairman and Ranking Member of Labor, Health and Human Services, and Education Appropriations Subcommittee, who had the responsibility of crafting this legislation and included provisions for the global fight against HIV/AIDS, tuberculosis and malaria.

These provisions will expand funding for our global HIV/AIDS, tuberculosis and malaria efforts on the African continent, and in developing countries throughout the world.

As many of you know, more than two years ago, I began to work with my colleagues to build a bipartisan and bicameral coalition to raise the level of attention and expand the United States response to the global AIDS crisis.

Although we can and must do more to fight this killer disease, the provisions funded in this bill provide proof that with leadership and a strong will to bring relief to those who need it most, we can and will work together toward eradicating the global scourge of AIDS from the face of the earth.

We all know that HIV/AIDS, TB and malaria continue to ravage Africa and developing countries throughout the world.

Each day, over 17,000 people die each day from AIDS, tuberculosis and malaria worldwide! Our nation is leading the global fight against these infectious diseases. However, we can and must do more.

We have only reached the tip of the iceberg in the global AIDS crisis and it is compounded by TB and malaria mortality rates. It is clear that our fight must continue.

Without an expanded and coordinated response, the CDC, international AIDS experts and health experts indicate that new HIV infections, alone, will rise to 100 million by the year 2007. Already over 50 million people have been infected worldwide—over 70% of those infections are in sub-Saharan Africa.

Once the global AIDS fund is operational, it will support a wide range of interventions, from education and prevention to the procurement of HIV/AIDS/TB related drugs and commodities, including antiretroviral agents in situations where their use can be effectively managed, and anti-malaria interventions such as insecticide-treated bed nets.

The goal is to have the global fund in operation with the capacity to manage resources and procure essential drugs and commodities by early 2002. To maximize the global fund's impact, the funds should be used for results-based programs that specifically increase the number of people covered by the direct provision of drugs, other commodities and services to beneficiaries in countries severely affected by these diseases.

The fact that techniques which prevent the spread of HIV infection exist, and that drugs exist that can substantially reduce the rate of mother-to-child transmission and prolong the lives of people who are infected, makes it incumbent on us to immediately utilize whatever budgetary mechanisms are available.

The funding provided in this bill moves us closer to that goal.

It is for these reasons that I support this legislation and urge my colleague to also support it.

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

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Department of labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to bring attention to the need to appropriate an additional $5 million to Education Technology State Grants. This will offset the Safe and Drug-Free Schools by $5 million.

Throughout the last two decades, information technology has become increasingly prevalent in society. We, as policymakers, have been interested in the use of this technology in elementary and secondary schools partly out of concern over poor student performance, and the idea that educational technology can improve that performance. Also, many of us feel that students in America should receive training in school that will enable them to work in an increasingly technological environment. Furthermore, the Administration has stated that schools should use technology as a tool to improve academic achievement, and that using the latest technology in the classroom should not be an end unto itself.

The purpose of my amendment speaks to the interests of Congress and that of the Administration. This amendment will provide more funding to a program that has worked for our kids. For fiscal year 2002, this bill will appropriate the same amount of funding it did last year. If we truly want our students to excel in technology so that they can successfully compete in this increasingly technological environment, we must continue to provide them with the tools necessary to do so. This is exactly what education technology state grants provide.

Education technology state grants provide schools with the necessary support for the acquisition and use of technology and technology enhanced curriculums, instructions, and administrative support to improve education in elementary and secondary schools. Funds are allocated to states proportionate to their share of ESEA Title 1, Part A funding, which speaks to the heart of the digital divide—providing technology to those who otherwise would not have the opportunity to access it.

Mr. Chairman, as the need for more people who are technologically savvy increases, we need to be certain that our students have the ability to successfully compete globally. There is no reason why companies on American soil continue to look for technologists outside of our country when we have able minds and bodies here. Let us take care of our country's future now. Let us assure America and its people that a decade from now we will have Americans who can run our computer programs and be the inventors of the latest technology.

If the need to be competitive does not steer my colleagues in the right direction, let the need to have Americans only have access to our computers. Let Americans only have the ability to decode top secret information that may prevent further attacks against us. Let Americans lead us out of our vulnerable stage.

I urge my colleagues to support my amendment and continue supporting our children in their efforts to become technologically savvy so that they may control our future.

INTRODUCING POSTAGE WAIVER BILL FOR DONATIONS TO ''AMERICA'S FUND FOR AFGHAN CHILDREN''

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BENTSEN. Mr. Speaker, on October 11, 2001, President Bush announced the establishment of the ''America's Fund For Afghan Children'' and asked America's children to send one dollar to the children of Afghanistan. In order to enhance the impact of our children's charitable contributions, I am introducing legislation to waive U.S. postage for donations to this fund.

The ''America's Fund For Afghan Children,'' will be overseen by the American Red Cross, will provide America's children, who are blessed with so much, with the opportunity to reach out to aid the innocent children of Afghanistan who suffer constant oppression, chronic malnourishment and grossly inadequate medical care.

Mr. Speaker, because I believe that we, in Congress, can play a vital role in ensuring that none of the money that is raised by our youngest citizens is consumed by postage. This measure encourages participation in this worthwhile endeavor and advances the President's effort to provide America's children with a tangible way to bring much needed humanitarian relief to the children of Afghanistan. Under this measure, donations sent to the following address would be delivered free of postage: America's Fund for Afghan Children, The White House, 1600 Pennsylvania Avenue, Washington, DC 20509–1600.

Mr. Speaker, I urge the House to pass this legislation that sends the message that the U.S. Congress supports their efforts to help the children of Afghanistan.

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

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SOLIS. Mr. Chairman, I rise today to voice my opposition to Congressman ISTOOK's amendment to the Labor, Health, Human Services and Education Appropriations bill.

I am concerned with Congressman ISTOOK's proposal to increase the abstinence-until-marriage education program by $33 million.

Although I believe that educating teenagers about sexual abstinence can be beneficial it cannot be the course of sexual education.

There is no substantive evidence that shows that abstinence-only education is effective.

Instead, research repeatedly shows that the most effective route to combat teenage pregnancy is a comprehensive sexual education program.

In my community, the Latino community, an abstinence-only lifestyle is preached in most households.

Young Latinas are repeatedly told that if they have sex outside of marriage or become pregnant, they will be cut off from their families.

However, 13 percent of Hispanic women in the United States aged 15–19 still become pregnant each year.

Teenagers are sexually active; therefore they should know about the family planning methods available.

In fact, each year, family planning services prevent about 386,000 teenage pregnancies.

While I am pleased that Congressman ISTOOK's amendment does not draw any funding away from the much-need Title X family planning program, I still cannot support such a large funding increase for a program that is so limited in scope and whose effectiveness has yet to be determined.

I urge my colleagues to oppose this amendment.

IN HONOR OF COUNTY COMMISSIONER JIMMY DIMORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor a great man who has affected the lives of thousands in Northeast Ohio, County Commissioner Jimmy Dimora, recipient of the Bikur Cholim Hospital's 2001 International Brotherhood Award.

Mr. Dimora is a great man, skilled politician, public servant, and most importantly, a friend. In January 1999 he began his term as Cuyahoga County Commissioner with the one simple goal to simplify county government and make it ''user friendly'' for his constituents. Commissioner Dimora's main goal was to bring common sense to political dilemmas, and solve problems rather then to create them. He was soon, thereafter, elected by his fellow commissioners as President of the Board of Cuyahoga County Commissioners.

Before working in County government, Commissioner Dimora was a dedicated public servant in the city of Bedford Heights. He served as Mayor from 1982 through 1998, running for re-election without opposition every time. He served before that as Council-at-Large for four years, and also was a city employee for six years. Mr. Dimora has dedicated his entire life to selflessly serving the public. As Mayor, he accomplished countless great feats: he instituted new programs and expanded services without raising property or city income taxes, expanded a full-service jail, and renovated the largest and best-equipped recreational facility of its kind in the state.

Commissioner Dimora is truly dedicated to serving his fellow man. He is a people person, a problem solver, and a consensus-builder. His tenure as Chairman of the Democratic Party in Cuyahoga County has demonstrated his incredible honor and the respect he has gained from his fellow colleagues.

Mr. Speaker, please join me in honoring a very fine man on his recipient of the Bikur Cholim Hospital's 2001 International Brotherhood Award. Commissioner Jimmy Dimora is truly a man of the people, and has served the Cleveland community selflessly his entire life.

TRIBUTE TO EDWARD A KELLY, JR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Edward A. Kelly, Jr., my good friend and a mainstay of Burlington County for over 40 years.

Born in Philadelphia, Pennsylvania into a family of seven children, his parents were born in Ireland, emigrating to the United States in their twenties. Growing up in a working-class neighborhood, his early youth was spent in sports, while attending West Catholic High School.

Married to the former Mildred ''Millie'' Hansberry, the Kellys become one of the first families to settle in Levittown, New Jersey, now known as Willingboro.

Having served on the Willingboro Board of Education, and later as a member of the Willingboro Council, Ed was elected Clerk of Burlington County in 1969. His rising popularity brought about his reelection to an additional four five-year terms, from which he retired at the end of 1994, after more than 25 years of continuous service.

A member of nearly 70 different service clubs, his service as a member of the Board of Directors of the Burlington County Chapter of the Boy Scouts of America earned him the Silver Beaver Award, scouting's highest honor.

A major supporter of our active duty military and retirees, Ed is a founding member of the Burlington County Military Affairs Committee (BCMAC). His commitment to our military is so highly-regarded that he was appointed by Governor Christine Todd Whitman to the New Jersey Veterans Service Council.

His six-year term as State Chairman, New Jersey Employer Support of the Guard and Reserve Committee (ESGR) came to a close on September 30, 2001. His leadership will be sorely missed.

For his many years of dedicated service both as a long-time member of the ESGR, and especially, during his six-year term as State Chairman, and as one of his loyal supporters, I pay tribute to him today.

IN HONOR OF SPECIAL AGENTS GIL AMOROSO AND EMIR BENITEZ

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CANTOR. Mr. Speaker, I would like to pay tribute to Special Agent Gil Amoroso and Special Agent Emir Benitez.

Agent Amoroso provided a great service for Richmond, Virginia, during his time with the Drug Enforcement Administration (DEA).

Agent Benitez served America's communities, as well, through the DEA, sacrificing his life on duty.

These two individuals greatly sacrificed to help fight America's war on drugs.

The DEA is an essential law-enforcement agency, contributing to the safety and well-being of our schools, our playgrounds, and the streets in our communities.

Each of us can recall an individual, either an acquaintance or a public figure, whose life has been ravaged by drugs.

In America, drugs have become a very destructive force affecting our children.

Now, each of us who is a parent knows the importance of sitting down with our children and warning them about the danger of drugs.

But men and women, like Amoroso and Benitez, who serve in the DEA, help our nation to curb the drug problem at its source. They work to keep illegal substances out of our country and investigate the culprits who are making illegal drugs available to our children, our communities, and even our workplaces.

In addition to their personal efforts to curb drug offenses, Amoroso and Benitez have left a legacy. They both have family members who fight the war on drugs today in Richmond.

Drug enforcement efforts have heightened in importance in the wake of the September 11 terrorist attacks in Washington and New York.

As confirmed by DEA Administrator Hutchinson, there is a lot of evidence to suggest that the ruling Taliban regime in Afghanistan receives financial benefit from the drug trade. This fuels the terrorist attacks on the civilized world. DEA efforts to target international drug trafficking are critical to America's war against terrorism.

The fight against drugs is essential to the security of our homes and of our country.

Thank you for your service.

Thank you, Mrs. Amoroso and Mrs. LaRosa, for your ongoing efforts on behalf of our country.

May God continue to bless America.

REMARKS ON H.R. 3067

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. HARMAN. Mr. Speaker, I rise today to introduce legislation (H.R. 3067) that directs the Secretary of Transportation to develop regulations giving priority in government and private contractor hiring for aviation-related security positions to qualified workers who were laid-off as a result of the September 11 attacks.

The terrorist attacks have had a devastating impact on the men and women who work in aviation and aviation-related industries.

I participated in a video teleconference earlier this week with union leaders in my district, which includes Los Angeles International Airport, the nation's third-largest airport.

Representatives from the Flight Attendants Association, the International Association of Machinists, the National Air Traffic Controllers Association, SEIU, National Treasury Employees Union and the Transportation Workers Union testified about how the attacks have affected their members. Some, like SEIU, NTEU and the Flight Attendants, lost members in the attacks.

All have seen tremendous job losses. 6,000 flight attendants. 140,000 in the transportation sector as a whole. 110,000 in the hospitality sector. We can not let this continue. We must help these men and women. My bill does that.

It has been nearly three weeks—three weeks!—since this body acted to provide airlines with a $15 billion bail-out package. I struggled with that vote. The airlines are at the core of the aviation-economy; we could not let them go bankrupt. At the same time, I and other members of this body were deeply concerned that the bill did not do enough for those workers.

The time to help them is now. One way to do that is by giving those who lost jobs preference when new jobs are created. My bill directs the Secretary of Transportation to ensure that the first priority in hiring aviation security personnel is given to the men and women who were working in aviation and at airports before September 11 and were laid off as a result of the attacks.

I urge Members to help these men and women and support this legislation.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. VELÁZQUEZ. Mr. Speaker, on Thursday, October 11, 2001, 1 was unavoidably detained in my district. As a result, I missed five votes on the House floor.

Had I been present, I would have voted ''yes'' on rollcall vote 381, to pass the Labor-HHS-Education Appropriations Act for Fiscal Year 2002.

In addition, I would have voted ''no'' on rollcall vote 380, the Istook amendment to increase the bill's funding for abstinence education by cutting funding for the Centers for Disease Control; rollcall vote 379, the Istook amendment to delay the enforcement of Executive Order 13166; rollcall vote 378, the Stearns amendment to shift funding from the Corporation for Public Broadcasting to the Centers for Disease Control; and rollcall vote 377, the Schaffer amendment to fully fund the Individuals with Disabilities Act by cutting other education programs.

A BILL TO EXTEND THE MAYOR OF THE DISTRICT OF COLUMBIA THE SAME AUTHORITY WITH RESPECT TO THE NATIONAL GUARD OF THE DISTRICT OF COLUMBIA AS THE GOVERNORS OF THE SEVERAL STATES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Ms. NORTON. Mr. Speaker, today I am introducing a bill to give the mayor of the District of Columbia the same authority over the National Guard as the Governors of all 50 states. This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. District authority over its own National Guard apparently was not raised during the Home Rule Act process. However, it was unthinkable then that there would be war in the homeland, much less terrorist threats to the nation's capital.

While the National Guards in the 50 states operate under dual jurisdictions, federal and local, the D.C. National Guard (DCNG) has no local jurisdiction, no matter the local emergency. The President of the United States as the Commander-in-Chief alone has the authority to call upon the National Guard for any purpose, local or national here. Each governor, however, as the head of state, has the authority to mobilize her National Guard to protect the local jurisdiction, just as local militia have always done historically. Most often, this has meant calling upon the National Guard to restore order in the wake of civil disturbances and natural disasters. For such local emergencies, it makes sense that the governor would have exclusive control over the mobilization and deployment of the state militia, and it makes the same sense for the mayor of the District of Columbia with a population the size of that of small states, to have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the DCNG in instances that do not rise to a level of federal importance or involvement. Currently, needless formalism requiring action by the President of the United States could endanger the life and health of D.C. residents and many more who work here in the event of an emergency. Today, the mayor must request the needed assistance from the President, who serves as the Commander-in-Chief for a local National Guard. In an emergency unique to the District, the mayor, who knows the city better than any federal official, can deploy his own National Guard only by relying on the President, who is necessarily preoccupied with national matters, including perhaps war or homeland attack.

Following the September 11th terrorist attacks, the House has recognized that the District of Columbia must be an integral part of the planning, implementation, and execution, of national plans to protect city residents, federal employees, and visitors by including the District of Columbia as a separate and full partner and first responder in federal domestic preparedness legislation. Allowing the mayor control over the DCNG at a minimum demonstrates the respect for local governance and

home rule that every jurisdiction that recruits members of the military to its National Guard deserves. If the mayor has local control over his own Guard, the Executive would give up nothing of his necessary control because the President would retain his right to nationalize the DCNG at will, as he can for the states.

The confusion that accompanied the September 11th attack plainly showed the danger inherent in allowing bureaucratic steps to stand in the way of responding to emergencies in the nation's capital. September 11th has made local control of the DCNG an imperative. I urge my colleagues to support this bill.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Mr. PAUL. Mr. Speaker, HR 2883, the Intelligence Authorization Act, is brought before us today under a process which denies members of Congress our constitutional right as elected officials to be informed on crucial aspects of the programs we are asked to authorize. Information about this bill is limited to dollars amounts and personnel ceilings for the individual intelligence programs and even that information is restricted to viewing in a classified annex available to members during regular business hours for ''security reasons.''

Given the many questions the American people have about the performance of the intelligence agencies prior to September 11, and the many concerns as to whether the intelligence agencies can effectively respond to the challenges of international terrorism, I believe that the American people would be well served by a full debate on the ways the intelligence community plans to respond to these challenges. I also believe the American people would be well-served if members of Congress could debate the prudence of activities authorized under this bill, such as using taxpayer monies for drug interdiction, is an efficient use of intelligence resources or if those resources could be better used to counter other, more significant threats. Perhaps the money targeted for drug interdiction and whether it should be directed to anti-terrorism efforts. However, Mr. Speaker, such a debate cannot occur when members are denied crucial facts regarding the programs authorized in this bill or, at a minimum, are not free to debate in an open forum. Therefore, Congress is denied a crucial opportunity to consider how we might improve America's intelligence programs.

We are told that information about this bill must be limited to a select few for ''security reasons.'' However, there are other ways to handle legitimate security concerns than by limiting the information to those members who happen to sit on the Intelligence Committee. If any member were to reveal information that may compromise the security of the United States, I certainly would support efforts to punish that member for violating his office and the trust of his country. I believe that if Congress and the Executive Branch exercised sufficient political will to make it known that any member who dared reveal damaging information would suffer full punishment of the law, there would not be a serious risk of a member leaking classified information.

In conclusion, Mr. Speaker, it is inexcusable for members to be denied crucial facts regarding the intelligence program authorized by this bill, especially at a time when the nation's attention is focused on security issues. Therefore, I hope my colleagues will reject HR 2883 and all other intelligence authorization or funding bills until every member of Congress is allowed to fully perform their constitutional role of overseeing these agencies and participating in the debate on this vital aspect of America's national security policy.

COLORADO'S NOBEL LAUREATES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to call attention to the tremendous accomplishments of two of my constituents, Dr. Carl Wieman and Dr. Eric Cornell. It was announced this week that Dr. Wieman and Dr. Cornell have been awarded the Nobel Prize for Physics for their work in creating a new state of matter. Dr. Wolfgang Ketterle, a professor of physics at the Massachusetts Institute of Technology, was also awarded the prize.

The goal of the scientists was to create Bose-Einstein condensation, an extreme state of matter predicted by Indian physicist Satyendra Nath Bose and later expounded upon by Albert Einstein.

Beginning with atoms of rubidium gas at room temperature, the Colorado team—led by Eric Cornell and Carl Wieman, and including CU-Boulder undergraduate and graduate students and postdoctoral researchers—cooled the atoms to less than 170 billionths of a degree above absolute zero. This low temperature caused the individual atoms to behave as one ''superatom.''

To cause matter to behave in this controlled way has long been a challenge for researchers. Physicists were initially skeptical about the approach taken by Wieman and Cornell to create the condensate, but they soon came around when they recognized the advances the scientists were making.

As the Royal Swedish Academy of Sciences noted upon awarding the prize, this year's Nobel Laureates have caused atoms to ''sing in unison.'' The creation of Bose-Einstein condensate is a ground-breaking accomplishment that will significantly affect the scientific community, its work, and its direction for years to come. I am proud that the work of Dr. Wieman and Dr. Cornell is a result of federally funded research at the University of Colorado, JILA, and the National Institute of Standards and Technology. I am proud that the institutions in the 2nd Congressional District are capable of attracting and producing such talent. Finally, I am proud that these two men call Colorado their home.

Again, I congratulate Dr. Wieman and Dr. Cornell for their extraordinary work and for the great honor that has been bestowed upon them.

HALLOWEEN FOR HEROES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. MORELLA. Mr. Speaker, it is with great pride that I rise to recognize three young, ambitious constituents who have launched an extraordinary fundralsing initiative called, ''Halloween for Heroes.'' Zack Beauchamp, Woody Wiegmann, and Conor Murphy of Rockville, Maryland co-founded this honorable enterprise to assist the victims of the horrific September 11th terrorist attacks.

On Halloween night, these three dedicated young men will go through their neighborhood to collect relief donations instead of candy. The proceeds will be designated for a charity to create a scholarship fund for the children impacted by the attack on our nation. Of course, adults are also encouraged to participate in this effort.

I am so proud of these boys who have committed their time and hard work to raise funds for the benefit of children who have suffered during this time of national tragedy. Their efforts are an exemplary way for children across the region and across the country to get involved in relief efforts.

Mr. Speaker, I offer my warmest thanks and congratulations to Zack, Woody, and Conor for their dedication and caring spirit. This year will truly be a Halloween for Heroes.

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

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of H.R. 3061, the Labor-HHS—Education Appropriations bill for Fiscal Year 2002. This bill provides critical funding for our nation's students, teachers, doctors, patients, and numerous important programs within the Department of Labor.

Before I go any further, I would like to take a moment to thank Chairman REGULA, Ranking Member OBEY, and the Majority and Minority Committee Staffs for their hard work on this excellent, bipartisan legislation. They all

did an excellent job and should be commended for their efforts.

Mr. Chairman, perhaps no resource in our great country is more important than our young people—our students. H.R. 3061 recognizes the vital role that this group plays in the future for our nation and for the world by increasing funding for the Department of Education by 16% over FY01 funding levels.

Specifically, I am extremely pleased to see a funding increase of $1.4 billion for IDEA, $137 million increase for Impact Aid, $1.7 billion increase for Title I grants, just to name a few of the critical programs that are receiving an increase in funding.

In addition, Mr. Chairman, funding for the Department of Health and Human Services has been increased by 13 percent in this legislation. Critical programs for rural health care providers and patients, which are very important to many rural areas that I represent in northern New Mexico, have received significant funds, including $142 million for the National Health Service Corps, $27.6 million for the Rural Telemedicine Grant Program, and $4 million for a State Offices of Rural Health Grant Program, just to name a few.

Furthermore, this bill provides $120 million for the Community Access Program, which provides critical funding for 3 health care service providers in New Mexico.

Also, of nationwide concern, this bill provides $ 100 million more than the FY01 level for countering bioterrorism programs at CDC and HHS.

Last but not least, Mr. Chairman, a 3% increase for the Department of Labor will provide vital funding for adult job training programs, youth training programs, Job Corps, and OSHA.

I urge my colleagues to support this bipartisan legislation. The committee has done an excellent job in crafting this bill to help address the many needs of our nation and I believe we should support the work of our colleagues on the committee.

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

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanders amendment.

I understand that corporations need to pass along research costs to customers—when they pay for the research themselves.

But something is amiss when taxpayers pay for drug research and pharmaceutical companies charge those same taxpayers exorbitant prices for drugs the government develops and licenses to them.

This isn't just egregious corporate welfare.

It's a matter of life and death.

And it happens every day, all the time, all over America, with drugs that treat AIDS, cancer, high blood pressure, and other deadly diseases.

It's enough to make anybody sick, especially those forced to choose between treatment and food.

This amendment would simply ensure that pharmaceutical companies offer the benefits of federal drug research at a reasonable price.

This amendment is a prescription for fairness and compassion.

NIH should subsidize drug research not pharmaceutical companies.

I urge my colleagues to support the Sanders amendment.

RESOLUTION OF SUPPORT FOR THE PRESIDENT AND OUR ARMED SERVICES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HYDE. Mr. Speaker, I am proud to represent the people of the Village of Glendale Heights, Illinois. On Oct. 4, Village President Linda Jackson and the Village Trustees adopted the following resolution which I am both proud and pleased to bring to the attention of my colleagues:

Whereas, in the aftermath of horrifying events of September 11, 2001, the people of the Village of Glendale Heights share the resolve and determination of all Americans as we unite as one nation;

Whereas, the people of the Village of Glendale Heights wish to show our solidarity with those who work and live in Washington D.C., our nation's capital, and we salute the heroic efforts of the brave men and women, both civilian and military, who are working to recover and rebuild following the brutal attack which struck at the very heart of our nation;

Whereas, the people of the Village of Glendale Heights wish to express our deepest gratitude to our brothers and sisters in the United States Armed Forces for their steadfast courage and dedication as they stand ready to protect and defend our lives and liberty.

Now, therefore, be it resolved, by the President and the Board of Trustees of the Village of Glendale Heights, on behalf of all the residents of the Village, as follows:

Section 1: That we as a community look to our President and our nation's leadership for guidance and wisdom in this time of uncertainty, and pledge our support to our leaders and our military as we seek to bring justice to those who perpetrated these acts of war on the American people.

Section 2: That although Americans are no strangers to casualties of war, we recognize the gravity and magnitude of the terrorist attacks on our own soil at the nation's center of government, designed to destroy our unity and freedom—the very hallmarks of the American Spirit.

Section 3: That the people of the Village of Glendale Heights stand up with all Americans to proclaim our unity as a nation, and to assure the world that the tragic events of Sept. 11, 2001, did not destroy us, but rather strengthened our resolve and dedication to the ideals of democracy and freedom upon which this country was built.

Section 4: That this Resolution shall be in full force and effect upon its passage and approval in accordance with law.

Ayes: Trustees, Pope, Fonte, Tolentino, Giampa, Biondini, Schroeder and President Jackson.

Nays: None.

Absent: None.

IN MEMORY OF MAJOR WALLACE COLE HOGAN, JR.

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CHAMBLISS. Mr. Speaker, today I honor Major Wallace Cole Hogan, Jr. for serving our country in the United States Army. Major Hogan was truly born to serve.

Major Hogan grew up in Macon, Georgia, and attended Valdosta State University. After graduation, he joined the Georgia Army National Guard as a Rifle and Mortar Platoon Leader. His time with the National Guard included the Commander of the 19th Special Forces Group Airborne, Colorado Army National Guard, Detachment Commander of the 20th Special Forces Group Airborne, Alabama Army National Guard. On April 4, 1993, Major Hogan accepted an Army active duty appointment as a Captain. He was a member of the Green Berets and fought in the Persian Gulf War with the 1st Special Forces Group Airborne as a Battalion Operations officer and Detachment Commander. He also served as the Commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama.

Major Hogan joined the Office of the Deputy Chief of Staff for Operations and Plans in June 1999. His work at the Pentagon included Special Operations Staff Officer in the Directorate of Operations, Readiness, and Mobilization and Executive Officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army and serving his country.

On September 11, terrorists claimed the lives of our friends, family and loved ones from all over this nation and the world. Major Cole Hogan was one of these loved ones. His parents are from Macon and happen to be personal friends of mine. My wife and I have two children and I can't imagine any greater pain than that which floods one's heart upon the death of a child. My prayers are with the Hogans during their most difficult time of grief.

In our mourning, we can't help but question how such a heinous act could come to fruition on American soil. But in a time where questions are many and words are few, I want to offer my most sincere condolences to the family of Major Hogan; his wife, Air Force Major Pat Hogan of Alexandria, VA and his parents, Jane and Wallace Hogan of Macon, Georgia.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not gone unnoticed as evident by the numerous decorations and awards earned during his service. These recognitions include: the Meritorious Service Medal with two oak leaf clusters, Army Commendation Medal with oak leaf cluster, Army Achievement Medal with five oak

leaf clusters, Army Reserve Components Achievement Medal with two oak leaf clusters, Armed Forces Reserve Medal, Army Service Ribbon, Special Forces Tab, Ranger Tab, Scuba Diver Badge, Senior Parachutist Badge, and Pathfinder Badge.

I think we have a lot to learn from Americans like Cole Hogan. His dedication and patriotism are unwavering and a standard we all should strive to emulate. Cole Hogan will be missed, as will so many others. These lives will not be forgotten. We must honor them by living on as they lived. The lives stolen by terrorists so easily could've been our own. We owe it to the fallen to press on and take hold of all that our forefathers fought for and dreamed we would live to enjoy. As a nation, Americans have always shown strength through adversity.

I commend Major Hogan for his service and I thank his family for raising a man whose heart was to give his all for his country. His presence will be missed and his legacy will not be forgotten.

SUPPORT FOR TAIWAN'S PARTICIPATION IN THE U.N.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. PALLONE. Mr. Speaker, the horrific events of September 11 underscore the renewed importance for democracies of the world to stand together in the fight against terrorism.

The United Nations serves as a vital forum in the effort to eradicate terrorism once and for all. Unfortunately, one of the most vibrant democracies in the world that is willing and economically capable of aiding with the efforts against terrorism has consistently been denied re-admission to the U.N. Taiwan is a democracy with a strong economy, commitment to human rights and support for fundamental freedoms. Its GNP and population are larger than three-quarters of the existing member countries of the U.N. On behalf of its 23 million people, Taiwan should be allowed membership in the United Nations.

Both Houses of the U.S. Congress, with broad bipartisan support, have repeatedly endorsed Taiwan's desire for participation in the United Nations and in other international organizations including the World Health Organization, the Asian Development Bank, admission to the Asia-Pacific Economic Cooperation Group and the World Trade Organization. The Taiwan Policy Review of 1994 mandated overwhelmingly by Congress expressed strong support for a more active policy in support of Taiwan's participation in international organizations. On May 24, 2000, the House passed H.R. 444 advocating Taiwan's full membership into the WTO.

Taiwan has built one of the most consistently solid economies in the world and its people enjoy one of the highest standards of living in Asia. It ranks as the seventh largest trading partner to the United States. Using its economic success, Taiwan has served as a model for other nations by assisting developing economies and by contributing to international organizations.

Having elected Chen Shui-bian—the first member of the opposition to assume the Presidency last year, Taiwan boasts a strong, participatory, multi-party democracy holding free elections at all levels. President Chen has been a champion of civil liberties, the rule of law and human rights. He has committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights. Taiwan has made major strides in upholding and maintaining human rights.

Examples of East and West Germany admitted to the UN in 1973 and later unified and North and South Korea admitted in 1991 show that Taiwan could be given membership to the U.N. without prejudice to the final resolution of the differences between the People's Republic of China and the Republic of China.

Taiwan's 23 million citizens deserve meaningful participation in the United Nations and the benefits that would accrue to world peace and stability if Taiwan were formally brought into the community of nations.

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

SPEECH OF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 11, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. SHUSTER. Mr. Chairman, my vote in favor of the Labor-HHS Education Appropriations bill was not recorded. I am here to make sure that I am on record as officially supporting this bipartisan bill. Chairman REGULA and Ranking Member OBEY crafted a fine bill, proven by the fact that 85 percent of this Chamber supported it. I congratulate the chairman and ranking member in their efforts and want to let them know that I too am supportive of their efforts.

KAZAKHSTAN AND THE KYRGYZ REPUBLIC

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. WAMP. Mr. Speaker, in the rugged region of Central Asia, two nations have been dealing with proposed changes to current religion laws. In both Kazakhstan and the Kyrgyz Republic, new religion laws have emerged partially in response to real concerns about terrorism and state security. After the events of September 11, our whole country has a very clear understanding of the threat terrorists pose. Still, our commitment to democracy and religious freedom stands firm.

Consequently, I want to highlight and praise both countries for seeking assistance from the OSCE Advisory Panel on Freedom of Religion or Belief. The choice to seek assistance and working to ensure the new legislation is in line with protecting human rights is a mark of wise governance. Even more, I want to encourage these governments to continue their close cooperation with this body of experts, and to continue to strive to uphold OSCE commitments and international norms for religious freedom.

In Kazakhstan, there has been great discussion over a proposed amendment to its 1992 law ''On Freedom of Religion and Religious Associations.'' The Kazakh Government has been responsive to critiques of the law and removed it from consideration during this past summer. Furthermore, it has listened to the comments made by the OSCE Advisory Panel and modified some of the more troubling sections of the proposed law. However, concerns still exist in the area of registering Islamic religious groups by the Kazakhstan Moslem Spiritual Administration. It seems likely that with the various Islamic religious groups that are at odds over purely theological issues, registration could be denied for merely being out of favor with the Spiritual Administration. This is problematic; religious organizations should not be denied registration solely on the basis of their religious beliefs. Before the proposed law is reintroduced, I hope Kazakhstan will address these issues, so as to ensure its compliance with all OSCE commitments.

The Kyrgyz Republic is currently considering a proposed law entitled ''On Freedom of Conscience and Religious Organizations,'' which would replace the 1991 Law on Freedom of Religion and Religious Organizations. In the Kyrgyzstan's short history of independence, it has consistently joined international human rights covenants. As one of the 55 participating States in the OSCE, the Kyrgyz Republic agreed to abide by the Helsinki Final Act and all subsequent agreements, in which clear language concerning religious freedom exists. This new legislation, made long before the events of September 11, was in response to real fears about terrorism. With religion often being used as a guise to legitimize criminal activities, I recognize the genuine concerns of Kyrgyz authorities about religious organizations existing in their country. However, while the United States has new understanding of the threat of terrorists, I want to encourage the Kyrgyz Republic from overreacting and unnecessarily limiting religious freedom.

While the current law on religion is generally in line with its OSCE commitments, it is my concern that if the new law is enacted, Kyrgyzstan will no longer be in compliance with its international obligations. This is especially true concerning the provisions addressing registration of religious groups. In its current form, the draft law's use of registration requirements appears complex, confusing and convoluted. The two step process of registering religious groups appears to be more an exercise for government involvement rather than a well outlined procedure for recognizing religious communities. The vague requirement of ''record-keeping'' registration is especially problematic, as it could serve as a major obstacle for successful registration that the government can utilize to block an application. Clear and transparent guidelines would be a superior way to prevent arbitrary tampering by

government officials in the process of registration.

In closing, I hope both the Kazakh and Kyrgyz Governments will be mindful of 1989 Vienna Concluding Document, (para 16.3), which states that governments are obligated to ''grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries.''

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. MANZULLO. Mr. Speaker, this last Wednesday, on rollcall vote No. 375, I want it to be in the RECORD that I was present on the House floor, and I did vote in favor of that bill. Unfortunately, there was a malfunction with the House voting machine, and it did not record my vote.

TRIBUTE TO MR. ERIC BENNETT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KILDEE. Mr. Speaker, I rise today to express my condolences and sympathies to the family of Eric Bennett. On September 11, Eric Bennett was in a business conference on the 102nd floor of tower one in the World Trade Center when American Airlines flight 11 crashed into the 89th floor.

Eric Bennett, 29 years old, grew up in Genesee Township and moved to New York City after college to pursue a successful career in computer programming. According to his parents and those fortunate enough to know him, Eric possessed a determination to succeed and a passion for life.

Shortly after learning that Eric was missing, Elizabeth and Terry Bennett traveled to New York City to search the hospitals for their son. Unfortunately, Eric's parents were unable to find him and they have now accepted the fact that he did not survive the attack.

On behalf of the people in the Ninth District of Michigan, I would like to extend my thoughts and prayers to Eric's family and friends. A memorial service celebrating Eric Bennett's life will be held at the Elks Club in Grand Blanc Township on October 14 from 2–5 p.m.

INTRODUCTION OF THE CNMI NATIONAL GUARD ACT

HON. ROBERT A. UNDERWOOD

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation authorizing the establishment of a National Guard unit for the Commonwealth of the Northern Mariana Islands (CNMI). As my colleagues may know, Guam shares geographic proximity and ancestral ties with the Northern Marianas. Therefore, it is only proper that this bill is introduced for our Pacific neighbors. I have other legislation pending that would afford the CNMI a Delegate to this House, but until such a proposal becomes a reality I believe it is my obligation to help their cause in Washington, DC.

This legislation is timely and needed. In the weeks following the tragic events and terrorist attacks of September 11, our Nation has been focused on strengthening our homeland security. As we continue to reevaluate and reassess our preparedness capability, I hope that we take the opportunity to pass this legislation for the benefit of our national security and for equal protection for all jurisdictions under the U.S. flag. The events of the past month have illustrated the detriments to communities without National Guard units. While the Federal Aviation Administration has established new and more stringent aviation security requirements, the task of providing security for the CNMI's three principal airports has been borne solely by civilians from the Northern Marianas. While other governors across the nation were able to activate their guard units, the CNMI was not afforded this option. This legislation would correct this oversight and extend to the CNMI the centuries old American tradition of having its citizenry contribute towards the defense and security of their homeland.

In conclusion, I want to thank the Resident Representative of the CNMI, Juan Babauta, for bringing this issue to my attention and for his diligence in working on behalf of his people. He had the foresight to raise this issue with the National Guard Bureau long before recent events. He has long maintained an interest in establishing a National Guard unit trained and equipped to protect the life and property of CNMI citizens, while providing to the Nation a force ready to defend the United States and its interests.

IN HONOR OF THE HIGH SCHOOL OF ECONOMICS AND FINANCE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. NADLER. Mr. Speaker, I rise today to honor the staff of the High School of Economics and Finance for their outstanding response to the tragedy of September 11, 2001. Situated just one block south of the World Trade Center, the High School of Economics and Finance was the closest school to the epicenter of the horrifying disaster of September 11th. The administrators, teachers, guidance counselors, school safety and support staff of the school took immediate, efficient, and lifesaving action to protect all 750 students in their care.

Their praiseworthy efficiency in evacuating all 750 students from their building deserves an enormous debt of gratitude from our community. The staff members mobilized immediately to protect the safety, welfare and well-being of all students in the most professional fashion possible. So closely situated near ''ground zero,'' there is no question that the staff's organized evacuation saved countless lives.

The building housing the High School of Economics and Finance was heavily damaged by the disastrous acts of September 11, 2001. On September 20, 2001, the staff and students relocated to Norman Thomas High School, on 33rd Street in midtown Manhattan. It is a demonstration of the high level of professionalism of all staff members that students have returned to school and are currently progressing with their studies while receiving counseling and care from their dedicated teachers and staff members.

The courage, vigilance, valor, and bravery shown by the staff of the High School of Economics and Finance in their attentive supervision of the students are admirable. Similarly, the swift return to school and the teaching, mentoring and guiding of the students through this terrible time is deeply commendable.

I heartily commemorate and congratulate the staff of the High School of Economics and Finance for all that they have done on behalf of their students, city and country. I thank them all for their truly courageous leadership.

TRIBUTE TO LEONARD F. SPRINGS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Leonard F. Springs II, a native of South Carolina who will be honored this evening during the annual meeting of the South Carolina State Conference of the National Association for the Advancement of Colored People (NAACP). Tonight's Leadership Tribute is a component of the 2001 Civil Rights Conference, which commemorates the 60th annual Convention of the South Carolina State NAACP. I am pleased to join the South Carolina State NAACP in honoring my good friend and ''soulmate'', ''Lenny'' Springs.

Leonard Springs, II—Senior Vice-President of Corporate Relations at First Union Corporation—is a graduate of Voorhees College, Denmark, South Carolina and the University of South Carolina. He has dedicated more than 25 years of his life to developing and managing community reinvestment programs in the banking industry and non-profits sector. Dollars and Sense Magazine affirms that he is ''one of America's top corporate officers.'' In 1988, Mr. Springs became Vice President, Corporate Affairs Relations at First Union National Bank of Georgia and held that position until 1990. During his service in Atlanta and with his energetic leadership, Mr. Springs made a truly significant impact throughout the minority business community. As a board member of the Atlanta Mortgage Consortium, he initiated efforts to make affordable housing accessible to low-income citizens. He also served as Chairman of the Economic Development Committee for the city of Atlanta Main Street-Auburn Avenue Project.

Included among his many achievements, are designing and implementing programs, procedures and practices to ensure compliance with regulations of the Community Reinvestment Act (CRA); creating a CRA training module in conjunction with the American Banking Association; developing a number of commercial lending programs for small businesses; developing a CRA procedure manual; and authoring a column for ''Money Matters'' magazine. Mr. Springs is recognized as a

leading authority on banking information throughout the Carolinas.

Mr. Springs embarked upon his professional career in 1974 as a Field Representative of the Labor Education Advancement Program of the Columbia Urban League in South Carolina. Two years later he became Executive Director of the Greenville Urban League where he remained with the Greenville Urban League for seven years. He later became Assistant Vice President of Community Relations for Southern Bank & Trust in Greenville. Mr. Springs would further advance his career by accepting a similar position with First Union National Bank of South Carolina in 1985.

Serving as a member of the NAACP National Board of Directors, he lead the search to obtain the association's current national president, Kwisei Mfume. Mr. Springs professional affiliations and board appointments, past and present, are reflective of his outstanding service to various communities and include: Channel WTVI Board of Directors which oversees the Charlotte Mecklenburg Public Broadcasting Authority; Charlotte Auditorium-Coliseum Convention Authority Board of Directors; Presidential Administrative Appointee to the US Department of the Treasury Bank Secrecy Advisory Group; Vice Chairman of the South Carolina Human Affairs Commission during my tenure as Commissioner; Chairman, NAACP Special Contribution Fund Board of Trustees, Past President, Founder and Board Member of the Charlotte Chapter of 100 Black Men, Inc.; Board Member of Central Carolina Urban League; National Alliance of Business Southeast Regional Board; Business Policy Review Council; Board of Directors, Carolinas Minority Supplier Development Council Inc.; Past President, Voorhees College National Alumni Association; member, National Urban Bankers Association; Southern Region Board of Directors, Boy Scouts of America; Barber-Scotia College Board of Visitors; Johnson C. Smith University Board of Visitors; Elizabeth City State University Board of Trustees; Florida Memorial College Board of Directors; South Carolina State University Foundations Board of Directors; and Spirit Square, Charlotte, NC, Board of Directors.

Mr. Speaker, I ask you to join me today in honoring Leonard F. Springs II, a personal friend and former employer, for his contributions to the business community, involvements in community revitalization, and overall public service. I sincerely thank Mr. Springs for the dedicated service he has provided to the citizens of South Carolina and the noteworthy contributions he has made to minority business development throughout the nation. I congratulate him on his recognition by the South Carolina Conference of Branches of the NAACP and wish him good luck and Godspeed in all of his future endeavors.

TRIBUTE TO THE LATE TONY MARTINEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I rise to honor Tony Martinez, former constituent from Colton, California who passed away on October 4, 2001. I cannot begin to express how saddened I am by the passing of my friend Tony Martinez. All men die, but not all men really live; we can honestly say that Tony lived. He was a model citizen, community leader, father, grandfather, great-grandfather, and an extraordinary man.

Tony Martinez was born in Colton but lived in Redlands for most of his life. Tony was a remarkable example of humanity. He left high school at sixteen to start his own trucking company, and until the day he was drafted to fight in World War II, he hauled fertilizer, fruits, and vegetables from Mexicali to Los Angeles. When Tony returned from the war he moved to East Los Angeles, where he had his first taste of politics.

The California Community Service Organization was in its infancy and Ed Roybal, later to become Congressman and the father of Californian Latino politics, needed good men and women to help fight for Latino civil rights. Tony Martinez jumped headfirst and worked alongside the likes of Ed Roybal and Cesar Chavez to improve the lot in life of the average Latino. In the words of Congressman Ed Roybal, ''Tony is a man of great integrity . . . active in community affairs.'' Tony and Ed knew each other for over forty years and held each other in the highest esteem.

Tony Martinez moved to Redlands in 1952 and since then became a fixture of the community. He worked hard every day to provide to his family and to improve his community. In 1973 he helped save the local Head Start program and soon after dedicated himself to the building of a community senior center. Tony was unyielding and unwavering in his dedication to this dream and his community. Tomorrow, the Redlands Community Center/Senior Nutrition Center will celebrate Tony's life to thank him for his selfless dedication. Although he was defeated three times for Redlands City Council, he never lost his faith in the community or the democratic process. In fact, he was one of the leading voices in a successful ballot measure to create city council wards, after the city council voted to eliminate them.

Thanksgiving is a time of the year for family unity and to thank the blessings God has given us. Predictably, Tony had his own way to thank God for all his blessings; his daughter Anita remembers, ''I was seven years old and saw my dad dressed as Santa Claus taking pictures with the local kids and then he would make us all race over to the community center to hand out turkeys to poor families.'' If Tony was not busy showing the kids at the Boys and Girls Club to box, he was busy with his home-operated charity to fight poverty and hunger—Su Casa de Amistad. Not a single day was ever wasted. Tony used to say, ''anyone staying in front of the TV drinking beer is not going to last on this world.'' Tony Martinez is proof that we can live life to the fullest until our last day. At the age of 82, until the day he died, he worked tirelessly for his community. We will all miss you.

Tony Martinez is survived by his wife Rosa Martinez, five children (Tony, Michael, Rebecca, Maria, and Anita), eight grandchildren, and three great-grandchildren. Tony is irreplaceable and we will not live one day without remembering this kind and gentle man.

IN RECOGNITION OF THE COUNTY OF OCONTO

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, today I recognize and honor Wisconsin's Oconto county one of the most naturally beautiful areas of our country. On November 4, the county will celebrate its 150th anniversary.

Oconto has a rich history of Menominee Indian, French and English settlers. The industry of Oconto through its early history changed from fur trading to lumber. In 1848, Wisconsin gained statehood, putting Oconto one step closer to formation. In 1850, census data showed that the region of Oconto held 415 residents. On November 4, 1851 the first election was held to found Oconto County, establishing the county seat in the small mill settlement of Oconto.

In the twentieth century, lumber companies were the largest businesses in the region producing more than 60 million board feet of lumber per year. This lumbering tradition exemplifies the hard working drive and dedication of the people of Oconto.

Through the years Oconto's business and commerce has increased due to the ingenuity and productivity of its citizens. From Oconto to Townsend, Lena to Lakewood, Gillett to Mountain and everywhere in between, we see those characteristics manifesting themselves in the people and progress in Oconto County. Today, educators, doctors, business owners, loggers, and state employees all make up a strong and vibrant Wisconsin community called Oconto.

On this sesquicentennial of the inception of Oconto County, I offer my congratulations to the county and its residents. Oconto is a true representation of our Wisconsin spirit and values in industry, business, and its people.

TRIBUTE TO ANNA MARIA ARIAS

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today with a heavy heart to honor the memory of an exceptional woman, Anna Maria Arias. On Monday, October 1, 2001, Anna Maria lost a seven-year battle against aplastic anemia and passed away from complications related to a bone marrow transplant procedure at MD Anderson Medical Center in Houston, TX.

Anna Maria Arias was born on July 12, 1960 in San Bernardino, California. She attended San Diego State University but her passion for media and journalism eventually led her to Hawaii Pacific University where she received a Bachelor of Arts degree in communications. When she was offered a Congressional Hispanic Caucus Institute Fellowship to Washington, D.C. Anna Maria saw her opportunity. She accepted the CHCI fellowship and was assigned to the Washington, D.C. bureau of CNN where she became part of the production team at CNN's Crossfire program.

As the founder and president of Arias Communications, Anna Maria enjoyed a varied and

accomplished communications career. She worked as a radio news anchor, news-writer, and as a media and campaign organizer for presidential and local candidates at the Democratic National Committee. Anna Maria honed her publishing skills and earned the respect of her peers during her five years as managing editor for Hispanic Magazine. Her editorial direction and keen insight into the issues affecting the Hispanic community were instrumental in making the publication one of the most respected media vehicles in the Hispanic market.

In October of 1994, she launched a brand new, long awaited Hispanic publication and fittingly named it Latina Style Magazine. To this day, the magazine remains the only national publication that is one hundred percent Latina-owned. With a circulation of 150,000 and a readership of more than 600,000, Latina Style Magazine is the first national magazine that covers issues pertinent to the contemporary, professional, Hispanic working-woman from a Latina point of view.

Anna Maria wanted to make Latina Style Magazine not just a medium to express Latina society and culture, but also a source of valuable information to the Latina professional, business owner, and college student to help them succeed in their endeavors. Anna Maria's passion and commitment bore fruit when Latina Style Magazine was selected by the National Association of Hispanic Publications as the Outstanding English or Bilingual Magazine for 1999. During the same year, Anna Maria was honored by the Greater Washington Hispanic Chamber of Commerce with the 1999 Entrepreneur of the Year Award and by the Changing Images in America Foundation with the Entrepreneurship Award,

Everyone who knew Anna Maria will tell you that from her youth, she was one of the most dedicated individuals they had ever met. Once she set her sights on something, there was no stopping her. When family and ftiends asked why she was choosing to undergo the complicated bone marrow surgery, Anna Maria simply said, ''I have to do this, we have important work to do and this thing keeps getting in the way.'' That was Anna Maria, totally devoted to her work and committed to serving others.

Last Sunday, I attended Anna Maria Arias' memorial mass at the Church of Guadalupe and her burial ceremony at Mt. View Cemetery, in San Bernardino, CA. Her husband Robert Bard and her mother Rita Valenzuela spoke of the tremendous courage and determination of one so young.

Mr. Speaker, I ask all my colleagues to please join me in honoring the life and achievements of a great Latina role model and leader, Anna Maria Arias. She has, by example, inspired generations of young Latinas to reach for their dreams. Her enthusiasm, her zest of life, her caring nature, and love for her family, friends and co-workers will never be forgotten. Anna Maria, amiga querida, dios te llamo y nos dejoste un gran vacio. Adios.

RECOGNITION OF PUBLIC SAFETY AND MILITARY PERSONNEL EFFORTS ON SEPTEMBER 11

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to recognize the efforts of America's public safety and military personnel whose heroic actions at the Pentagon, the World Trade Center and the Pennsylvania site saved countless lives. As the Chairman of the House Armed Services Procurement Subcommittee and the founder of the Congressional Fire Services Caucus, I know well the overwhelming situations our civilian and military responders faced. That they persevered in the face of this tragedy is a testament to the dedication of these public servants.

All of these personnel, whether local, state or federal, civilian or military, paid or volunteer, deserve the applause of this body. To highlight their combined efforts I wish to recognize three individuals. Their efforts represent the heroic actions of the thousands who responded to the calls for help on September 11 and throughout the days following the attack.

Volunteer firefighter/paramedic Eric Jones, Army Staff Sgt. Christopher Braman, and Marine Corps Major Dan Pantaleo were featured rescuing a Marine Corps flag from the burning Pentagon on the front pages of newspapers and magazines around the world. It is this image that will remain in our memories as a symbol of American patriotism, unity and strength.

In the days following the publication of their picture, they received many requests for press interviews. They declined each of these requests, because as true public servants, they neither expect nor desire any recognition for their efforts. What few know is that these individuals, through their countless acts of bravery, not only saved the flag, but also many Americans. At 9:40 A.M. on September 11 all three were called by destiny to perform heroic feats. As fire raged through the Pentagon, Mr. Jones, Staff Sgt. Braman, and Major Pantaleo rushed inside. These three men along with all the public safety and military personnel at the scene were responsible for rescuing hundreds of men and women injured by the explosion, the building collapse and burning jet fuel during the first minutes following the attack. After the injured had been saved, they remained on the site for many days to recover the bodies of those who perished.

I salute all Americans who answered the call for help on September 11. I am especially proud to highlight Eric, Christopher and Dan as examples of our public safety and military personnel whose contributions saved thousands from succumbing to the consequences of these terrorist attacks.

THE INTRODUCTION OF LEGISLATION THAT WILL AMEND THE TRANSPORTATION EQUITY ACT

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. EHRLICH. Mr. Speaker, I rise today to announce the introduction of legislation that will amend the Transportation Equity Act for the 21st Century (''TEA–21'') (Pub. L. 105–178) to provide states with flexibility in complying with the minimum penalties for repeat offenders for driving while intoxicated or driving while under the influence (23 U.S.C. § 164). The bill I am sponsoring is based upon recommendations made by the National Association of Governors' Highway and Safety Representatives in their report entitled ''Taking the Temperature of TEA–21: An Evaluation and Prescription for Safety.''

Under current federal law, the definition of a ''repeat intoxicated driver law'' includes a 1-year ''hard'' suspension of the repeat offender's driver's license; impoundment or installation of an ignition interlock system of the individual's motor vehicles; an assessment of the individuals alcohol abuse and treatment; and community service and imprisonment (23 U.S.C. § 164(a)(5)). If a state does not enact a repeat intoxicated driver law compliant with § 164(a)(5), the Department of Transportation transfers 1.5 percent of funds under § 104(b) to § 402.

In my view, there are two reasons why Congress should improve the current law. First, a 1-year ''hard'' suspension, in many cases, does not sufficiently deter repeat drunk drivers from driving under the influence. While a 1-year suspension looks good on paper, statistics, sting operations, and just plain commonsense reflect the notion that suspended drivers continue to drive illegally on our roads. For example, the National Highway Traffic Safety Administration estimates that 70 percent of individuals with revoked licenses continue to drive. Second, transferring funds from one transportation account to another may motivate some states to adopt new laws; however, the overall experience since TEA–21 enactment is that many states simply find ways to shift funds within their own accounts.

Accordingly, I am introducing legislation that will require states to continue to enact a 1-year ''hard'' suspension; however, the suspension may be modified if states mandate the use of an ignition interlock system. My own state of Maryland has proven this policy to be an effective tool in the fight against drunk driving. Further, this legislation reflects my philosophy of providing states with flexibility over laws of public safety.

I encourage all members to join with me in supporting this legislation.

''IN HONOR OF MICHELE KRAGAN BALABAN''

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor Michele Kragan Balaban for her long

and distinguished record of service to the Silicon Valley Jewish community. This Saturday, I will be joining many friends and community members to celebrate the thirtieth anniversary of Hillel of Silicon Valley at ''Hillel Goes to Hollywood,'' a gala which will benefit this campus organization that fosters Jewish identity and connections at eight colleges and universities in the South Bay Area. Michele, known to many as ''Mishy,'' was selected as this year's distinguished guest of honor for her many contributions to Hillel of Silicon Valley and the entire South Bay Area Jewish community.

Mishy Balaban has contributed to the growth of numerous Silicon Valley Jewish organizations. She served for many years as a member of the Allocations Committee, and then as campaign chair and president of the Women's Division, of the Jewish Federation of Greater San Jose. She was also a member of the Yavneh Board of Trustees, and helped to establish Yavneh's Technology Fund. Last year, in her capacity as president of the Yavneh Parent Association, she made great strides in revitalizing that organization.

Under Mishy's guidance as president of the Advisory Board of Hillel of Silicon Valley, the chapter expanded to include students at the College of San Mateo, De Anza College Evergreen College, Foothill College, San Jose City College, Santa Clara University, and West Valley College, in addition the pre-existing members at San Jose State University. This expansion also included a move to a new home, significantly increased professional and volunteer staffing levels, and affiliation with International Hillel, the Foundation for Jewish Campus Life.

The evolution of Hillel of Silicon Valley into a full-fledged institution of the Jewish community can be greatly attributed to the continuing dedication of Mishy Balaban. She has put her community before her own needs, and set the standard for volunteer leadership. Mishy is the recipient of the ''Exemplar of Excellence Award'' from International Hillel for her work with Hillel of Silicon Valley, which, I think everyone in the Silicon Valley Jewish community would agree, thrives today thanks in large part to the dedication, love, and energy of this impressive woman.

INTRODUCING LEGISLATION TO AMEND THE SOCIAL SECURITY ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce legislation to amend the Social Security Act to increase the maximum amount of the death benefit lump-sum from $255 to $1,000. The current benefit is not only grossly inadequate but unfairly distributed. It is an unjust system that deprives individuals and their families of up to a month's worth of compensation. Even when the benefit is received, it is too little to be of much significance. It appears that our Social Security system fails to adequately provide for the care of our elderly citizens, even when they die.

Under current law, social security benefits are not paid for the month in which a recipient dies. For example, if an individual were to die on July 31, his heirs will receive no compensation for all of the expenses incurred during the month of July. If that person had died on August 1 instead, he or she would have received full coverage for the previous month. In some cases, when the Social Security Administration is not told of the death in time to stop the payment, family members of the deceased must return the check for the month. It is nothing short of disgraceful to add the psychological stress of dealing with complex financial legalities to family members who are already grieving for a loved one.

I support legislation that would entitle an individual to benefits proportionate to the number of days during the month that he or she lived. One of my distinguished colleagues has already introduced a bill to this end, H.R. 210, the Social Security Descendent's Family Relief Act of 2001. It makes much more sense that if a person lives until July 15, he should receive compensation for those 15 days.

In addition to this unreasonable benefit system, the $255 lump-sum available to families of the deceased is woefully inadequate. The $255 sum, which was provisioned in 1981 and was a modest sum at that time, is not even remotely close to meeting the expenses families face in the 21st century. What cost $255 in 1981 costs over $513 today. Surely it is not unreasonable for families to expect an inflation-adjustment for that benefit. Furthermore, the average retired worker receives $845 in social security monthly benefits. Clearly a $255 lump sum does not compensate for this amount. And, according to the National Funeral Directors Association, the national average cost of a funeral is $5700. Families need more, not less, money at this time.

My bill would increase the amount of the lump sum benefit from $255 to $1000. That equates to a net gain of $745, compared to a potential loss of up to $845 under the current system should an individual die towards the end of the month and thus fall victim to prorating.

Mr. Speaker, surely one of our most important priorities should be to give American families the money they need and rightfully deserve. It is our duty to correct the discrepancies in a flawed process so that all Americans enjoy the benefits of a system designed to help them. I sincerely hope that my colleagues will work with me to ensure the passage of this important legislation.

TO HONOR THE PHOENIX FIRE DEPARTMENT'S URBAN SEARCH AND RESCUE TEAM/ARIZONA TASK FORCE–1

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to honor a group of true American heroes who are a source of great pride for Phoenix, Arizona and our country. The group of people I am speaking about are the Phoenix Fire Department's Urban Search and Rescue Team/Arizona Task Force-1. Sixty-three members of this 200-member team, also known as Phoenix Fire AZTF–1 traveled from Phoenix to New York City on Sept. 19 to offer their assistance to their fellow firefighters in New York and other rescuers helping in the aftermath of the Sept. 11 destruction of the World Trade Centers.

The Phoenix team, which consists of rescue and technical specialists, doctors, paramedics, canine search specialists, logistics specialists, structural engineers, hazardous materials specialists, a chaplain and task force managers, was among the group of rescuers summoned to New York City by the Federal Emergency Management Agency to assist public safety officials. Although they knew a grim task was before them, they considered it to be an honor to be selected to help out in this time of national tragedy. Eagerly, they awaited to be called to duty in New York City and once they were called, they transported a cache that included 60,000 pounds of specialized equipment, making them fully self-sufficient upon arrival at the scene of the World Trade Center.

Upon arrival, the Phoenix team tirelessly and passionately used their expertise to help other firefighters and public safety officials dig through the rubble for survivors and bodies of the victims. They remained focused on the task, knowing that some of the victims would be other firefighters, police officers or public safety officials. Surrounded by human tragedy, they steadfastly worked for a week assisting where they could.

Personally, I was very moved when I visited the World Trade Center disaster site on Sept. 22 and ran into this team from my hometown. I was filled with pride to see them at work in New York, knowing that they were helping America, again, in its time of need. As you may know, AZTF–1 also was called to duty to Oklahoma City after the bombing in 1995.

Most of us don't have dangerous jobs and will probably never face the devastation seen at the World Trade Center. But everyday, firefighters risk the greatest gift of all—their lives— to save lives. They do it unhesitatingly and with a sense of duty. The incidents of Sept. 11 were very tragic, but the united effort by all firefighters and emergency service workers who came together on that horrible day will always be an example to all Americans that this country is at its strongest when we work together. I thank them for that lesson and with great pride, I ask you and my colleagues to join me in paying tribute to Firefighters from Phoenix Fire Department's Urban Search and Rescue Team/Arizona Task Force-1.

STATE OF EMERGENCY AT BORDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ORTIZ. Mr. Speaker, thanks to the gentleman from Califorfiia, BOB FILNER, for organizing this special order series.

Living on the border is never easy.

NAFTA—commerce in the 1990s—brought lower unemployment, a larger tax base for border communities.

Like the nation, South Texas affected by national economy . . . so the economy been hurt by the dip in the national economy.

Increased inspections as a result of heightened security have resulted in longer wait times (sometimes more than four hours), that

discourage thousands of Mexican citizens who legally cross into the U.S. to shop and conduct business along the border.

As former law enforcement officer, a border member—understand the need for security.

Say this only to illustrate small part of the picture that affects the border economy.

Weekend after the attack on the United States, barge hits the only bridge connecting South Padre Island to the mainland of South Texas.

Accident added even more to the burden of a faltering economy.

On Wednesday, immigration inspectors began checking the ID of each pedestrian against databases of 19 federal agencies, adding much more strain to an already difficult situation.

Finally, with Congress not extending laser visa deadline flow of traffic and commerce across our borders considerably slower.

Join my colleagues in asking President Bush to declare a state of emergency along the border in response to these assorted body-blows to the border economy.

The hostilities of September 11—and the resulting increased security throughout our nation—affected all of us . . . but they affect those who live on the border most profoundly.

Need to protect borders—ensure that terrorists who would do us harm not enter U.S. via our neighbors.

Stories of economic hardship in the past month are heart-wrenching.

Need for relief along the border in the economic stimulus package is evident.

In the Brownsville-Matamoros area: Traffic at bridges has decreased 40% (causing area bridges to lose almost $5,000 daily) and businesses along the border are seeing sharp declines in sales; border crossers face increased border wait times for vehicle and pedestrian traffic; the causeway accident has had a major impact; under-staffing of Border Patrol and Customs agents continues to cause concern; lack of attention and sensitivity to border community are also concerns; and the laser visa deadline has only exacerbated the situation and will have drastic effects as the holiday season nears.

The Brownsville-South Padre Island airport is feeling the direct impact of the terrorist attack on airport revenue: As is the case elsewhere in the country, passenger traffic there is down about 35%; the airport projects their annual cost for new security measures alone $632,000—an unbudgeted, unfunded cost which equals 35% of the annual airport budget, and the overall cost, of all these factors, to the airport will be $845,000.

Border economies require immediate help.

Low-cost loans and grants, and other forms of help, are urgently needed.

Everything is affected—tourism, airports, maquiladora production and Brownsville merchants.

Here is an example of how intertwined the U.S.-Mexican economies are: Mexicans who come to the U.S. to shop derive much of that money from Winter Texans, who cross the border about six times while they are in the Valley.

This combination of factors means Winter Texans will cross less, therefore spend less—with a result of less income for Mexicans to spend in the U.S.

I urge the Ways and Means Committee, as well as the House leadership, to consider economic relief for the border communities in the upcoming stimulus package.

IN HONOR OF THE 75TH ANNIVERSARY OF THE VETERAN'S OF FOREIGN WARS OF THE U.S.—NATHAN HALE POST NO. 1469

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the Veterans of Foreign Wars of the U.S., Nathan Hale Post No. 1469. On October 16, 2001, the post will celebrate its 75th Anniversary in Huntington New York.

Chartered by Congress on October 14, 1926, the Post began with a membership of 40 veterans. Included among the original members were veterans of World War I, as well as a veteran of the Spanish—American War who survived the 1898 torpedo attack on the USS Maine. Today, with nearly 800 members, Post No. 1469 is the largest Veterans of Foreign Wars Post on Long Island and throughout downstate New York. Present members are veterans who proudly served in World War II, Korea, Vietnam, Lebanon, the Gulf War as well as conflicts and actions around the globe.

The leadership of the Post has been very active in the local level offices as well as the County, District and State offices. The current Commander serves both as Post Commander and Jr. Vice Commander of Suffolk County which has a total of 48 Posts.

Post No. 1469 has also made outstanding contributions, both financially and with their time and efforts, to the local community. These include sponsoring the local Boy Scouts Troop members, holding chairs on the Town of Huntington Veterans Advisory Board, providing scholarships to students in the community and hosting ward parties for veterans confined to the local VA hospital.

I am proud to represent such an exceptional Post and wish them many more years of success as they celebrate their 75th Anniversary. I ask my colleagues in the House of Representatives to please join me in recognizing this milestone and congratulating these brave veterans.

FARM SECURITY ACT OF 2001

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2001

Mrs. CLAYTON. Mr. Speaker, the reauthorization of this country's agricultural policy is an occasion that we should treat with great seriousness and thoughtfulness. If we do not, we turn our backs not only on our agricultural producers, but on all of rural America.

Recent years have been devastating for our nation's farmers. Record low commodity prices, increased production overseas, and pressures from internal markets and agricultural consolidation have combined to depress farm income significantly. In recent years Congress has provided supplemental income assistance to American farmers. While this has prevented mass bankruptcy among our farmers, it has done little to provide them with income stability or to give them an assurance that in future years the market will better serve them.

The Farm Security Act, H.R. 2646, provides American farmers with a secure safety net. With this safety net firmly in place, some of our farmers can plant secure in the knowledge that, while the markets may fail them, America will not. The Farm Security Act sends the important message to our farmers that, because you have supported us for so long, so too will we support you. I support the Farm Security Act because it provides the measures necessary to ensure that agriculture can play the same important role in the 21st century that it did in the 20th.

However, the reauthorization of our farm policy must not be about only agricultural production, but about the long-term viability of our rural communities. The Agriculture Committee has been vested with responsibility for all of rural America. It is therefore appropriate that the Farm Bill should include significant components that speak to the specific non-farm struggles of rural America. While it is true that the farm economy must be strong for rural America to prosper, the farm economy alone is not enough to prevent the ''great hollowing'' out of rural America currently taking place.

The Farm Security Act, by including $2 billion dollars for rural development, recognizes the entire mosaic of our rural communities and takes steps to provide for their long-term health. I am especially pleased that the Farm Security Act provides significant rural development funds for water infrastructure and for rural strategic planning grants. Without a sound public and municipal infrastructure, our rural communities can have no economic base. Without funds for long-term planning and implementation, even the soundest of public infrastructures goes to waste. These two matters fit together for the benefit of our rural communities. I support the Farm Security Act, in part, because of the investment that it provides in these areas.

Finally, I am supportive of this Farm Bill because it recognizes the important connections between American agricultural producers and struggling working Americans who work so hard to put food on the table. This bill makes important investments in the Food Stamp Program that will make the program more user friendly both for those who utilize the Food Stamp Program and for those who administer it. I am especially proud of the measures that this bill takes to support working families who struggle in the low-wage sector of the economy. No longer is it enough just to have a job. In too many cases, a job isn't a ticket out of poverty but simply the maintenance of it. We must do more to support those working families who abide by the rules by ensuring that their children will not go to bed hungry.

This is not to say that I do not have reservations with the bill, some of them serious. In fact there are a number of areas where I believe that we can and should improve upon the bill reported out by the House of Representatives on Friday, October 5.

First, we must do more to pay attention to the needs of small, middle-income, and disadvantaged farmers. It is no secret that US farm policy has long favored large producers

who are both politically and economically connected to the agricultural community. However, this trend has grown even more pronounced in the years since passage of the ''Freedom to Farm'' bill in 1996. A recent report from the General Accounting Office found that the vast majority of US farm payments go to large producers of a small segment of commodities that are grown primarily in the nation's heartland. This must change. A farm bill should benefit all producers, large and small, in California, in Nebraska, and in North Carolina.

We have done an especially poor job of providing assistance to low and medium-income farmers, producers of specialty crops, and disadvantaged and minority farmers. As the Farm Bill moves forward, we must do more to treat all farmers equitably. Such an effort should involve increased outreach to small and minority farmers and equitable distribution of farm payments, geographically, by farm size, and by commodity type. If we do not accomplish this, we are negligent in our responsibility to producers of all sizes and types.

Finally, I would like to express my disappointment that this bill does not do more for the minority-serving colleges and research institutions. The minority-serving institutions have long played a positive role in advancing the interests of not only the minority agricultural community, but of American agriculture as a whole. The minority-serving institutions, even more than other institutions, are strategically placed to ensure that the American agricultural community enters the 21st century a diverse and vibrant one.

However, the minority-serving institutions have long suffered from lack of resources and historic inequities in research and development funding. As a result, these institutions have fared poorly in competitively awarded research grants. For example, a cursory examination of the grants awarded under the National Research Initiative reveals that, fiscal year 1999, the 1890s obtained just one half of one percent of total funding. Clearly, this situation warrants closer examination and amelioration.

This Farm Bill does nothing to change that situation and I will continue to work to see that it does. The current bifurcation between the mainstream land-grant institutions and the minority-serving institutions is unacceptable and it must change.

The burden now lies squarely with the Senate to draft their version of the Farm Bill. I look forward to their efforts and to working with them to achieve a final product which is not only fair to American farmers, but to all of the other myriad interests that this Congress must represent with the Farm Bill.

MEMORIAL FOR THE HEROES OF SEPTEMBER 11TH

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. OWENS. Mr. Speaker, the horror, pain and anger of the catastrophe of the World Trade Center Towers on September 11th defy description in words. Nevertheless, in memory of the thousands who died, poets, musicians and artists of all kinds must make the effort to express our sorrow, appreciation and hope. The following RAP poem is one of the numerous attempts to call forth hope out of this unprecedented devastation.

TOWERS OF FLOWERS

Pyramid for our age
Funeral pyre
Souls on fire;
Monumental Massacre
Mound of mourning
Futures burning
Desperate yearning
Excruciating churning;
For all the hijacked years
Cry rivers,
Feel the death chill
Iceberg of frozen
Bloody tears;
Defiant orations of Pericles
Must now rise
Out of the ashes
Jefferson's profound principles
Will outlive the crashes.
Funeral pyre
Souls on fire
Lincoln's steel will
In the fiery furnace;
Mound of mourning
Futures burning
Desperate yearning;
Thousands of honored dead
Perished in pain
But not in vain,
Martin Luther Kings courage
Will scrub the stain;
A new nation
Will overcome its rage
And for peace
March forever fully engaged.
Souls on fire
Funeral pyre
Pyramid for our age;
O say can you see
The monument of towers
Ashes hot with anger
Mountain of sacred flowers
Under God
Blooming with new powers.

A PROCLAMATION RECOGNIZING DONALD R. MYERS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. NEY. Mr. Speaker, Whereas, Mr. Myers was born and raised in Martins Ferry, Ohio; and,

Whereas, Mr. Myers is one of six Manpower Specialists in the United States; and

Whereas, his expertise has contributed to the creation of the Ohio Valley Plaza, Fox Commerce Industrial Park, Belmont Correctional Institution, Ohio Carings Company, Mayflower Vehicle Systems, Lesco, and Fox Run Hospital; and

Whereas, Mr. Myers served 16 years as the Director of Development for Martins Ferry, Ohio, before being named Assistant Director of Belmont County in 1987, and then in 1990 serving as Belmont's Development Director; and

Whereas, Mr. Myers currently serves as the President of Eastern Ohio Development Alliance and Ohio Mid-Eastern Government's Association;

Therefore, I invite my colleagues to join with me and the citizens of Ohio in thanking and recognizing Donald R. Myers for his countless years of service to the state of Ohio.

IN HONOR OF THE MIDWEST ASSOCIATION FOR LATIN AMERICAN STUDIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize the Midwest Association for Latin American Studies, MALAS, on their 51st Annual Conference at Cleveland State University.

The Midwest Association for Latin American Studies was originally organized as an interdisciplinary program designed to encourage students and practitioners of Latin American Studies to come together for formal events and informal networking. To accomplish this objective, MALAS organizes national and international annual conferences that address the many themes reflected in the diverse interests of the membership. This association provides for tremendous opportunities for those studying Latin America and a great way for these people to come together and truly discuss issues.

The Midwestern Association for Latin American Studies not only hosts an annual conference, but rather works year-round publishing newsletters, maintaining list serves, providing scholarships and awards, and so much more. Throughout the years, the association has continued to grow and foster even more activities for its members, and offers both academic and professional opportunities.

The Midwestern Association for Latin American Studies is an organization that truly embodies great principles and strongholds of education, and fosters an environment of learning and networking.

Mr. Speaker, please join me in honoring the 51st Annual Conference of the Midwest Association for Latin American Studies. The conference is bound to be a great success.

POPULATION AWARENESS WEEK

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 2001

Mr. ALLEN. Mr. Speaker, Rapid population growth and urbanization have become catalysts for many serious environmental problems that are applying substantial pressures on our country's infrastructure. This is especially apparent in sanitation, health, and public safety problems, making urbanization an issue we cannot afford to ignore. Cities and urban areas today occupy only 2 percent of the earth's land, but contain half of the world's population and consume 75 percent of its resources.

It is therefore important for us to recognize the problems associated with rapid population growth and urbanization. Governor Angus King has proclaimed the week of October 21–27 of this year as Population Awareness Week in the great state of Maine, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

Whereas, the world population stands today at more than 6.1 billion and increases by one billion people every 13 years; and

Whereas, the most significant feature of the 20th century phenomenon of unprecedented world population growth was rapid urbanization; and

Whereas, cities and urban areas today occupy only 2% of the earth's land, but contain 50% of its population and consume 74% of its resources; and

Whereas, the most rapid urban growth over the next two decades is expected in cities with populations ranging from 250,000 to one million; and

Whereas, along with advantages and amenities, the rapid growth of cities leads to substantial pressure on their infrastructure, manifested in sanitary, health and crime problems; and

Whereas, in the interest of national and environmental security, rations must redouble voluntary and humanitarian efforts to stabilize their population growth at sustainable levels, while at all times respecting the cultural and religious beliefs and values of their citizens.

Now, therefore, I, Angus S. King, Jr., Governor of the State of Maine, do hereby proclaim October 21–28, 2001 as Population Awareness Week throughout the State of Maine, and urge all citizens to take cognizance of this event.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2975, to deter and punish terrorist acts in the United States and around the world and to enhance law enforcement investigatory tools.

House Committee ordered reported the Economic Security and Recovery Act of 2001.

Senate

Chamber Action

Routine Proceedings, pages

The Senate was not in session today. It will next meet on Monday, October 15, 2001, at 3:30 p.m.

Committee Meetings

(Committees not listed did not meet)

AFGHANISTAN

Committee on Armed Services: Committee met in closed session to receive a briefing on current military operations in Afghanistan from officials of the Office of the Secretary of Defense and Joint Chiefs of Staff.

TOURISM INDUSTRY

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine the financial state of the United States tourism industry, after receiving testimony from Senators Clinton and Kyl; Hawaii Lt. Governor Mazie K. Hirono, Honolulu; Mayor Anthony A. Williams, Washington, D.C.; J. W. Marriott, Marriott International, Inc., and John Wilhelm, Hotel Employees and Restaurant Employees International Union, both of Washington, D.C.; Hal Rosenbluth, Rosenbluth International, Philadelphia, Pennsylvania; Marilyn Carlson Nelson, Carlson Companies, Inc., Minneapolis, Minnesota; and O. Mason Hurst II, ANC Rental Corporation, Ft. Lauderdale, Florida.

HOMELAND SECURITY

Committee on Governmental Affairs: Committee concluded hearings to examine legislative options to strengthen homeland defense, after receiving testimony from Senators Graham, Bob Smith, and Specter; Representatives Gilchrest, Harman, and Thornberry; Charles G. Boyd and Stephen E. Flynn, both of the Council on Foreign Relations, Lee H. Hamilton, Woodrow Wilson International Center for Scholars, and Thomas H. Stanton, National Academy of Public Administration, all of Washington, D.C.; and Gen. Barry McCaffrey, USA (Ret.), BR McCaffrey Associates, Inc., Alexandria, Virginia, former Director of National Drug Control Policy,

TERRORISM PREVENTION

Committee on the Judiciary: Subcommittee on Technology, Terrorism and Government Information concluded hearings to examine the role of technology in preventing the entry of terrorists in the United States, after receiving testimony from Glenn A. Fine, Inspector General, and James W. Ziglar, Commissioner, Immigration and Naturalization Service, both of the Department of Justice; Mary Ryan, Assistant Secretary of State for Consular Affairs; Steven Camarota, Center for Immigration Studies, and David Ward, American Council on Education, both of Washington, D.C.; Greg Spadorcio and Tony Doonan, both of the Automated Fingerprint Identification Systems/NEC Technologies, Inc., Gold River, California; and Paul Collier, Biometrics Foundation, Gaithersburg, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 3108–3128; and 3 resolutions; H. Con. Res. 248–249, and H. Res. 265 were introduced.

Pages H6779–80

Reports Filed: Reports were filed today as follows:

H. Res. 264, providing for consideration of H.R. 2975, to combat terrorism (H. Rept. 107–238); and

H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers (H. Rept. 107–239).

Page H6779

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative LaHood to act as Speaker pro tempore for today.

Page H6705

Recess: The House recessed at 9:07 a.m. and reconvened at 11:00 a.m. **Page H6706**

Pledge Across America: Pursuant to the order of the House of October 11, at 2 p.m. Representative Cox led the House in the Pledge of Allegiance.

Page H6726

Terrorism Deterrence: The House passed H.R. 2975, to deter and punish terrorist acts in the United States and around the world and to enhance law enforcement investigatory tools by a yea-and-nay vote of 337 yeas to 79 nays with 1 voting ''present'', Roll No. 386. Agreed to amend the title.

Pages H6726–76

By a yea-and-nay vote of 73 yeas to 345 nays, Roll No. 385, rejected the Nadler motion to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House forthwith with an amendment that defines the scope of provisions of Title II, Enhanced Surveillance Procedures, to investigations of domestic terrorism or international terrorism. **Pages H6773–75**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 3108, to deter and punish terrorist acts in the United States and around the world and to enhance law enforcement investigatory tools was considered as adopted. **Page H6739**

Modifications to amendment in the nature of a substitute considered as adopted:

Agreed to Waters unanimous consent request to strike section 1001 which dealt with payments of $250,000 to the estates of the 12 citizens killed in the 1998 terrorist bombings of the United States embassies in Kenya and Tanzania and **Page H6726**

Agreed to the Sensenbrenner unanimous consent request to strike section 302, Material Support for Terrorism, section 303, Assets of Terrorist Organizations, and section 304, Technical Clarification Relating to Provision of Material Support to Terrorism.

Page H6773

The Clerk was authorized to make technical changes and conforming changes in the engrossment of the bill. **Page H6776**

The House agreed to H. Res. 264, the rule that provided for consideration of the bill by a recorded vote of 214 ayes to 208 noes, Roll No. 384. Agreed to order the previous question by a yea-and-nay vote of 215 yeas to 207 nays, Roll No. 383.

Pages H6706, H6712–26

Earlier, agreed to H. Res. 263, waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against a special rule providing for consideration or disposition of H.R. 2975, to combat terrorism, by a yea-and-nay vote of 216 yeas to 205 nays, Roll No. 382. **Pages H6706–12**

Legislative Program: Representative Portman announced the legislative program for the week of October 15. **Pages H6776–77**

Meeting Hour—Tuesday, October 16: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 17 for morning hour debate. **Page H6777**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 18. **Page H6777**

Senate messages: Messages received today from the Senate appear on pages H6712.

Referrals: S.J. Res. 25 was held at the desk.

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H6712, H6725–26, H6726, H6775, H6775–76. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 4:36 p.m.

Committee Meetings

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International Relations held a hearing on ''Combating Terrorism: Assessing the Threat of Biological Terrorism.'' Testimony was heard from Ray Decker, Director, Defense

Capabilities Management Team, GAO; and public witnesses.

PATRIOT ACT

Committee on Rules: Granted, by voice vote, a closed rule providing 1 hour of debate on H.R. 2975, PATRIOT Act of 2001. The rule provides that, in lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. The rule waives all points of order against the bill, as amended. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Flake, Castle, Cunningham, Oxley, Forbes, Frank, Berman, Jackson-Lee, Delahunt, Scott, Millender-McDonald and Deutsch.

ECONOMIC SECURITY AND RECOVERY ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 3090, Economic Security and Recovery Act of 2001.

CONGRESSIONAL PROGRAM AHEAD

Week of October 15 through October 20, 2001

Senate Chamber

On *Monday,* at 4:30 p.m., Senate will resume consideration of the motion to proceed to consideration of H.R. 2506, Foreign Operations Appropriations, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill to occur at 5:30 p.m.

During the balance of the week, Senate may consider any other cleared legislative and executive business, including appropriation bills when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: October 16, Subcommittee on Readiness and Management Support, to hold closed hearings to examine the security of the Department of Defense ammunition shipments, 10 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: October 16, to resume hearings to examine the failure of Superior Bank, FSB, Hinsdale, Illinois, 10 a.m., SD–538.

October 17, Full Committee, to hold hearings on the nominations of Susan Schmidt Bies, of Tennessee, and Mark W. Olson, of Minnesota, each to be a Member of the Board of Governors of the Federal Reserve System, 9:30 a.m., SD–538.

October 18, Subcommittee on Housing and Transportation, to hold hearings to examine State and local responses to lead-based paint poisoning, 10 a.m., SD–538.

October 18, Full Committee, to hold hearings on the nomination of James Gilleran, of California, to be Director of the Office of Thrift Supervision, Department of the Treasury, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: October 16, Subcommittee on Communications, to hold hearings to examine emergency 911 matters, 10 a.m., SR–253.

Committee on Energy and Natural Resources: October 18, Subcommittee on Public Lands and Forests, to hold oversight hearings to examine the investigative report of the Thirtymile Fire and the prevention of future fire fatalities, 2:30 p.m., SD–366.

Committee on Environment and Public Works: October 16, to hold hearings to review the Federal Emergency Management Agency's response to the September 11, 2001 attacks on the Pentagon and the World Trade Center, 10 a.m., SD–406.

October 17, Full Committee, to hold hearings on the nomination of William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; the nomination of Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency; and the nomination of Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service, Department of the Interior, 9:30 a.m., SD–406.

October 18, Subcommittee on Fisheries, Wildlife, and Water, to hold oversight hearings to examine innovative financing techniques for water infrastructure improvements, 9:30 a.m., SD–406.

Committee on Governmental Affairs: October 17, with the Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine federal efforts to coordinate and prepare the United States for bioterrorism, 9:30 a.m., SD–342.

October 17, Subcommittee on International Security, Proliferation and Federal Services, with the Committee on Governmental Affairs, to hold hearings to examine federal efforts to coordinate and prepare the United States for bioterrorism, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: October 16, business meeting to consider S. 1379, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; S. 727, to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; proposed legislation with respect to mental health and terrorism, proposed legislation with respect to cancer screening; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill regarding mental health and terrorism; an original bill regarding cancer screening; and the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor, 2:30 p.m., SD–430.

October 18, Full Committee, to hold hearings to examine economic security, focusing on employment-unemployment issues, 10 a.m., SD–430.

Committee on the Judiciary: October 17, to hold hearings to examine homeland defense matters, 10 a.m., SD–106.

October 17, Subcommittee on Immigration, to hold hearings to examine effective immigration controls to deter terrorism, 10 a.m., SD–226.

October 18, Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

Committee on Small Business and Entrepreneurship: October 16, to hold hearings on the nomination of Thomas M. Sullivan, of Massachusetts, to be Chief Counsel for Advocacy, Small Business Administration, 10:15 a.m., SR–428A.

Committee on Veterans' Affairs: October 16, to hold hearings to examine the Department of Veterans Affairs's Fourth Mission—caring for veterans, servicemembers, and the public following conflicts and crises, 2:30 p.m., SR–418.

House Chamber

To be announced.

House Committees

Committee on Education and the Workforce, October 16, hearing on Economic Recovery and Assistance to Workers, 2:30 p.m., 2175 Rayburn.

October 16, Subcommittee on the 21st Century Workforce, hearing on Welfare Reform: Success in Moving Toward Work, 10 a.m., 2175 Rayburn.

October 17, Subcommittee on Select Education, hearing on Prevention and Treatment of Child Abuse and Neglect: Policy Directions for the Future, 10 a.m., 2175 Rayburn.

October 18, Subcommittee on Employer-Employee Relations, hearing on Retirement Security for the American Worker: Opportunities and Challenges, 2:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, October 17, Subcommittee on Commerce, Trade and Consumer Protection, hearing on the State of the U.S. Tourism Industry, 10 a.m., 2123 Rayburn.

October 18, Subcommittee on Oversight and Investigations, hearing on Issues Concerning the Use of MTBE in Reformulated Gasoline: An Update, 10 a.m., 2322 Rayburn.

October 18, Subcommittee on Telecommunications and the Internet, hearing entitled ''Transition to Digital Television: Progress on Broadcaster Buildout and Proposals to Expedite Return to Spectrum,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, October 17, Subcommittee on Financial Institutions and Consumer Credit, hearing on deposit insurance reform, 10 a.m., 2128 Rayburn.

October 18, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled: ''Protecting Policyholders from Terrorism: Private Sector Solutions,'' 1 p.m., 2128 Rayburn.

Committee on Government Reform, October 16, Subcommittee on Civil Service and Agency Organization, hearing on ''Health Care Inflation and Its Impact on the FEHBP,'' 1 p.m., 2247 Rayburn.

October 16, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''Natural Gas Infrastructure and Capacity Constraints,'' 12 p.m., 2154 Rayburn.

October 17, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on ''Keeping a Strong Federal Law Enforcement Work Force,'' 1 p.m., 2247 Rayburn.

October 17, Subcommittee on Technology and Procurement Policy, hearing on ''Turning the Tortoise Into the Hare: How Federal Government Can Transition From Old Economy Speed to Become a Model for Electronic Government,'' 2 p.m., 2154 Rayburn.

October 19, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, oversight hearing on the Implementation of the Presidential Records Act of 1978, 10 a.m., 2154 Rayburn.

Committee on International Relations, October 17, hearing on Coercive Population Control in China: New Evidence of Forced Abortion and Forced Sterilization, 10:15 a.m., 2172 Rayburn.

October 17, Subcommittee on the Middle East and South Asia, hearing on Developments in the Middle East, 2 p.m., 2172 Rayburn.

October 18, full Committee, hearing on America's Assistance to the Afghan People, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, October 17, Subcommittee on Immigration and Claims, oversight hearing on Immigration and Naturalization Service Performance Issues, 10 a.m., 2237 Rayburn.

October 18, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on Intellectual Property Litigation, 10 a.m., 2141 Rayburn.

Committee on Resources, October 16, Subcommittee on Forests and Forest Health, hearing on H.R. 2963, Deep Creek Wilderness Act, 3 p.m., 1334 Longworth.

October 16, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 1963, to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for the study for potential addition to the National Trails System; and H.R. 2238, Fern Lake Conservation and Recreation Act of 2001, 10 a.m., 1334 Longworth.

October 17, full Committee, to mark up the following bills: H.R. 483, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001; H.R. 1913, to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation; H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse within and outside of the service area of the Lakehaven Utility District, Washington; and H.R. 2585, Chiloquin Dam Fish Passage Facility Study Act of 2001; followed by a hearing on H.R. 1239, to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California; and H.R. 2742, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; 10 a.m., 1324 Longworth.

October 18, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H.R. 1071, National Sea Grant College Program Authorization Enhancement Act; and the National Sea Grant College Program Act Amendments of 2001, 10 a.m., 1324 Longworth.

October 18, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following: H.R. 2234, Tumacacori National Historical Park Boundary Revision Act of 2001; H.R. 2388, National Heritage Areas Policy Act of 2001; and a measure to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming to the Corporation of the Presiding Bishop, 10 a.m., 1334 Longworth.

Committee on Rules, October 16, to consider the following: conference report to accompany H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002; the conference report to accompany H.R. 2904, 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 H.R. 3004, Financial Anti-Terrorism Act of 2001, 5 p.m., H–313 Capitol.

Committee on Small Business, October 17, hearing on ''Depreciation Schedules: How Can Congress Provide Relief for America's Small Businesses,'' 2 p.m., 2360 Rayburn.

October 18, Subcommittee on Regulatory Reform and Oversight, hearing on EPA Rulemaking: Do Bad Analyses Lead to Irrational Rules? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 17, Subcommittee on Aviation, hearing on Restrictions on General Aviation Flying in Class B Airspace, 1:30 p.m., 2167 Rayburn.

October 17, Subcommittee on Coast Guard and Maritime Transportation, hearing on Drug Interdiction, 10 a.m., 2167 Rayburn.

October 18, Subcommittee on Highways and Transit, hearing on TEA 21 Success Stories, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, October 15, hearing on VA's Ability to Respond to DOD Contingencies and National Emergencies,'' 2 p.m., 334 Cannon.

Committee on Ways and Means, October 18, Subcommittee on Social Security, hearing on the ''Social Security Administration's Response to the September 11 Terrorist Attacks,'' 10 a.m., B–318 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: October 17, to hold hearings to examine the Romanian leadership of the Organization for Security and Cooperation in Europe (OSCE), reviewing the strengthening of security, prevention of conflict, and management of crisis, 9:30 a.m., SR–485.

Joint Economic Committee: October 17, to hold hearings to examine monetary policy in the context of the current economic situation, 10 a.m., room to be announced.

Next Meeting of the SENATE

3:30 p.m., Monday, October 15

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will resume consideration of the motion to proceed to consideration of H.R. 2506, Foreign Operations Appropriations, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill to occur at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, October 16

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1887
Allen, Thomas H., Maine, E1888
Baca, Joe, Calif., E1884
Barr, Bob, Ga., E1868
Bentsen, Ken, Tex., E1876, E1878
Bereuter, Doug, Nebr., E1871
Berman, Howard L., Calif., E1865
Cantor, Eric, Va., E1879
Chambliss, Saxby, Ga., E1867, E1881
Clayton, Eva M., N.C., E1887
Clyburn, James E., S.C., E1883
Davis, Tom, Va., E1860
Delahunt, William D., Mass., E1860
Ehrlich, Robert L., Jr., Md., E1885
Engel, Eliot L., N.Y., E1856
Eshoo, Anna G., Calif., E1874, E1876
Evans, Lane, Ill., E1859
Frank, Barney, Mass., E1855
Gilman, Benjamin A., N.Y., E1863, E1864
Gonzalez, Charles A., Tex., E1861
Green, Mark, Wisc., E1884
Harman, Jane, Calif., E1865, E1879
Hastings, Alcee L., Fla., E1886
Hoeffel, Joseph M., Pa., E1865
Honda, Michael M., Calif., E1868, E1885
Hyde, Henry J., Ill., E1881
Israel, Steve, N.Y., E1866
Johnson, Eddie Bernice, Tex., E1875, E1877
Johnson, Sam, Tex., E1869
Kildee, Dale E., Mich., E1866, E1883
Kolbe, Jim, Ariz., E1858
Kucinich, Dennis J., Ohio, E1855, E1858, E1860, E1861, E1874, E1876, E1878, E1888
LaFalce, John J., N.Y., E1866
Lampson, Nick, Tex., E1864
Langevin, James R., R.I., E1862, E1863, E1865
Lee, Barbara, Calif., E1875, E1877
Maloney, Carolyn B., N.Y., E1881
Manzullo, Donald A., Ill., E1883
Morella, Constance A., Md., E1880
Nadler, Jerrold, N.Y., E1883
Napolitano, Grace F., Calif., E1884
Neal, Richard E., Mass., E1858
Ney, Robert W., Ohio, E1888
Norton, Eleanor Holmes, D.C., E1879
Ortiz, Solomon P., Tex., E1886
Owens, Major R., N.Y., E1888
Pallone, Frank, Jr., N.J., E1882
Pastor, Ed, Ariz., E1870, E1886
Paul, Ron, Tex., E1880
Radanovich, George, Calif., E1861
Rangel, Charles B., N.Y., E1855
Reynolds, Thomas M., N.Y., E1867
Saxton, Jim, N.J., E1878
Schaffer, Bob, Colo., E1857, E1875, E1877
Schakowsky, Janice D., Ill., E1863
Schiff, Adam B., Calif., E1865
Sherman, Brad, Calif., E1862, E1864, E1865
Sherwood, Don, Pa., E1865
Shuster, Bill, Pa., E1882
Slaughter, Louise McIntosh, N.Y., E1866
Smith, Nick, Mich., E1862
Solis, Hilda L., Calif., E1876, E1878
Tiahrt, Todd, Kans., E1855
Towns, Edolphus, N.Y., E1867
Udall, Mark, Colo., E1880
Udall, Tom, N.M., E1860, E1880
Underwood, Robert A., Guam, E1883
Velázquez, Nydia M., N.Y., E1879
Wamp, Zach, Tenn., E1882
Watts, J.C., Jr., Okla., E1868
Waxman, Henry A., Calif., E1865
Weldon, Curt, Pa., E1885●

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.