United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, OCTOBER 30, 2001 No. 147

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

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

Gracious God, a very present help in trouble, we praise You for Your tenacity to live through troubled times. We listen in on Your conversation with the Psalmist when he was beset with trouble. We hear Your gracious invitation: ''Call on Me in the day of trouble; I will deliver you, and you shall glorify Me.''—Psalm 50:15. We respond with the Psalmist, ''Hear my prayer, O Lord. Do not hide Your face from me in the day of trouble; incline Your ear to me . . . though I walk in the midst of trouble, You will revive me.''—Psalms 102:1; 138:7.

Thank You, Lord, for Your reviving power. You revive us with convictions which cannot be compromised: You are our refuge and our strength; You have blessed our Nation through our history; You will help us be victorious over the evil of terrorism. We also are revived by the replenishing of our confidence: You will save us through our present crisis; we need not fear. We feel Your Spirit surging into our souls: anxiety is replaced by serene security, frustration by faith, tiredness with temerity, caution with courage. And so we say with the Psalmist, ''In the day when I cried out, You answered me, and made me bold with strength in my soul.''—Psalm 138:3. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF BINGAMAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the day will begin with consideration of the Labor-HHS Appropriations Act. Senators HARKIN and SPECTER are managing this bill. We are going to have a party conference recess from 12:30 to 2:15 today. There will be no rollcall votes prior to 2:15.

I just left a meeting with the majority leader, Senator DASCHLE. He would like to be able to finish the business of the Senate as soon as possible. We have 3 weeks until the Thanksgiving holiday. There is a lot to do. Everybody recognizes that. We completed two appropriations bills that have been sent to the President. We hope to be able to complete this bill even today. That would be what the managers want. They have worked very hard to get to the point where we now are. The two managers are experienced in one of the most difficult bills we normally have. I think this year much of the difficulty has already been completed prior to its arriving on the floor.

So I hope those people who wish to offer amendments will recognize that we are going to come up with a unanimous consent agreement really soon on a time when amendments must be submitted. We haven't completed that with the managers yet, but they agree that something should be done in that regard.

MEASURES PLACED ON CALENDAR—S. 1573 AND H.R. 1552

Mr. REID. Mr. President, I understand there are two bills at the desk that have been read for the first time; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that it be in order that S. 1573 and H.R. 1552, en bloc, receive a second reading, and I will object to any further consideration of these two matters.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1573) to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

A bill (H.R. 1552) to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

RESERVATION OF LEADER TIME

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

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

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

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

The assistant legislative clerk read as follows:

A 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.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the assistant majority leader for his statement about scheduling. It is my hope and it is my recommendation that we proceed very promptly with this bill, with the possibility of concluding it before the end of business today, or certainly no later then midday tomorrow.

There has been ample time for Senators to consider amendments to this legislation. Last year, this bill was reported out of committee on June 30 and floor action was concluded on July 27, and because of scheduling this year, it has come at a later time, understandably. Senators have had an opportunity to consider whatever amendments they want to offer. There is real concern as to what may happen in the remainder of the legislative season, and there has been some talk and most of us, if not all of us, do not want to see a continuing resolution.

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today contains $123.1 billion in discretionary spending, the full amount of the subcommittee's budget authority allocation under section 302(b) of the Budget Act. This amount represents an increase of $11.4 billion over the FY'01 freeze level. The bill is within its outlay allocation of $107.7 billion. In addition, $300 million in emergency spending is also included for the Low Income Home Energy Assistance Program.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Senator HARKIN, the chairman of the committee, for his hard work in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Few things are more important than a person's health and few things are more feared than ill health. Medical research into understanding, preventing, and treating the disorders that afflict men, women and children in our society is the best means we have for protecting our health and combating disease.

Since January 2001, the Labor-HHS Subcommittee has held 12 hearings on medical research issues. We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases such as Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, muscular dystrophy, multiple sclerosis, heart disease and many other serious health disorders. The bill before the Senate contains $23.7 billion for the National Institutes of Health, the crown jewel of the Federal Government. The $3.4 billion increase over the FY 2001 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by FY 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

The use of human embryonic stem cells for research has become an issue that is consistently debated in the press, on radio and television, and amongst people around the world. The fact that in fewer than 3 years, stem cell research has gone from an avant garde interest of a few select scientists to a common, contemporary issue reveals the immense potential that stem cells offer ailing patients.

Yet coming to terms with the inherent moral and ethical issues of stem cell research is difficult. We struggle with the balance of our respect for human life against the compassion we have for those who suffer from diseases that could be cured by stem cells. On August 9, 2001, President Bush recounted his own struggle with this volatile issue. The President made a diligent, valiant effort to reach an accord that would satisfy all sides.

I believe that limits on the use of Federal research money to only existing stem cell lines, will place barriers in the path of medical progress. We are just beginning to understand which researchers and companies throughout the world have ownership of these existing stem cell lines and we have little knowledge of their property rights, plans to share or license the use of those lines to other researchers, or whether the donors of those embryos have given the requisite informed consent. We know little about the quality of those existing stem cell lines, although up to one-third of them may be so fragile that they will be of no use to any researcher. We do not know how future therapies will be developed for our genetically diverse population from only a few select genetic lines. Perhaps most importantly, we are now learning that the existing stem cell lines may be inappropriate for producing any human therapies because of their exposure to mouse feeder cells while growing in culture.

Since 1998, the Subcommittee on Labor, Health and Human Services and Education has held nine hearings to explore the potential medical benefits of stem cell research. The subcommittee has heard more than 21 hours of testimony from some of the most preeminent scientists in the world who have described how stem cells have the potential to cure the most common diseases afflicting Americans today. We have heard from ethicists who have discussed the moral and social implications of pursuing this line of research. We have listened to company executives who recount their ideas and hopes for delivering therapies to patients and patent attorneys discussing intellectual property rights. But the most striking and most compelling testimony has been from patients who suffer from disease and disabilities that destroy lives.

The Labor-HHS and Education bill before the Senate adds a new provision to the existing embryo ban (carried in the bill since FY'96). This language permits Federal dollars to be used—at the discretion of the President—for research on embryonic stem cells from embryos that meet the following criteria: created in excess of clinical need, will otherwise be discarded, and are donated with the written consent of the progenitors. This language for the first time, states that Federal dollars may be used for embryonic stem cell research.

Since September 11, 2001, Americans have become acutely aware that our enemies will use any means to murder and maim large numbers of U.S. civilians. The use of biological agents is no longer a threat—it is a reality. The deaths of 3 individuals from inhalational anthrax and the infection of others with the cutaneous form of the disease has made all of us aware of the need to act quickly to provide the funds needed for prevention and treatment needs. The committee has included $338 million to coordinate state and local readiness, stockpile appropriate pharmaceuticals, and build our public health infrastructure to respond to any act of bioterrorism. The anthrax found in Senator DASCHLE's office and in the House and Senate mail rooms, at postal facilities in New Jersey and the District of Columbia and surrounding areas, in news and other media facilities proves that we must try and prevent, detect and quickly respond to any further acts of bioterrorism. Additional dollars to address bioterrorism needs will be considered during supplemental appropriations bills in November.

For the first time, the committee has included $1 million for a public awareness campaign to educate Americans about the existence of spare embryos and adoption options. During stem cell hearings, we were made aware that

there are 100,000 spare frozen embryos stored in in-vitro fertilization clinics throughout the United States. Many infertile couples could choose to adopt and implant such embryos if they were aware of that option.

Since 1999, $2.9 billion has been devoted to programs to assist communities in preventing youth violence. This year the committee has included $1.542 billion to continue to address youth violence in a comprehensive and coordinating manner throughout the Federal Government. Funds will be used to improve research, prevention, education, and treatment strategies to identify and combat youth violence.

To enable all children to develop and function at their highest potential, the bill included $6.6 billion for the Head Start Program, an increase of $400 million over last year's appropriation. This increase will provide services to 916,000 children in 49,420 classrooms across the Nation.

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $1.34 billion for community health centers. This amount presents an increase of $175.1 million over the FY 2001 appropriation. These centers provide health care to nearly 12 million low-income patients, many of whom are uninsured.

Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides $818.7 million for programs specifically addressing the health needs of women. Included in this amount is $27.4 million for the Public Health Service, Office of Women's Health, an increase of $6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is $266 million for family planning programs; $124.2 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; $167.2 million for sexually transmitted diseases; $195 million for breast and cervical cancer screening; and $39 million for the Office of Research on Women's Health at the National Institutes of Health.

In FY'01, the Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors and these deaths may cost up to $29 billion in excess health care expenditures and lost productivity each year. The bill before the Senate contains $60 million to determine ways to reduce medical errors, an increase of $10 million over the FY'01 appropriation.

The bill maintains $2 billion for the Low Income Home Energy Assistance Program. The amount, when combined with the additional $300 million in emergency appropriations, will provide a total of $2.3 billion for the LIHEAP Program in FY'02. LIHEAP is the key energy assistance program for low income families in Pennsylvania and in other cold weather states throughout the Nation. Funding support grants to States to deliver critical assistance to low income households to help meet higher energy costs.

For programs serving the elderly, the bill before the Senate recommends $2.4 billion. Included is: $366 million for supportive services and senior centers; $561 million for congregate and home-delivered nutrition services; and $202.5 million for the national senior volunteer corps; $450 million for the community service employment program which provides part-time employment opportunities for low-income elderly. Also, the bill provides $909.1 million for the National Institute on Aging for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

The bill includes $5.1 billion for AIDS research, prevention and services. Included in this amount is $1.833 billion for Ryan White programs, an increase of $75.4 million; $781.2 million for AIDS prevention programs at the Centers for Disease Control; and $2.375 billion for research at the National Institute of Allergy and Infectious Diseases.

To enhance this Nation's investment in education, the bill before the Senate contains $48.5 billion in discretionary education funds, an increase of $6.3 billion over the FY'01 freeze level, and $4 billion more than the President's budget request.

For programs to educate disadvantage children, the bill recommends $11.8 billion, an increase of $1.8 billion over last year's level. The bill also includes $200 million for the Even Start program to provide educational services to low-income children and their families; $36 million for the education of homeless children, and $30 million for migrant education programs.

For school improvement programs, the bill includes $8.7 billion, an increase of $1.6 billion over the FY'01 appropriation. Within this amount, $3.039 billion will be used for a new state grant program for improving teacher quality. To assist States and local education agencies in developing education reform initiatives, the bill includes $410 million. Also included is $925 million for grants to local education agencies for emergency school renovation and repair activities. The committee recommendation includes $712.1 million for educational technology state grants, as authorized under the Senate-passed version of H.R. 1. This program consolidates the four current educational technology programs.

For the 21st century After School Program, the bill provides $1 billion, an increase of $154.4 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

For Impact Aid programs, the bill includes $1.130 billion, an increase of $137.1 million over the 2000 appropriation. Included in the recommendation is: $50 million for payments for children with disabilities; $954 million for basic support payments, an increase of $72 million; $68 million for construction and $50.5 million for payments for Federal property.

The bill provides $516 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of $56 million over the 2001 appropriation.

The $8.4 billion provided in the bill will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. The $999.6 million increase over the FY'01 appropriation will serve an estimated 6.5 million children age 3–21, at a cost of $1,133 per child. While also supporting 612,700 preschoolers at a cost of $637 per child.

To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides $805 million for the TRIO program, a $75 million increase over the 2001 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

For student aid programs, the bill provides $12.3 billion, an increase of $1.6 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by $250 for a maximum grant of $4,000. The supplemental educational opportunity grants program has also been increased by $22.1 million, the work study program is held at the FY'01 level and the Perkins loans programs is increased by $15 million.

In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides $5.5 billion for job training programs, $80.8 million over the 2001 level. Also included is $1.4 billion for Job Corps programs; $950 million for adult training; and $1.549 billion for retraining dislocated workers and $1.127 billion for youth training.

The bill provides $1.422 billion for worker protection programs, an increase of $63.8 million above the 2001

appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

The bill includes $395 million for the Corporation for Public Broadcasting, an increase of $30 million over the FY'2003 appropriation. In addition to the core amount provided for CPB, the Committee recommends $25 million for the conversion to digital broadcasting.

There are many other notable accomplishments in this bill, but for sake of time, I have mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation.

This bill has very substantial additional funding for education—some $4 billion more than last year. It has very considerable additional funding for the National Institutes of Health, which funding has been a priority, on which the distinguished chairman, Senator HARKIN, and I have worked during his chairmanship in the early 1990s and mine for 6½ years, beginning in 1995 through earlier this year. If there is a continuing resolution, those increases will not be realized.

I think there is also an appropriate point of emphasis with what is happening in the country. I believe other Senators share my belief that there is a real need for us to spend time in our States with our constituents, telling them what is happening in the world and telling them what is happening in America. We all know that all of this work should have been finished by September 30. Here we are on October 30.

So I urge my colleagues, in furtherance of what the distinguished Acting majority leader has said, to let us know what the amendments are and offer to bring them. If we are not accorded that kind of consideration, it is my hope we will move to the third reading so that we can go to conference.

This is not going to be an easy bill to conference. Unless we proceed with dispatch, we will not have the benefit of these very substantial increases in funding.

I thank the Chair and my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have spoken with the managers of the bill, and being a member of the committee, I have been so impressed with the hearings these two Senators have held over the last several years. It does not matter who is the chairman of the subcommittee; they have done outstanding work. They are always on the cutting edge of what is going on in the country. So I hope people will realize what an important bill this is.

I am going to work to have a unanimous consent agreement in order that by 4 o'clock this afternoon there will be a filing deadline for first-degree amendments on this bill. We will work on that while the managers are giving their opening statements.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank our assistant majority leader for his efforts in this regard. I thank him for all of his support through the years, and especially this year, for bringing this bill before the Senate. It is an important bill.

I will give my opening statement in a moment. I certainly hope we are able to reach some agreement on the filing of amendments sometime this afternoon. This bill has been laid to the side for a long time. People have known it was going to come up. I hope we can get the amendments filed. I hope we can dispense with this bill, if not today, as was said, early tomorrow. There is no reason we cannot finish the bill today. I hope we can move in that direction. I thank Senator REID for his efforts in this regard.

AMENDMENT NO. 2017

Mr. HARKIN. Mr. President, I send a substitute amendment to the desk, which is the text of the Senate-committee-reported bill, and ask the clerk to report it.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 2017.

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

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

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment be agreed to; that the motion to reconsider be laid upon the table; that the amendment be considered as original text for the purpose of further amendment; and that no points of order be considered waived by virtue of this agreement.

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

Mr. HARKIN. Mr. President, as chairman of the Labor, Health and Human Services, and Education Subcommittee of the Senate Appropriations Committee, I am very pleased to bring before the Senate the 2002 appropriations bill for the Department of Labor, Department of Health and Human Services, Department of Education, and related agencies.

I am also pleased to report that the bill was approved on a unanimous bipartisan vote on October 11.

I begin by thanking my good friend and partner in this effort, Senator SPECTER, and his excellent staff for working with me and my staff to put together this bill on a bipartisan basis. This is always one of the most difficult bills to put together, and it is certainly one of the most important.

Our Nation's health and the strength of our tomorrow are shaped by the critical health, education, and labor investments made by this bill.

I also thank Chairman BYRD and Senator STEVENS for their steadfast support and guidance throughout the year and for their good work in helping us get an enhanced allocation.

The bill we are putting forward today obviously is not perfect, not by a long shot, but given the limited resources with which we had to work, I think it is a very strong bill and one I can strongly recommend.

As we have done throughout our over 10-year partnership working on this subcommittee, the fiscal year 2002 bill is truly the product of bipartisan negotiation as Senator SPECTER and I have worked closely together to shape it. We have done our best to accommodate the literally thousands of requests we have received from our colleagues.

Mr. President, I will highlight some of the main features of the proposal before us.

First, it takes a number of important steps to improve the quality, affordability, and accessibility of health care in America. By providing a record $3.4 billion increase to medical research funded by the National Institutes of Health, we are keeping our 5-year commitment to double our national investment in potential medical breakthroughs. This action holds the hope of improving the lives of millions plagued by killers such as Alzheimer's, cancer, Parkinson's, diabetes, osteoporosis, spinal cord injuries, and so many others.

The bill also makes a major improvement in access to affordable health care by providing a record $175 million increase to community health centers and major increases in critical prevention activities such as cancer and heart disease screening. These changes are preventive in nature and will save lives and improve health.

The bill also has a major new effort to improve health care in our rural areas and small towns. We will bring more doctors and nurses and other health professionals to places they are needed by expanding the National Health Service Corps and the Nurse Loan Repayment Program. Our struggling rural hospitals are given help to

deal with Medicare paperwork burdens and help to expand into other activities such as adult daycare.

As a Senator from Iowa and as co-chair of the Senate Rural Health Caucus, I know how sorely these changes are needed.

Education continues to be a top priority of this subcommittee, and while our bill provides substantial new investments in quality education, it is my strong hope and expectation that more resources will be provided when we complete action on the education reform bill now in conference.

I also sit on that conference committee, led by our distinguished chairman, Senator KENNEDY. That bill, which is now in conference, contains an amendment that was offered by Senator HAGEL and me that the Senate approved without one dissenting vote, that we will finally meet our commitment to fully fund special education. We need that provision to do right by our schools and our local property tax payers.

That amendment in that bill—I am talking not about the bill before us, but the education reform bill that is in conference—the amendment Senator HAGEL and I offered, would over the next several years increase from the present level of 15 percent to 40 percent the amount the Federal Government will put into special education on an average-cost-per-pupil basis.

Twenty-five years ago when we passed the special education bill, the Individuals with Disabilities Education Act, we stated at that time that the goal of the Federal Government was to provide 40 percent of the average-per-pupil cost. That was 25, actually 26, years ago, and we are now at 15 percent.

Special education continues to be one of the highest costs to our local school districts, one that is burdening our local school systems and our local property tax payers. Yet the Federal Government has not lived up to its commitment. So in that education bill, Senator HAGEL and I offered an amendment to boost that funding. It is now in conference, and hopefully we will keep that provision in the bill.

That will, of course, free up some money for other parts of education which we did not have in our bill and were unable to meet all the needs.

I especially want to say with the downturn in the economy, I believe we are going to need more money especially for title I programs in education for the next year, and beyond that depends on what happens to the economy. Certainly we are going to need it for the next year.

Again, I am hopeful the education bill that is in conference will continue; that the House will recede to the Senate and will keep that money for special education.

I am also very pleased to report this bill before us today contains nearly $1 billion to make needed repairs to our schools, including necessary security enhancements. Last year, this subcommittee, under the leadership of Senator SPECTER, started an initiative to help our local school districts make their schools safe. It has been extremely popular in the States, and in a time of economic downturn, this job-creating initiative is even more urgent and it should be continued.

I will, at some appropriate point, point out on a chart how much all of the various States have received in the last year to make needed repairs, to bring their schools up to fire and safety code requirements, and to make needed security enhancements for their schools. As I said, it has been very helpful to the States. The Governors all support it; the school boards support it; and the parent-teacher associations. There is no one who is opposed to it.

So we put the money back in this year to keep it going. With all of the talk about stimulus and stimulus package, and looking at the stimulus package the House sent us with all of the tax breaks for huge corporations, it seems to me the best stimulus we could provide would be to send money directly to our communities so they could repair and modernize their schools. We get a couple bangs for the buck on that. We put people to work; it stimulates local economies, and of course that has a backup effect because there will be suppliers of different equipment, and it provides for all kinds of multiplier effects in the economy.

The second thing we get when we finish is we get something of lasting value for our country: better schools. So I am hopeful this program will be continued.

This bill also makes college more affordable for millions of young people by increasing the Pell grant maximum to $4,000 and increasing the TRIO by $75 million, which brings that program's total funding to $805 million.

The bill also makes an important downpayment on needed improvements to elementary and secondary education. It increases funding for title I by $1.4 billion, to a total of $10.2 billion. It increases afterschool programs by $154 million, which brings that to a total of about $1 billion. It increases funding for teacher quality by over $900 million for a total of just over $3 billion for teacher quality.

This bill also funds crucial worker protection and job training efforts. I am pleased we have been able to improve our commitment to worker training and safety in this bill. We have also funded our State unemployment offices to handle the increased caseload they will face with the economic downturn.

Coming from a State with one of the highest percentages of senior citizens in the Nation, I am keenly aware of the many needs of our Nation's seniors. Accordingly, our bill contains a substantial initiative to improve services to our Nation's elderly. We will allow many more homebound seniors to receive Meals on Wheels. This is a very good, low-cost program that helps the elderly and disabled in small towns and urban centers all over our country. For many of the seniors it is their only hot meal of the day and often the person who delivers the meal is the only visitor they have during the entire day.

This bill also provides a major increase in services such as adult daycare, to help seniors remain in their own homes and to give their loved ones needed respite and support care.

Finally, our subcommittee has held a series of hearings on the need to better protect Americans from the threat of bioterrorism, which, of course, is on so many of our minds today, especially those of us who have offices in the Hart Building, knowing we are not going to be able to get our staffs back in the building for, I guess, a few more weeks, from what I understand. It is a concern of Americans all over America about the mail they receive and whether they are going to be exposed, whether or not our food is going to be safe. So bioterrorism is something we have to address.

This Friday, our subcommittee will be having a hearing on the potential threat of smallpox and what we are doing and what more we need to do to protect our country against this possible terrorist threat.

While the bill before us contains a modest level of funding to address this need of bioterrorism, a much larger package will be included in the antiterrorism supplemental appropriations bill. We have developed a detailed $2.3 billion plan that would beef up our public health system, boost our vaccine stockpiles, help hospitals respond to potential surges, boost vaccine research, and increase lab security.

This subcommittee is serious about meeting this threat head on, and we are prepared to fully fund a comprehensive, commonsense, antibioterrorism effort.

I conclude by saying Senator SPECTER and I are now prepared to move this bill. The leaders have asked us, as we heard earlier, to move the bill quickly. We are eager to complete it so we can get to conference with the House. So I hope, if Members have amendments, they will come to the Chamber and offer them. Hopefully, we can wrap up this bill sometime today.

As the chairman, I usually am aware of possible amendments. I must say at this point in time I have not heard of any amendments. So if any Senators have amendments, I hope they will come and offer them as soon as possible.

I want to thank my colleague, Senator SPECTER, and his staff for all their help in putting this bill together. As he said earlier, we have had a great partnership now going on over 10 years. We keep switching sides. One is the chairman or ranking member, then chairman or ranking member. Quite frankly, I like it a little bit better this way, but I could not have asked for a better chairman when I was ranking member.

I appreciate all of the many kindnesses he has afforded me, and the closeness with which we have worked over the years to develop our appropriations bills, especially this one this year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, to reiterate, I thank my distinguished colleague from Iowa for those very generous comments. It is not uncommon to hear hyperbole when one Senator talks about another, but the relationship which Senator HARKIN and I have developed for more than a decade represents bipartisanship at its best.

I understand when Senator HARKIN says he likes it a little bit better when he is the chairman. Some people would not be surprised to hear he likes it a lot better when he is the chairman. Senator HARKIN chaired the subcommittee prior to 1995 when I became chairman and was chairman for some 6½ years. The transition has been seamless. TOM HARKIN and ARLEN SPECTER learned a long time ago that if one wants to get something done in Washington, they have to be willing to cross party lines.

Our work on this subcommittee involves three of the most important subjects on which the Congress has to appropriate, and that is on education, where it is a priority second to none; and health, which has a standing with education; and labor and work safety are matters of enormous importance where the public interest is very well served by this kind of bipartisanship and this kind of cooperation.

We have structured a bill with the assistance of a superb staff. Both Senator HARKIN and I refer to our deputies, Ellen and Betty Lou, as deputy Senators because they take over. We have the final say, but they are tremendous.

Mr. HARKIN. We do?

Mr. SPECTER. Senator HARKIN just said, ''We do?'' And I would add: Yes, sir, we do.

Mr. HARKIN. We think we do.

Mr. SPECTER. It is an enormous staff contribution. Senator HARKIN and I have received more than a thousand requests from Senators for inclusion in this bill, and we have done our best to accommodate all those requests. We have accommodated a surprisingly high number as we have worked through the priorities on this bill.

This bill provides for $123 billion in budget authority, and that is an increase of $11.4 billion over last year, and we are within our 302(b) allocation. We are within the budget. This represents a determination by the Senate of the very high priority on these issues.

In providing funding for education, health and labor, with emphasis on worker safety, we have added funds to the National Institutes of Health which we believe to be the crown jewel of the Federal Government. We started on this very substantial increase for fiscal year 1998. Up until that time there had been increases but not enormous increases. Senator HARKIN and I determined this was the highest priority because of the tremendous number of ailments which were addressed by the National Institutes of Health.

That year, we asked the Budget Committee for an extra $1 billion; we were turned down. So we came to the floor and offered an amendment on the budget for an extra $1 billion; we lost 63–37. We got out the sharp pencils and found the extra $1 billion in priorities. The next year, having lost our effort for an extra $1 billion from the budgeting process, we asked for $2 billion; we were turned down again. We lost again on the floor, 52–48. But we have pursued this matter with tenacity and diligence, so that last year when we asked for $2.5 billion—this year we are asking for $3.4 billion—we had a vote of 96–4. We have had that kind of support. That reflects the Nation's mood.

From fiscal years 1998, 1999, 2000, and 2001—and if we mark in the $3.4 billion this year—we will have increased NIH funding by $11 billion on an existing budget in fiscal year 1997 of $12.7 billion. We believe that has been good for America. We have been able to watch NIH and, with other oversight, move within 5 years, perhaps, of conquering Parkinson's disease, delaying Alzheimer's disease, and made enormous achievements in cancer research and therapy and in heart disease.

I ask unanimous consent that at the end of my comments the long list of diseases tackled by the National Institutes of Health, with remarkable success, be printed in the RECORD.

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

(See Exhibit No. 1.)

Mr. SPECTER. Among the hearings our subcommittee has held since December of 1998, there were nine on stem cells, which burst upon the scene in November of 1998. The President has taken a significant step forward in authorizing Federal funding for all of the stem cell lines which were in existence as of August 9 at 9 p.m. Subsequent hearings by our subcommittee have disclosed the likelihood is high that will not be sufficient to have the kind of medical research which is necessary. The determination of that will await another day, candidly, as our country has been so heavily involved on the war against terrorism.

In response to very legitimate concerns which have been addressed by many about the possibility of having life from those embryos which are discarded on in vitro fertilization, we have included in this bill $1 million as a starting project to have an embryo adoption awareness campaign.

In in vitro fertilization, perhaps a couple will create a dozen of these embryos. Then there will be selected three or four of the strongest embryos for implantation, for in vitro fertilization. The bulk of the remaining embryos will be discarded. An issue has been raised about the possibility of adoption of these embryos. Certainly, if it were possible to bring all of these embryos to life, no one would suggest remotely they be used for research for stem cell extraction. But it is only because they are going to be discarded that it is concluded it is better to use them than to simply lose them and throw them away.

In an effort to have the maximum utilization possible of these embryos if life can be produced, we have started on this embryo adoption awareness campaign and have allocated $1 million—not an enormous sum of money, but enough for a start. If it moves ahead, we will be revisiting this matter with increased appropriations in subsequent years.

Our funding has been very extensive on other critical programs of the Department of Health and Human Services. The Centers for Disease Control, which is now very much in the headlines, was the subject of an additional $170 million last year for improvement of the plan. About 18 months ago, I made a visit to the Centers for Disease Control in Atlanta because I could not believe the stories I was hearing about renowned scientists working in corridors with their desks under extraordinarily difficult circumstances. I went to Atlanta. I found that the conditions were even worse than had been described.

Senator HARKIN and I crafted $170 million for our budget for capital improvements which will exceed some $1 billion over the course of years. This year, we have added some $250 million to that program. We have had a substantial increase in Head Start, of some $400 million, and we are now at $6.6 billion. The Ryan White AIDS program has an increase of $75 million to $1.888 billion. Children's Graduate Medical Education, a very important item, has had an increase up to $243 million.

On education on title I, disadvantaged youngsters, we have had the remarkable increase of $2.4 billion, or a total of some $11.8 billion. On the important item of teacher quality State grants, an increase of $930 million to $1.9 billion, we have had a virtual doubling of that important account. On special education, an item I hear about so often in my town meetings as I visit the 67 counties in Pennsylvania, we have had an increase of $1 billion, moving toward the goal of having the Federal Government fund 40 percent of special education.

Pell grantees have been raised consistently. Now they are at $4,000, an increase of $250 over last year. Gradually we are moving them up and up and up.

With respect to labor, the dislocated worker account, which is so important today with the economy having the difficulties which are so well known, we have an increase of $136 million, for a total of $1.5 billion.

Occupational Safety and Health Administration, OSHA, has an increase of

almost $25 million; mine safety, an increase of almost $10 million; the National Labor Relations Board, an increase of $10 million to try to get them to cope with their very heavy backlog.

That is a summary of some of the items in this bill. We think we have crafted the priorities in accordance with America's needs. These are three Departments of enormous importance. We have a substantial allocation for bioterrorism which we have addressed each year.

That will be in our regular budget—$338 million. That is going to have an increase yet to be determined.

We had a special hearing several weeks ago where the indications were a minimum of $1.5 billion, which was the request at that time. That is going to be substantially increased to enable us to cope with the very serious threat which confronts America today.

That is a very brief summary. I urge my colleagues to come to the Senate floor. Now is a good time to offer amendments. There is no competition; Senators may offer amendments right at the head of the line.

EXHIBIT NO. 1

DISEASES

Alzheimers.
Parkinsons.
ALS
Muscular dystrophy.
Diabetes.
Osteoporosis.
Cancers: breast, cervical and ovarian; lymphoma; multiple myeloma; prostate; pancreatic; colon; head and neck; brain; lung.
Pediatric renal disorders.
Multiple sclerosis.
Deafness and other communication disorders.
Glaucoma.
Macular degeneration.
Sickle cell anemia.
Heart disease.
Spinal cord injury.
Sudden infant death syndrome.
Arthritis.
Schizophrenia and other mental disorders.
Polycystic kidney disease.
Hepatitis.
Cooley's anemia.
Primary immune deficiency disorders.
Autism.
Stroke.
Obesity.

The PRESIDING OFFICER. This assistant majority leader.

Mr. REID. Mr. President, prior to Senator STEVENS, a minority member on the Appropriations Committee, speaking on this bill, I want to announce to everyone that as soon as we come back from the party caucuses, after the recess at 2:15, there will be a unanimous consent agreement setting a time for filing—not for filing but for calling the cloakroom. We are going to come up with a list of finite amendments at a certain time today.

We would like to offer that unanimous consent right now, but we have been given information that the minority wants to complete their caucus lunch before they make a decision. I only state we hope that can be worked out. I am confident it will be, but if it is not, we are going to offer the unanimous consent and someone will have to come and personally object to it. We need to move this bill along.

The Republican senior member of the committee is on the floor and he has worked very hard. We now have two bills that have been sent to the President. We have two or three conference reports we are going to complete this week, so we are making progress. One of the things we can do to show some significant progress is complete this bill tonight or prior to lunch tomorrow and then move on to another appropriations bill.

I hope we can have that agreement on a finite list of amendments entered shortly after we come back from lunch.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague from North Dakota.

Mr. DORGAN. So I understand what the Senator from Nevada is saying, I am going to offer an amendment to this bill and every bill that comes to the floor. It is something that was dropped out of the bill last week on counterterrorism. It deals with what is called advanced passenger information systems. We have airlines landing this morning from Pakistan, from Jordan, Egypt, Saudi Arabia, Kuwait, airliners coming from those countries for which there is no passenger information forwarded to the Customs Department.

Eighty-five percent of the airlines do voluntarily provide that information. Fifteen percent of the airlines do not. I have described the countries from which the airlines come that do not provide that information. Everyone agreed we ought to do this. I offered the amendment and it was knocked out in conference on the counterterrorism bill because we had some people worried about their jurisdiction. They would not allow it in conference.

Today we have literally thousands of people coming on airplanes from that region and the names of those people are not provided to the Federal law enforcement authorities as they are from 85 percent of the other carriers. In this case, those names are not provided now. It seems to me that compromises this country's security.

I aim to fix that as quickly as we can. I intend to offer that as an amendment to every bill, and I will offer it this afternoon to this legislation as well. I want to make sure I am not prevented from doing so.

Mr. REID. I say to my friend from North Dakota, he certainly is not prevented from doing so. I hope he offers that amendment as soon as possible. The sooner we get to it, the quicker we are going to move through the bill, but Senators will have an opportunity to offer any amendments they want. We are not trying to cut off any amendments. We are simply saying we want to cut off time so we know what amendments we are going to have to work through before we complete this legislation.

I look forward to supporting my friend, the Senator from North Dakota, on this most important legislation dealing with airport security.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, while the Senator from North Dakota, who made the comment concerning the advanced lists, is present, I want to make a comment on another subject. But I say Alaska has suffered recently because of the loss of cargo lines that came through Anchorage and went on to other parts of the United States or Mexico or Canada. They landed primarily for fuel. The Customs regulations were changed and because of those changes, one of which was the request for the advanced lists, a series of those cargo lines have now decided to land in Canada and not land in the United States. So their first landing is in Canada.

I do not think the Senator is going to propose we get an advanced list of passengers on Canadian airlines. I am not sure it is possible under NAFTA. So I urge him to consider some way to deal with this problem of requiring lists that might lead to these planes deviating and going into Canada and actually we would have less information than we have today. I do not want to debate it now, but I will talk to him about it and tell him what happened in Alaska. I hope he understands.

Mr. DORGAN. Will the Senator yield for a question? I understand he wants to talk about other things. My interest is in making sure we have the passenger lists of people coming into this country. As I indicated, in 85 percent of the cases we do, but we do not now from Pakistan, Saudi Arabia, Kuwait, and so on. It seems to me that security is paramount at this point, and I certainly will visit with the Senator from Alaska about the issue he raises. I am talking especially about passenger lists at this point. I will talk more about it this afternoon.

Mr. STEVENS. I support the Senator's request. I supported his amendment before, and I will support it again, but I do think we have to take a look to see what the consequences of some of these requirements are and be prepared to meet the changes that come in terms of the airline travel.

Mr. President, I want to talk about the Labor-Health and Human Services appropriations bill. I know it will be up after lunch. I welcome the statement of the distinguished majority whip that we will seek a listing of these amendments today. I also am delighted I was able to be with Senator SPECTER who spoke about a matter that he and I have discussed at other times, and that is the creation of some type of category that will allow us to distinguish between normal visa applicants, or holders who are privileged to be in this country, and those who should properly be on a list of known terrorists.

I, for one, do agree with him. We should find some way to treat those

people as we would agents of foreign nations and treat them as prisoners of war. We ought to start getting tougher, as the Senator from Pennsylvania says.

What worries me most, as one of the few survivors of the World War II era, is I do not think we understand how tough we have to get to deal with some of these issues that are coming before our country. I hear people saying once again there is a global threat warning out and we are sort of crying wolf.

Well, it is not crying wolf. I really believe the Attorney General and the head of our new homeland defense agency are right to warn the people of the United States, and I think it is high time we decide how tough we are going to be in facing the challenges that have now beset us because of our global war against terrorism.

As I said, I came to talk about the Labor-Health and Human Services bill. It is the largest bill that comes before the Appropriations Committee. It is the largest because its breadth of coverage, as well as its size, means it does more to help everyday Americans than any other bill we consider in this Congress. It addresses American's health needs from community clinics to bioterrorism to immunizations. It provides services for Americans who need a helping hand from electric bills to job training. It helps narrow the education gap, providing Pell grants to lower income university students, to assistance to Alaska native colleges. I am pleased the committee has agreed to fund the Denali Commission. It was a commission I urged Congress to create to adopt a novel approach to providing assistance to remote areas in my State. The overhead of this commission in handling Federal funds is held to 5 percent or less. It is probably the lowest rate in the entire Federal Government.

We have found by handling money through a commission that has on it members of the State government, of the Federal Government, of business and labor, of the environmental community, as well as the native community, we can make decisions on how to spend and where to spend Federal money without the enormous overhead of the rest of the Federal executive branch. It has already helped build health clinics in remote villages where there are no doctors or nurses. We have pioneered in telemedicine and tele-education in my State. I am most pleased that the Appropriations Committee has agreed to continue to support this approach.

Sadly, my State leads the Nation in domestic violence, child abuse, and alcoholism. I am deeply grateful to the chairman and the ranking member of the Subcommittee on Labor, Health and Human Services, and Education for including an initiative to develop a statewide plan to combat domestic violence and child abuse in Alaska. Likewise, I am very pleased funds have been provided to implement the physical education for progress legislation Congress adopted last year at my request.

It is my hope we will move forward on this legislation quickly. I urge our colleagues to come to the floor as soon as possible to clear any amendments with the managers of the bill. We have other bills to which we should move. I know the chairman of the committee, Senator BYRD, will be speaking on this matter. I join him in requesting we consider how we can move the remaining legislation that comes from our Appropriations Committee and still finish our business in time to get home for Thanksgiving.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I will speak at more length on the subject I talked about a few moments ago, the issue of the advance passenger information system, which sounds like an innocuous system but it is a very important system by which we help provide for this country's security. Let me describe exactly what has happened.

We have 57 million people enter this country every year by airplane. Commercial airplanes from all around the world come into this country. We have some 57 million people on those airplanes entering the United States. There are 94 different air carriers flying those people into our country. There were 400,000 international flights with passengers processed into our country in the last year.

The question, especially since September 11, and since the terrorist threats against this country resulted in these devastating attacks of mass murder, the question is, Who are these people who are entering our country? What is their background? Do their names show up somewhere on a list of people who are affiliated with or associated with a terrorist cell? Are they known or suspected terrorists? Who are they?

In order to answer that question, we have what is called the advance passenger information system, which has 85 percent of the passengers covered by APIS because the carriers that are bringing them into this country voluntarily provide information to the Customs Service in America, saying here is our passenger list. That list then is cross-checked against the list of the Customs Service, the FBI, and others, to try to determine whether there are people who are trying to enter our country who should not enter. Pretty simple.

But the 15 percent of the passengers who are not part of this system, whose names don't come in to be checked, includes passengers on airplanes coming from, among other countries, Saudi Arabia, Kuwait, Jordan, Egypt, and Pakistan. Let me give carriers that do not comply. They are not part of the voluntary system and do not provide passenger lists or information about passengers: Air Lingus, Aer Transat, Bahamas Air, Champion, Saudi, Kuwait, Royal Jordanian, Air Pakistan International, Canada 3000.

I chaired hearings in the appropriations subcommittee dealing with Treasury and general government. We had the Commissioner of the Customs Service testify. He talked about this. He talked about this being an important piece of information we get in our attempt to try to prevent terrorists, or known or suspected terrorists, from coming into our country. He said it is voluntary. There is 15 percent of the information we don't get; 15 percent of the 57 million passengers, with their names, are not given to our Customs Service to be checked. I asked, should it be checked? And he said of course it should, but he said at present it is not mandatory. I said, it is not mandatory? And he said, of course, it should be mandatory.

I indicated we would try to get that done after the September 11 attacks when there were 19 people riding the airplanes who came into this country to commit murder. While they committed an act of self-destruction, they murdered thousands of American citizens. Especially following that, we ought to be concerned about border security. This is one part of border security.

We had a piece of legislation called the counterterrorism bill which the President signed into law last week. That bill had an amendment I offered on the floor of the Senate that would have required the airlines coming into this country to provide the advance passenger information lists. My amendment passed. The Senate said yes. It was in the Senate bill. It came back from conference, and, mysteriously, it was gone. That somehow got destroyed.

That amendment was destroyed in conference. Why? Apparently, because there were some Members who decided in conference they have jurisdiction over this, it didn't go through this hoop or that hoop or didn't have this hearing or that hearing. Therefore, they asserted jurisdiction on this and said they would not allow it to be in conference.

What is the result of that, in my judgment, small-minded decision by some in Congress? What is the result? The result is that today, on Tuesday, there are airplanes landing all across this country coming in from Pakistan, from Egypt, from Saudi Arabia, from Kuwait, from Jordan, and there is no advance passenger list given the Customs Service against which they can check the lists and determine whether there are passengers we don't want coming into this country.

The result of knocking that out of the conference so it was not in the counterterrorism bill last week, in my judgment, injures this country's ability to provide for secure borders. It is

small thinking in the extreme, in my judgment.

Today and tomorrow these airplanes will haul passengers into this country and we will not have information about who those passengers are. We will have information on most of the passengers coming in from South America, from Europe, from most of the countries with which we have trading relationships and good relationships; they have signed a voluntary agreement with us. But the fact is, some of the key countries, some of the key carriers from that region that we need to be very concerned about at this point, are not involved if we receive no passenger list.

Someone said, when you read the names—Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and more—aren't you profiling passengers? I said it is not about profiling passengers but about getting a list of all passengers coming into this country and trying to profile who might be known or suspected terrorists and keeping them out. If they happen to come from one region of the country, I regret that. But we are not profiling passengers; we are profiling terrorists to see if we can keep out of this country those whom we don't want to let in because they have suspect ties to terrorist organizations.

Coming into this country with a visa is coming into this country as a guest of the United States. We have every right to keep out of this country those who have ties to or those who are associated with known terrorist organizations. But today, Tuesday, we cannot do that because of behavior that represents monumental littleness, as one of our great former Presidents said in a conference last week, knocking out the amendment to which the Senate had already agreed, knocking out the amendment that came to that conference from the Senate.

As a result, I intend to offer this amendment just after lunch today on this piece of legislation, and I will offer this amendment on every piece of legislation until it becomes law, until it is in a vehicle signed into law by the President of the United States. So at 12:30 on Tuesday next week or a week after when a plane lands in this country, carrying passengers from abroad, we will know that in every circumstance information on the passenger list from that plane is provided to the U.S. Customs Service before departure.

Some might say, well, isn't this an unusual, intrusive and difficult thing to ask of others? The answer is no. Anyone who watched those commercial airplanes fly into the World Trade Center in New York knows that a lot has changed since September 11.

This country's security is critically important. Border security, it seems to me, is where you start. The President said yesterday, as reported in the papers today dealing with visas, that we should be tightening up on visas. I fully agree with that. You have to maintain control of your borders. That doesn't mean you build a wall and keep people out. It means you have sufficient capability to understand who is coming in and to keep the wrong people out. That is what it means.

My hope is that we will be able to add this amendment to this appropriations bill. I understand this isn't an appropriations amendment. I understand that completely. My hope is that my colleagues who have already approved this—the Senate has already approved this legislation—will understand that our job is to keep sending this matter to conference on every vehicle possible so that the next airplane that lands from abroad is an airplane with a list of passengers that we have, and that list has been checked against the Customs list, against the FBI list, and against all of the lists of some 20 different agencies that have lists that tell us about people who should not be allowed to enter this country because of their known or suspected ties to terrorist organizations.

I will come back after lunch with an amendment I will formally offer. My hope is that the chairman and the ranking member will see fit to agree to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak for no longer than 5 minutes as if in morning business.

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

Mr. CRAIG. Mr. President, I sat here for the last few minutes and listened to my colleague from North Dakota talk about border security. Certainly what he has said I agree with in principle. I haven't seen his amendment. I will now search it out and read it.

I have always believed if you have a guest in your home and find out that guest is going to burn down your home, you are going to get that guest out of your house just as quickly as you can before he or she touches the match. Foreign nationals in this country are guests of our country. They are guests in our home. There is nothing wrong with asking them to play by a few rules and for us to know who is on the guest list.

If that is what the Senator from North Dakota is talking about, I will support him in that effort.

NATIONAL ENERGY POLICY

Mr. CRAIG. Mr. President, I come to the floor this morning to ask unanimous consent to have printed in the RECORD letters from J. Eldon Yates, chairman and founder of the Vietnam Veterans Institute; the American Legion national commander, Richard Santos; the Veterans of Foreign Wars executive director, Robert Wallace; and Joseph Lipowski, the national commander of AMVETS.

They joined me, several of my colleagues, and the Secretary of Veterans Affairs, Anthony Principi, just a few moments ago outside our Capitol to call on this Senate and our leader, Tom Daschle, to bring a national energy policy bill before this Senate before we adjourn this year.

Clearly, the President has been outspoken in the last month—and I agree with what he is doing—about strengthening our resolve and protecting our freedoms as the country cries out for a national energy policy that is a policy of national security.

Today the administration announced that we are going to start buying oil to put into our national Strategic Petroleum Reserve to beef up the total volume in that reserve in case of a national crisis. But even when that is done, if the oil of the Middle East were cut off, that reserve would last only for a few weeks before we would be in a significant energy crisis.

Our President as well as the Secretary of the Interior, the Secretary of Energy, the Vice President, labor unions, chambers of commerce, National Association of Manufacturers, and small business groups speaks out. America is being told today that national energy is a national security issue.

Strangely enough, the chairman of the Energy Committee even spoke this last weekend saying he wanted a national energy policy addressed before the end of the year. Yet nothing is done. The Energy Committee has been shut down by orders of the majority leader. Republicans are producing an energy bill. We have been to the floor time and time again asking for a time certain on which to debate this critical issue. The House acted in August. Our world would come tumbling down around us at this moment, economically speaking, if the oil of the Middle East were shut off from this country. Our economy would stifle. It is an issue of national security.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMVETS,
Lanham, MD, October 26, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of AMVETS, I am writing to encourage you to bring H.R. 4, the Securing America's Future Energy Act of 2001, before the full Senate for consideration at the earliest possible moment prior to the close of the 1st Session of the 107th Congress.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

Passage of H.R. 4 would greatly assist in our ability to secure a more dependable and diversified domestic supply of energy. And, I would note that since the Persian Gulf War our security has become more threatened with our dependence on foreign sources of oil growing from 35 percent of domestic supply to nearly 60 percent.

AMVETS firmly believes that we cannot wait for the next crisis before we act. H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We urge your expedited approval of this legislation.

Dedicated to service.

JOSEPH W. LIPOWSKI,
National Commander.

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
Washington, DC, October 29, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the ''Securing America's Future Energy Act of 2001'' or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy supply for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, October 25, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today out of a sense of urgency concerning our national security, as it relates to our need for energy independence. The development of America's domestic energy resources is vital to our national security. We respectfully urge you to adopt the provisions contained in H.R. 4, the ''Securing America's Future Energy Act of 2001.''

War and international terrorism have again brought into sharp focus the heavy reliance of the United States on imported oil. During times of crises, such reliance threatens our national security and economic well being. The import of more than 50 percent of our petroleum from the Persian Gulf further compounds our foreign trade balance at a time when our energy demands continued unabated. It is important that we develop domestic sources of oil, contained within our public lands—such as the supplies within the Arctic National Wildlife Refuge.

Working for a comprehensive energy policy and achieving responsible energy independence are critical national security and economic goals. H.R. 4, as passed by the House of Representatives, is a major step forward to achieving these imperative goals. We strongly urge your support.

Sincerely,

RICHARD J. SANTOS,
National Commander.

STATEMENT OF OUR NATION'S VETERANS GROUPS, ''OUR DOMESTIC ENERGY SECURITY IS OUR NATIONAL SECURITY'', OCTOBER 30, 2001

We, the undersigned, representing our nation's veterans, strongly believe that the development of America's domestic energy resources is a vital national security priority. The horrific events of September 11, 2001, constitute a threat to our people, our economy, and our nation's security. With U.S. troops actively engaged in combat overseas, we firmly believe that America can and will win this prolonged war against terrorism, using all its resources to defend our nation and the cause of freedom around the world.

Because of these beliefs, we applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4, the ''Securing America's Future Energy Act of 2001'' or the ''SAFE Act of 2001.'' It is imperative that the Senate pass the House version of H.R. 4 so that our nation can move forward in establishing our energy security, as well as our defense of freedom at home and abroad. It is essential for us to develop all domestic energy resources including the supplies within the Arctic National Wildlife Refuge.

By passing H.R. 4, the comprehensive energy legislation, the Senate will be supporting our troops in the field, all Americans, their families, and our nation. We, as Veterans, stand united and respectfully request that the Senate vote on and pass H.R. 4.

J. ELDON YATES,
Chairman and Founder,
Vietnam Veterans Institute.

Mr. CRAIG. Mr. President, America's veterans, those who have stood in harm's way year after year and decade after decade in defense and support of our freedom, now speak out and say: Senator DASCHLE, this is an issue of national security. Where are you? Why aren't you allowing the Senate to debate this issue now and have on the President's desk a national energy policy before we recess this first session of the 107th Congress?

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

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

Mr. THOMAS. Mr. President, I want to talk a minute about part of the Labor, HHS, and Education appropriations bill as it pertains to an area of particular concern to me and my State; that is, rural health care.

I am cochairman of the Rural Health Care Caucus, along with the Senator from Iowa. I think this issue has been treated very well in this bill. I would like to comment just a bit about it.

We have, of course, a special focus on rural health care because it is unique. And because it is a special kind of issue that does not apply everywhere, I think it is necessary for us to deal with it from time to time.

We submitted a letter from our caucus. I think there were 43 Members of the Senate listed on the letter asking for some consideration. I think this committee has reacted quite well.

There are a number of things of which most people are not aware and which are not talked about very often. Although 20 percent of the population of this country lives in what is called rural areas, only 9 percent of physicians practice in those areas. You can see it is always somewhat difficult to have the kind of medical services in rural areas that are available in other places.

Rural areas contain 67 percent of the country's primary health care professional shortage areas. I guess that is not a surprise, but indeed that is the case. It is in need of focus to ensure we have primary care in all of these rural areas.

There are 2,187 rural hospitals, a majority of which are primary care hospitals. Specialized care is very limited. Only 12 of 245 long-term care hospitals are in rural areas, and 81 of 601 psychiatric hospitals are in rural areas. None of the country's 73 children's hospitals is in rural areas.

As you can see, there is a need, and indeed there has been and continues to be special emphasis on it.

For example, national health care services: This is a program that provides primary health care providers in our Nation's most underserved communities. Last year, only 12.5 percent of the communities eligible for provider placement received assistance. That has increased. Adequately? I do not know. Would we like more? Of course. Nevertheless, it has been treated well.

There is an increase for community health centers. Community health centers provide services in rural areas for people living in underserved areas. They provide a service that is not always needed but is unique to rural areas.

Rural health research: A grant is provided for rural health research as to how to provide more services.

We understand the rural areas are not going to have all of those kinds of services in every community. In our State, we look for a medical care network that can be moved around to the places where it is needed.

The Rural Access to Emergency Devices Act is in the bill with some new funding; also, State offices of rural health which help provide a network and a system to provide those services in small communities.

We had some requests for funding in the Rural Interdisciplinary Training Program. This program addresses the shortage of health care professionals in rural areas. In the bill we also have the Rural Hospital Improvement Program.

So, of course, there are other areas in which we would like to have more emphasis, but I wanted to rise to suggest that this area of this bill is a very important one and one that means a great deal.

When we think of Wyoming, of course, we think of a rural State. I think there are twice as many people in Fairfax County as there are in Wyoming. But every State has rural areas. New York is one of the most rural States in terms of how many people are concentrated in a particular area. So when we talk about rural States, it is not just a western phenomenon. Rural needs exist in all our States.

So I hope we can go forward with this part of the bill. I thank those who put the bill together for their emphasis and interest in providing for rural health care.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides $123.071 billion in nonemergency discretionary budget authority, which will result in new outlays in 2002 of $50.014 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $107.716 billion in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays.

In addition, the bill provides $300 million in emergency-designated funding for the low-income home energy assistance program (LIHEAP), which will result in new outlays of $75 million in 2002. In accordance with standard budget practice the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference.

The Senate bill also provides $18.474 billion in advance appropriations for 2003 for employment and training, health resources, child care, and education programs. Those advances are specifically allowed for under the budget resolution adopted for 2002, and, combined with all other advance appropriations considered by the Senate to date, fall within the limit imposed by the resolution. Finally, the bill extends the Mark-to-Market Program for multifamily assisted housing, which is estimated to save $355 million in 2002.

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

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

S. 1536, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
Senate 302(b) allocation: [1]			
Budget Authority	123,071	272,937	396,008
Outlays	107,716	272,968	380,684
House-reported bill:			
Budget Authority	123,071	272,937	396,008
Outlays	106,753	272,968	379,721
President's request:			
Budget Authority	116,328	272,937	389,265
Outlays	105,957	272,968	378,925
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation: [1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-reported bill:			
Budget Authority	0	0	0
Outlays	963	0	963
President's request:			
Budget Authority	6,743	0	6,743
Outlays	1,759	0	1,759

[1] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions, including removal of $300 million in BA and $75 million in outlays in emergency funding for the low-income home energy assistance program. The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference.

Mr. HOLLINGS. Mr. President, I rise in support of the fiscal year 2002 Labor, Health and Human Services and Education Appropriations bill brought forward today by Senator HARKIN and Senator SPECTER, the distinguished chairman and ranking member of the subcommittee.

As a member of the Labor-HHS-Education Subcommittee, I am well aware of the competing priorities funded in this bill including health care for the disadvantaged, medical research, education, Head Start, child care, and job training. The subcommittee faces a difficult task every year accommodating these important priorities, but behind the leadership of the chairman and ranking member, I believe we have produced a bill that balances these priorities.

The bill provides $1.343 billion for community health centers. The weakening economy and skyrocketing cost of insurance raise the likelihood that thousands of Americans will lost their health benefits. These facts, combined with the persistent lack of access to care in many rural and urban communities, make it imperative that we strengthen the ability of community health centers to serve our Nation's underserved and uninsured patients. Last year, Senator BOND and I launched the REACH initiative to double funding for community health centers by 2005. The $175 million increase provided in the bill with support from 67 Senators keeps the Senate on track to meet our goal.

From cancer to vision to biomedical imaging, the work of the Subcommittee to invest in the National Institutes of Health, (NIH), has led to improvements in the quality of life for countless Americans. I strongly support the unprecedented investment in the NIH made in this bill. This basic and clinical research is critical to the advancement of medical science and human health. Over the past 30 years, the 5-year cancer survival rate has risen from 38 percent to 59 percent. This means that approximately 8,400,000 people are alive today as a result of progress in cancer research.

Our investment in the NIH has been returned many times over. Every dollar spent at the NIH returns over $7 in lower medical costs and increased economic productivity. Advances in the treatment of cardiovascular disease between 1970 and 1990 have had a positive economic value of $1.5 trillion annually. Still the costs of disease tallies as high as $180 billion a year for cancer and $38 billion a year for vision ailments. The investment made by this bill will cut into the amounts our government and our citizens spend fighting and treating these diseases.

In addition, it is important that we open the competition for biomedical research to institutions from all parts of the country. This bill includes $200 million for the National Center for Research Resources' Institutional Development Awards, a program that helps States like South Carolina overcome the geographic concentration of NIH awards by developing the infrastructure needed to compete for biomedical research funding.

I would also like to point out the importance of the cancer programs funded out of the Centers for Disease Control and Prevention.

Cancer Registries can be a powerful tool in the war against cancer. We know that early detection of cancer saves lives and saves the health care system millions of dollars. With budgets getting tighter in States across the country, cancer registries give public health agencies clear guidance of where to target scarce resources for prevention activities. I am told that the registry in South Carolina is like many of the other registries. It has the ability to collect sophisticated and accurate data, but lacks the resources to fully analyze and act upon the data it collects. The true potential of cancer registries cannot be realized until a larger investment in the program is made.

The South Carolina breast and cervical cancer detection program, known as the Best Chances Network, just celebrated its 10th anniversary. Over that time, the program provided more than 110,000 cancer screenings to low-income women and have detected 1,400 cancers, saving countless lives. By all accounts the only problem with the program is that it cannot serve all eligible women.

The subcommittee also did an admirable job funding education programs. The bill contains a $1.5 billion increase for title I. This substantial increase is important because the reauthorization of the Elementary and Secondary Education Act will put new mandates and higher expectations on our nation's schools. In turn, our schools should expect us to meet our mandates and provide them with the resources we promised. The $10.2 billion provided in the bill will move us closer towards fully funding title I, a goal that 79 members of this body voted to affirm earlier this year.

The bill contains $3 billion for State grants for improving teacher quality. It is critical to the future of our education system that we recruit our best and brightest to the teaching field and make efforts to retain the quality teachers already present in our system. This funding gives States the flexibility to improve teacher compensation, hire new teachers to reduce class size or provide additional training or mentoring to current teachers.

This bill addresses the crumbling infrastructure in many of our schools by providing $925 million for school construction. Seventy-eight percent of public schools in South Carolina reported a need to upgrade or repair a school building to good overall condition. I am pleased that the bill will help our schools address some of the needs of their facilities and thank the chairman of the subcommittee for the leadership he has shown in this area.

Finally, the bill increases funding for higher education programs. The amounts provided in this bill will bring the maximum Pell Grant total to $4,000. We also provide for a $75 million increase for the TRIO programs. Since 1965, an estimated two million students have graduated from college with the special assistance and support of our Nation's TRIO Programs. These programs have been successful. Studies have found that students in the Upward Bound program are four times more likely to earn an undergraduate degree than those students from similar backgrounds who did not participate in TRIO, and students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program. I am pleased that this bill will allow more eligible students to benefit from the TRIO Programs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

RESTORING CONFIDENCE IN THE ECONOMY AND HOMELAND DEFENSE

Mr. REID. Madam President, last week, late in the week, Senator BYRD and I held a press conference. The reason we held this press conference was to indicate that we believe we need to do something to restore confidence in the economy. We also believe that part of restoring confidence in the economy is making sure that homeland defense is something that is more than just words.

We are proposing things that cost money. It is great to talk about homeland defense, but if there is no money attached to it, it becomes a shallow promise to the American people.

Some of the things that Senator BYRD and I have talked about have to do with bio-terrorism. We believe there should be some prevention. Madam President, if you are going to have good, high-quality medical care, you have to have preventive medical care. The way to reduce costs and have a healthier public is to put our resources in the front end, not wait until everybody is sick and in the hospital. Bio-terrorism is no different. We need to have prevention and response. We need to have food safety initiatives. We have so few food inspections now. I believe I heard my friend from Iowa say, in a debate in this Senate Chamber last week, that about 1 percent of the food in our country is inspected. We need to do better. We need to make sure that State and local governments, who have responsibilities in this area, have some capacity to do that.

We believe there should be upgrades to State and local health departments. We believe we have to take a look at hospitals to make sure there is enough hospital capacity.

We want to accelerate the purchase of vaccines. In America, this huge country of 270 million people, we believe we should have an adequate number of vaccines that are under the direction of the Centers for Disease Control. We need to make sure we have adequate supplies. If we do not use them, fine; but we should have them available. And to accelerate the purchase of these vaccines is going to cost money.

Antibiotics: We know we have an inadequate supply of antibiotics. We need to make sure there is a satisfactory supply of these antibiotics for all the problems that may arise. And that is true for other pharmaceutical supplies.

We need to make sure there is better security for our labs.

These things I have just enumerated will cost about $3 billion.

I came to Washington with Tom Ridge. He and I were in the House of Representatives together. I have maintained a friendship with him, including the time he was Governor of Pennsylvania.

A year ago, we traveled to Israel and the Middle East together, and we spent some time together. I have great respect for him as a person and for his abilities. But I truthfully say that I am not sure he is going to be able to do what is going to be required of him unless he has the resources to do it.

I had a meeting in with him last week. What he suggested was: Let me determine, first, what I need, and then I will come back and tell you what I need.

I am willing to do that. But I am not going to stand in the background and deprive him of the resources to do his job.

We have 40 agencies that collect intelligence. I believe we need a person who has authority to tell these entities what to do and what he needs from them. So I am willing to wait for a reasonable period of time for Governor Ridge to get back to us and tell us what he needs. But if this is going to go onto a program where they are going to try to do his job and not spend any money, then I am going to move forward and give him the tools I believe he needs.

I am willing to wait for him to tell me what tools he needs, but if I get nothing in the reasonable future, then I am going to go ahead and do something on my own.

In New York, we learned to do something that should have been done a long time ago; that is, to develop nationwide appreciation for the police officers and firefighters.

In my past, I was a police officer for a period of time here in Washington, DC. I have always had great respect for the police. But it was not until I went to the State legislature in Nevada that I developed the respect for firefighters that I have.

When I went there, they were trying to pass legislation.

One of the things they told us, that there were more people who die and are injured fighting fires than police officers who die or are hurt in the line of duty. Firefighters have all kinds of problems on a daily basis. This was exemplified by the tragedy at the World Trade Center when hundreds of firefighters died in that terrible attack. We need $6 billion to make sure the State and local antiterrorism investments are there for our police and fire departments. We need to have firefighting grants to allow local governments to have the capacity to train these people better. So for State and local antiterrorism investments for police and fire departments and additional firefighting grants, that figure is $1.6 billion.

We need to also recognize that the FBI needs more assistance. All Federal law enforcement needs help. That includes computer modernization, especially for the FBI. They need additional agents. They are working long hours and getting worn down since September 11. I am not going to state in the Chamber the numbers of people in the Las Vegas Customs office. To do so would be embarrassing to me and to our country. It is the same all over the country. We are asking the U.S. Customs to do all kinds of things legislatively that they don't have the staff to do. We need a huge additional amount of money to take care of Customs.

We know that the terrorists who came and did the acts of September 11 didn't come over the southern border we hear so much about. They came through the northern border. We need to make sure there is more funding for the Coast Guard, the Federal Aviation Administration, the Drug Enforcement Administration, and U.S. Attorneys. Our courts need more money, as does the U.S. Marshals Service. What I have

talked about here, starting with the FBI, is going to cost us about $1.7 billion.

We know most of the time who comes into this country, but once they come here, they are lost in a maze of 270 million people. We need the Immigration and Naturalization Service to improve their tracking of people who are in this country and people who are on student visas. I believe we should do all we can to have exchange programs and have people study in our great universities. Out of the approximately 135 great universities in the world, 121 of them are in the United States. It is great we have people who want to come from other countries to study here. But we need to make sure that once they come here, they are not lost in the maze of people in the United States.

We need border enhancements, improved tracking of people, including people on student visas. This is going to cost about $1.5 billion. We know that airport security is going to cost more money, about $1 billion. Transit security is also important, $1.1 billion. We need to make sure there is adequate Federal security protection in Federal facilities such as nuclear plants and border facilities, national parks, and water projects. That will cost over $1 billion.

Enhancements for highways: I believe if we are going to have a real stimulus package in this country, we are going to have to do something with job creation. It is not going to be done all on the tax side. We have to create jobs.

For every billion dollars, for example, we spend on highways, we create 42,000 jobs. So much needs to be done with our highways. This would be an immediate pick-up, an immediate stimulus to our economy all over America, whether it is New York or Nevada or any of the other 48 States. There are projects that have been designed, and the only thing holding up the projects from going forward is money. We would create hundreds of thousands of jobs if we decided to spend $4 billion on these projects.

We could easily spend $2.5 billion for enhancement of highways. We could allocate $2.1 billion for clean and safe drinking water projects. Indian Health Service clinics and other initiatives need to be taken care of.

There needs to be a direct, strong movement to restore confidence in our economy. One way we can do that is to create jobs. The other way, and they go together, is to restore confidence in our homeland defense.

I have discussed with Senator Abraham, Governor Ridge, the head of the FBI, and the head of the CIA the need to have a place for training people who are part of our counter-terrorism task force. I am very provincial in this. I understand that. But the Nevada test site, where we set off 1,000 nuclear devices over the years, is a place as large as Rhode Island. It has mountains, valleys, deserts, dry lakes. It has a facility already there for testing chemical spills. It has huge dormitories and restaurants. It is a place that is waiting for some activity.

In addition to that, if we want to test hardened silos that Saddam Hussein and people in Afghanistan have dug and built, we can use a network of tunnels that have been built there for nuclear testing over the years that are miles long. So as part of restoring confidence in the economy, we should have this national terrorism center.

I only hope that we all understand that it is extremely important we not walk out of here with a stimulus package that is driven solely by tax cuts. I acknowledge that there are certain things we can do that are important on the tax side. There are other things we need to do. We need to look at those people who have been displaced in the September 11 aftermath.

Senator CARNAHAN offered an amendment on the airline security bill. It was a good amendment that failed on a party-line vote. That is too bad. We need to make sure before we leave here that the Carnahan amendment passes. We must do that.

We also must recognize that people who have been displaced not only have problems of unemployment, but they have no health insurance. We have to do something to extend COBRA or somehow to take care of COBRA.

While we talk about these extended unemployment benefits, we have to understand that unemployment compensation is a bridge to nowhere unless there is a job on the other end of it. We have to make sure we do something about that.

I spoke last evening to Senator NELSON of Florida. I have spoken to the two Senators from New York and other States who have an interest in tourism. That includes at least 30 States that have tourism as the No. 1, 2, or 3 most important economic forces in their States. We have to boost tourism.

There has been general agreement that we should look at a program to give a tax credit to people who travel—short-term, of course. We need to take a look and see if we need to restore the deductibility for business meals to stimulate the economy in that regard.

Senator DORGAN and I introduced legislation last week that would look at the ancillary businesses inside the airline business, such as rental car companies and travel agencies. These people also need a shot in the arm.

If we walk out of here this year and don't take into consideration the fact that we need to restore confidence in the economy by creating jobs and making sure people feel good about our homeland defense issues, we will have made a big mistake.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

The PRESIDING OFFICER. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Madam President, I yield to my colleague from New Mexico.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. REID. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill, and that these amendments be subject to relevant second-degree amendments.

Mr. BROWNBACK. Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from New Mexico.

AMENDMENT NO. 2020

(Purpose: To provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits)

Mr. DOMENICI. On behalf of myself, Senator WELLSTONE, and Senator KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 2020.

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise today to offer the Mental Health Equitable Treatment Act of 2001 as amendment to the fiscal year 2002 Labor-HHS bill. I am joined by my friend and partner in this endeavor, Senator WELLSTONE.

We are well aware of many of the arguments that will be made against our amendment. For instance, while the nation is rightly focused on recovering from the trauma and damage inflicted on September 11, it would be wrong to overlook this important issue because it is simply the right course of action to undertake. We are well past the time to act on extending and building on the federal mental health parity law that expired on September 30.

Others will argue that our amendment costs too much. However, CBO has scored our bill as costing less than one percent 0.9 percent and again passing this bill is long overdue and the right thing do for the millions of Americans suffering from a mental illness. The number of Americans suffering from a mental illness or the number of family members affected by a mental illness has not magically decreased over the past couple of months.

We are ready for a vigorous debate on a host of issues, but I would like to begin by saying: Our bill has 64 bipartisan cosponsors; the HELP Committee reported out the bill on August 1 by a vote of 21–0; 144 organizations support the bill; and CBO has scored the bill as raising insurance premiums by 0.9 percent.

The human brain is the organ of the mind and like the other organs of our body, it is subject to illness. And just as we must treat illnesses to our other organs, we must also treat illnesses of the brain.

Building upon that, I would ask the following question: what if thirty years ago our nation had decided to exclude heart disease from health insurance coverage? Think about some of the wonderful things we would not be doing today like angioplasty, bypasses, and valve replacements and the millions of people helped because insurance covers these procedures.

I would submit these medical advances have occurred because insurance dollars have followed the patient through the health care system. The presence of insurance dollars has provided an enticing incentive to treat those individuals suffering from heart disease.

But sadly, those suffering from a mental illness do not enjoy those same benefits of treatment and medical advances because all too often insurance discriminates against illnesses of the brain. More often than not, opponents of mental health parity argue the costs are too great. However, I would submit the cost of parity is negligible, especially, when contrasted with the cost impact upon society. The devastating consequences inflicted upon not only those suffering from a mental illness, but their families, their friends, and their loved ones.

Furthermore, the following are several additional costs that result from mental illness: 16 percent of all individuals incarcerated in State and local jails suffer from a mental illness; suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year; of the 850,000 homeless individuals in the United States, about one-third or 300,000 of those individuals suffer form a serious mental illness; and finally what about the people that are crying out for help and society only hears their cries after they have committed a violent act against themselves or others.

Just look, at the tragic incidents in Houston with the mother killing her five children, the Baptist church in Dallas/Forth Worth, and the United States Capitol to see the common link: a severe mental illness. Unfortunately, there is no place that a community can take these individuals for help. The police can do very little and likewise for hospitals.

Some of you may have seen last year's 4 part series of articles in the New York times reviewing the cases of 100 rampage killers.

Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia: 25 of the killers had received a diagnose of mental illness before committing their crimes; 14 of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

In particular I would point to a couple of passages from the series:

> They give lots of warning and even tell people explicitly what they plan to do.
>
> . . . a closer look shows that these cases may have more to do with society's lack of knowledge of mental health issues . . . In case after case, family members, teachers and mental health professionals missed or dismissed signs of deterioration.

Now let us look at the number of individuals suffering from some of the dreaded mental illnesses.

Major depressive disorder: 9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar disorder: 2.3 million American adults age 18 and older suffer rrom this disorder in a given year;

Schizophrenia: 2.2 million American adults age 18 and order suffer from this disorder in a given year; and

Obsessive—compulsive disorder: 3.3 million American adults age 18–54 suffer from this disorder in a given year.

However, medical science is in an era where we can accurately diagnose mental illnesses and treat those afflicted so they can be productive.

I would ask then, why with facts like these would we not cover these individuals and treat their illnesses like any other disease? We should not.

Working together, we took a historic first step with the passage of the Mental Health Parity Act of 1996, but that law is also not working as intended. While there may be adherence to the letter of the law, there are violations of the spirit of the law.

For instance, ways are being found around the law by placing limits on the number of covered hospital days and outpatient visits. Consequently, Senator WELLSTONE and I have again joint forces and introduced the Mental Health Equitable Treatment Act of 2001.

The bill seeks a very simple goal: provide the same mental health benefits already enjoyed by Federal employees.

The bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Program and expands the Mental Health Parity Act of 1996 by prohibiting a groups health plan from imposing treatment limitations or financial requirements on the coverage of mental health benefits unless comparable limitations are imposed on medical and surgical benefits.

At 2:25 this afternoon, an amendment arrived at the desk. I read off the names of the cosponsors, but I did not name the bill. So let me do that. This bill is called a mental health parity amendment. Another way of talking about it is that it is the mental health parity bill put into an amendment form. So we will not have to wait any longer to have a national debate as to whether insurance companies in the future—not this year but one full year from now is the way we have drafted the bill—will or will not be able to insure people against their illnesses and/or diseases and provide less coverage for the mentally ill as defined in this bill than they do for other well-recognized diseases such as cancer, diabetes, whatever they may be.

That means the thousands upon thousands of American families who have young people in their teens with schizophrenia—well diagnosed, they are told by the medical people what they have, they are subject to treatment, to medication and, yes, a very long life of difficulty if, in fact, they do not have medication and treatment facilities in these great United States, the last group of Americans who have no health insurance because they are defined out of the coverage by the conventional approach to what is a disease and an illness and what is not. They are left out.

So if one goes to New York or Chicago or, yes, Albuquerque, and finds street people and watches them and looks at them and says, oh, my, what are they doing, they will find that fully between 33 percent and 40 percent are

sick. That is why they are there. They are sick and they probably have no insurance coverage, even though they are as sick as someone's next door neighbor who had a heart attack and is being taken care of in the best heart facility at the local hospital, and the insurance company pays the bill.

We have had a history in America of not covering the mentally ill under conventional, typical insurance coverage. Quite to the contrary, we have sat by and watched insurance companies—obviously they are doing the best they can and this is part of their business. They are remaining solvent and being able to insure people at the most reasonable prices. The insurance companies come along and say: Since we are not obligated to do so, we will not cover the mentally ill; or if we do, they will be covered with a much smaller total coverage number, and everything about the coverage will be less than what we cover for people with the ordinary diseases that we so often talk about, including the great strides being made in heart disease treatment, heart disease research, heart disease care, or any of the other diseases we are so free to talk about. Somebody is being taken care of. The insurance company is paying the bill. New buildings rise up to cover them because they are insured.

That is a great resource, coming directly from the back of the insured to the marketplace, the marketplace of paying for the best doctors, of paying for facilities. If somebody can pay for them, you are apt to build them.

What about the mentally ill? The mentally ill have no facilities to speak of—just a few—because nobody will pay for them. There are no specialty clinics to speak of. There is very little private sector involvement in building health facilities where the mentally ill can be taken to make sure they take their medicine and are cared for. In the ordinary language of the marketplace, there is no money in it. There is no money in it because the people are not insured.

Five plus years ago, my friend Senator WELLSTONE and I passed the first parity bill. It was partial parity. It caused the discrimination against the mentally ill under insurance policies to go away partially. It just expired. This bill, that is now in amendment form, passed out of the committee 21 to 0. A couple of Republican Senators want to offer amendments, and I am pleased they can offer them now, this afternoon. We tried our best to get the bill called up as a freestanding bill, hoping we would be given a day, 2, or 3 days. We could never get it done because there were some Senators—and it is their privilege and prerogative—who thought that we don't need to mandate coverage, even a year and a half from now, as we do here, and we do not need to cover the mentally ill that doctors define as having a brain disease and should have coverage. Some think their cause of not covering it is better served if we never get this bill up.

I understand what a great imposition this is on the appropriations process and on the two wonderful Senators managing this bill, but I don't see any other way to do it. There are millions of Americans who have worked through their organizations. There are 140 organizations in America supporting this legislation. Some have a special interest. Some will receive better payment for taking care of the mentally ill. Some, such as the National Alliance of the Mentally Ill, understand the plight of people with schizophrenia, the plight of people with bipolar diseases, the manic-depressive. They understand what parents are going through in America.

These diseases do not always strike the elderly or the young. As a matter of fact, one of the most dread of these diseases has a propensity for showing itself when our young people are teenagers, between the ages of 17 and 18, up to 25 or 30. At this age the disease causes a great disability and poses a major problem for care of a son or daughter. Across this land thousands of people have already gone broke, cashing out every asset they own, trying to take care of their child, while America looks on the insurance system and says: We cannot tell anybody what kind of insurance they should cover. We cannot tell any insurance company what they ought to cover. We take for granted that they will cover heart conditions, heart research, they will cover any of the other diseases we more or less call ''physical'' diseases. On the periphery sits the mentally ill with little or no coverage.

My good friend, Senator WELLSTONE, and I have been joined by 65 Senators. I sent this to the desk at 2:25. This is a very historic time. This amendment will pass, if not today, tomorrow. And today we will finally have made the Senate vote. I am convinced they will vote yes, let's get this started; get rid of this discrimination that has festered long enough in terms of the health coverage system of the United States. Before the day is out, I believe the number of Senators will go up, not down.

For those frightened for small business, the committee, headed by Senator KENNEDY, the committee we entrusted with our bill, which has the jurisdiction, has the authority to decide to send us a bill or not, decided, in order to have great unity and the first time through to get Democrats and Republicans on board, they would make an exception for small business. Everyone should know, all businesses with 50 employees or fewer are exempt; we are not mandating this coverage at this point. Small businesses that might be worried about this, or Senators who might be worried in their behalf, can read this bill. They will find that exemption.

There is much more to say. Taking this up at the end of the year does not do this bill justice. It is a major undertaking by the legislative branch of the U.S. Government, led by the Senate. Nonetheless, we are going to proceed. To those who procedurally are determined not to let us have a straight vote, you will find a few changes in this bill from the language that came out of the committee. We wanted to make sure this bill was as protected as we could make it from procedural motions on the floor. It is not effective until the year 2003. That cures a lot of procedural problems some might have had. It is not subject to a point of order, a 60-vote point of order, because of that change and 2 or 3 other changes we made in order to see to it we got a straight up-or-down vote.

For the mentally ill, the schizophrenic whose family is desperately trying to take care of them, or someone suffering the great delusions that are typical, the mammoth delusions that are common for a schizophrenic or for the bipolar suffering—for some unknown reason, they can be in a very low mood and then as high as they can get, and in between the highs and lows is a great inability to live a normal life—this is the best we can do for those families in America, for those millions suffering. We have to offer it today. We have to get the Senate to say yes or no on whether coverage by insurance policies is part of the normal, everyday coverage for health care, whether or not it will include that portion of Americans.

Obviously, these dread diseases are not typical only to America. In any particular area where a group of humans live, there is a certain percentage who will turn up with schizophrenia. There is a certain group that will turn up with the enormous ups and downs of the bipolar disease I described.

There is also clinical depression, which probably has more victims than any other in terms of numbers. What does depression bring, along with the other two diseases I mentioned? A total loss of hope; suicides, which are growing in numbers, especially among teenagers. More times than not when that event occurs, the trail of symptoms indicates if they had been treated for depression, it probably would not have happened.

In any event, I am prepared to go on much longer and in much more detail.

For those who want us to delay consideration of this measure, I urge you to come down. See if I am correct. I don't think you have a parliamentary way of avoiding having the Senate vote. I don't think there is a way that you can make it subject to a point of order where we will need 60 votes. I don't believe there is a point of order with reference to the budgetary impact because we are able to understand in advance those kinds of procedural approaches. The bill is no longer subject to those kinds of procedural attacks.

We feel good about it. We would like to spend some time talking about the reality of this bill and what it will and won't do.

I close by saying the last argument that will come from those who oppose

it is: Can we afford it? I assume they will also say: We are now in a recession. So we really can't afford it.

I just told you it is not effective until 2003. We give everyone time to get out of the recession. Besides that, in terms of budgetary problems, the best estimate we have, and we will put it in the RECORD shortly, is the Congressional Budget Office saying when fully implemented, this may increase the cost of health insurance by nine-tenths of 1 percent. That is what the Congressional Budget Office says.

I have given you the small business exemption. I have given you the experts' cost. I have given you when it will come into effect. Later on we will discuss who is covered by it. That is still something to be discussed. Some will want to know whether we made it too broad, whether we covered too many people, and whether we covered them in language that is so vague so that the disease is not adequately defined. We think we have done all of those things.

We are pleased to engage later in the day with anybody who would like to talk about that.

I yield the floor. I thank Senator WELLSTONE for his help. We will be here this afternoon defending this measure as long as we are needed.

I yield the floor.

Mr. WELLSTONE. Madam President, I believe the Senator from Pennsylvania wants to speak. I will defer to him. I ask unanimous consent that I follow the Senator from Pennsylvania.

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

Mr. SPECTER. Madam President, I compliment my distinguished colleague from New Mexico for his diligent work over a very long period of time on this very important issue. When he talks about the measure, it is Senator DOMENICI, for himself, Senator WELLSTONE, and Senator SPECTER. I am second on the cosponsor list on his substantive amendment. When he asked me before submitting it whether I would be a cosponsor, I said that I wanted to wait and see the discussion.

The concern that I have is the moving of this appropriations bill. My colleague from New Mexico understands that full well. He is on the Appropriations Committee and is the chairman of the subcommittee. I think it is a bill which ought to be enacted. I believe there ought to be mental health parity. The reasons which he has given are very persuasive.

The concern I have is it is legislation on an appropriations bill, and the concern as to whether there are tax implications to include deductibles, coinsurance, copayments, and catastrophic maximums which would provide a basis for a so-called blue slip by the House of Representatives. We can handle that in due course. I am going to await the arguments.

I would like to find some way to accommodate this amendment. I am just not sure at this point that it is possible. But I wanted to express those views at this time. I know the Senator from Minnesota is waiting to comment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I thank my colleague from Pennsylvania. I know in discussions with the Senator from Pennsylvania and Senator HARKIN from Iowa that we can go over all of the points. We have made a special effort to deal with it.

First of all, I thank my colleague, Senator DOMENICI from New Mexico. It has been my honor to have worked with him now for over half a decade on this question.

I believe the Senate will pass this amendment. When we pass this amendment, I think it will be viewed favorably by historians. I am not trying to be melodramatic.

There are 67 Senators, Republican and Democrat alike, who support this piece of legislation. It passed out of the HELP Committee by a 21-to-0 vote. There are 150 organizations that support it. There are two reasons.

First of all, this legislation is major civil rights legislation. We are coming to November 2001. When this amendment and bill pass, I believe we can keep it in conference. We will have passed a major piece of civil rights legislation which will say that we will no longer permit discrimination against those people who struggle with mental illness in our country.

This legislation says, when it comes to those who are struggling with this illness, there will no longer be discrimination. It is modeled after the Federal Employees Benefits Plan.

It basically says there will be the same requirements when it comes to deductibles, copays, and days in the hospital and outpatient visits.

I thank the Senator from Massachusetts as chairman of the HELP Committee for helping us get this through the Health Committee on a 21-to-0 vote. He and his staff have been there throughout all of the negotiations and work on this bill.

I thank Senator DOMENICI. Next to Senator DOMENICI, I thank Senator KENNEDY.

I think there is going to be an overwhelmingly positive vote because it is just wrong for someone who is struggling with this kind of illness to be told they are going to have to pay a higher copay, and they are going to have to pay a higher deductible. No health insurance plan will let them stay a few days in the hospital. No. They can only have a certain number of outpatient visits.

We will not do that with someone who suffers from a heart condition, nor to someone who is suffering from diabetes, nor to someone who broke their ankle. We don't say to them they are going to be in the hospital only 1 day and that is it, or 2 days and that is it. Nor would we charge them high copays and deductibles to the point where they can't afford it.

We have to end the discrimination. It is 2001. The time has come for this idea.

The Surgeon General in his report said close to 20 percent of American people struggle with this illness and 18 million people struggle with depression.

I have had the honor of working with Al and Mary Kluesner from Minnesota. They started an organization. It is now a national organization. It is called SAVE. Two of their children committed suicide. They have two children who are doing spectacularly well.

Up until very recently, a lot of families, parents, brothers, sisters, husbands, and wives blamed themselves when they lost a loved one who took their life. There has been this shame. People have blamed themselves. But now we know a lot more. Now we know how much of that is biochemical. Now we know it can be diagnosed. Now we know it is treatable. The success rate for treatment of those who are struggling with depression is 80 percent.

Kay Jamison, a psychiatrist at Johns Hopkins who has tried to take her life twice, has written several powerful books. One book is called ''An Unquiet Mind'' about her own experiences. Just a month ago she received the McArthur Award—the genius grant —for her work. She has written about the gap between what we know and what we do. It is lethal.

The Kluesners became involved and people all across the country have become involved. They no longer will accept the stigma. They no longer will accept the discrimination. They have come out of the closet. They have come out of the closet to speak for their loved ones because they know it is a matter of life or death.

If we would end the discrimination, we would get the care to people; we would save some lives.

Suicide is the third leading cause of death among young people in our country. In Minnesota, it is the second leading cause of death.

So much of this can be diagnosed. So much of this is preventable. That is why this amendment and this legislation is so important.

It is not just a question of civil rights. It is not just a question of saying it is the end of discrimination. It is also a question of what we can now do as a nation. Because if our health care plans—modeled after the plan that we participate in, the Federal Employees Health Benefits Plan—say there will be no difference in terms of the way we treat this illness versus any physical illness, then, I say to Senator DOMENICI, the care will follow the money. Once the health care plans provide the coverage, you will have an infrastructure of care out there for people that we do not have right now.

There will be arguments and counterarguments, and I am ready for all of them.

Let me just make a couple more points because I will be in this Chamber for a while with this amendment,

and other Senators are in the Chamber right now.

There was a young woman named Anna Westin. Her mom and dad, Kitty and Mark Westin, have brought parents together as well. They have brought parents together because their daughter—a beautiful young woman—struggled with anorexia. Same issue: She tried to get coverage from the plan. It was the Blue Cross/Blue Shield plan in Minnesota. They could not get the coverage for the days in-hospital that she needed to be there. They lost their daughter.

By the way, Blue Cross/Blue Shield has made a settlement with them and is going to do much better in terms of providing the coverage. I cannot make a one-to-one correlation and say because she did not get coverage, therefore, Anna took her life. But I can tell you this: I have met with parents, I promise you, all across the country who have told me about what it means when they cannot get coverage to take care of their children.

I went down to Houston; and SHEILA JACKSON-LEE had a hearing she wanted to do with me. It dealt with mental health and children. It was unbelievable the number of people who came who wanted to speak about their desperate story with their own children. At this public hearing, the guy who was the head of the corrections system for one of the largest counties in the United States of America—I could not believe what he said—said: I am a law and order person. Nobody seemed to doubt that. And he said: I want to tell you, a lot of people believe that if these kids are locked up in our facilities, they have done something wrong. He said: I want to tell you—I think the figure he used was 40 percent—40 percent of these kids, if they had gotten some help, would not even be in jail. They should not be locked up. It is the only place the parents can get any help for them.

There was a time when we talked about how we institutionalized people, we warehoused people struggling with mental illness—adults and children in institutions. Now we are warehousing them in our jails, and many people should not be there—many children should not be there.

So this legislation ends the discrimination for a broad range of mental illnesses that affect adults and children.

This legislation has an exclusion for small business so that businesses are not covered unless they have 50 employees or more.

This bill has been scored by CBO as costing no more than a 1-percent increase in premium. Then there is the benefit of what happens when we finally end the discrimination and what happens when we finally provide the coverage for people.

We had testimony—my last point because I will have a chance to speak later—before the HELP Committee, I say to Senator KENNEDY. There were a number of people who came in—I wish I could remember all of their names: doctors, psychiatrists, social workers—and they were talking about the aftermath of September 11. I am not mixing agendas. I am being as intellectually honest as I can.

One woman, who worked with the firefighters, said: I want to tell you that given what people have gone through, you are going to have to have an infrastructure of mental health care. Her name is Dr. Kerry Kelly. She talked about her experiences with her onsite work as chief medical officer of the New York Fire Department. She just basically said: Look, we are going to need a lot of help for family members. And people have been saying that all across the country.

So, I say to colleagues, please consider this legislation civil rights in ending discrimination. Colleagues, please consider this legislation as a way of finally providing the care to men, women, and children who, if they are provided with the care, can go on and lead good, productive lives. And, colleagues, also please consider this legislation preparedness legislation. The truth is, no longer, when we talk about health care for adults or health care for children, or public health, or what we have to do, can we not consider mental health part of the cake. It is part of how we deliver humane and dignified and affordable health care to people in the country.

This is about as important a piece of legislation as I think we can pass. But, look, I have my biases. I came here as a Senator who has a brother who has struggled with this illness all of his life. When I was elected in 1990, I thought if there was one thing I would try to do, for sure, I would try to end this discrimination in coverage. For sure, I wanted to make sure that people were able to get the help they needed.

I have had a chance to work with Senator DOMENICI for over half a decade. And I have had a chance to work with Senator KENNEDY for over a decade. Now is the moment where we can pass this legislation as a part of this bill. And I think we can keep it in conference. This would be a huge step forward for our country.

We need each other as never before. There is an ethic going on in this country about the ways we can help one another. I think that is all for the good in the most difficult of times. This would be the best possible way of living up to this value and this ethic, to adopt this amendment with an overwhelming vote.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I congratulate and thank our two leaders in this extremely important bill in the area of health policy—Senator DOMENICI and Senator WELLSTONE—for ensuring that the Senate will have an opportunity to address one of the most compelling health care issues we are faced with in our society. I thank them for their constant support on this issue over the years.

We have had debates on mental health parity on a number of different occasions, but with the shaping and the fashioning of this amendment, this really is the moment of truth on this issue. This is the time to take action.

Senator DOMENICI and Senator WELLSTONE deserve all of our thanks for their leadership and the work they have done. I would also thank those who have been a part of the process in helping us develop the legislation, the scores of families who came and testified and shared some of the great personal challenges they have faced as they have dealt with the challenges of mental illness in their families, deserve a great deal of credit.

We express to them that the best way we can ever thank them for being willing to share some of the great challenges they have faced over a lifetime of care and dedication and commitment—and in a number of instances financial ruin—is to have real parity in our health care system. This legislation will do that for us.

I was listening to both of our colleagues and remember so much of the similar debate we had back in 1996 on the HIPAA legislation, when both Senator DOMENICI and Senator WELLSTONE brought these matters to the floor of the Senate at that time. A number of our colleagues spoke with great passion and great commitment, and we thought we had made a substantial downpayment in moving us irrevocably in that direction. But, nonetheless, we were not able to do so because there were those who were able to find ways of circumventing the legislation and finding ways of subverting both the intent and, for me personally, even the letter of the law. The Senate voted for it overwhelmingly, Republican and Democrats alike.

Over the years, this body has been somewhat slow in finally responding to science rather than ideology. For years, those who were challenged mentally were too often put aside in our society and denied a position of respect and dignity. They were shunned. They were looked down on. They were pitied. They were, in many instances, abused. Their lot was not a good one in America.

Then, more recently, that attitude has changed. I would like to believe there has been a new sense of respect for the valuing of individuals on the basis of their character rather than, as was used with these words, ''the color of their skin'' or their gender or their ethnicity or their disability. We have made important progress.

What we have seen over time is corresponding progress in being able to deal with the challenges of mental illness. We have made real progress. Now there is really no excuse whatsoever. Now there is no reason whatsoever to deny the Senate the opportunity this

afternoon to move toward true equality and true parity in terms of mental health.

If we look at some of the mental disorders that are most common in terms of challenges to our communities, one is bipolar disorder, another is depression. Compare those to the physical disorders of hypertension and diabetes, common illnesses, common challenges we face; you find that the treatment success rates for these chronic diseases of bipolar disorder and depression far exceed those for hypertension and diabetes. This is true across the board. Not everyone understands it; not everyone believes it. But increasingly, the medical information and testimony and results indicate that mental illness is treatable. It is such a statement of hope for families to know that, if they get the appropriate treatment, they can free the individuals facing these challenges from some of the torments they are facing in the course of their lives. We have made enormous strides. We are making enormous strides.

Our two colleagues share my belief that we are at the time of the light science century—with the mapping of the DNA, stem cell research, and all sorts of recent exciting medical breakthroughs. We view the opportunities for continued progress in this area, such as in the year of the brain, where we have had very profound research and discoveries on what impacts thought process in people's minds. We have made enormous progress, not only in understanding but also in dealing with these issues.

The question is, why not have parity? It is so compelling and so necessary.

I will digress for a moment and thank our colleagues for bringing this to our attention at this time in our country's history. All of us still are sensing the powerful emotions we felt on September 11. We know anxiety still exists for so many families, not only as a result of the particular enormous tragedy that was so devastating to so many families but also its impact on our Nation as a whole and, more recently, the challenges we are facing in terms of the dangers of Anthrax. We know it has only directly affected some 15 of our fellow citizens, but we know that the fear and the anxiety among our fellow citizens is significant.

I dare say, this anxiety has impacted no group more than the children of our country. They are feeling this enormous anxiety. They are feeling it not only as a result of September 11; they are also feeling it with regard to the threats of Anthrax and the whole threat of bioterrorism. There is a lot of anxiety in America today.

We don't expect this bill to solve all of the problems, but what it will do is give the stamp of the U.S. Senate. Any fair review in the reading of the record is going to reflect very clearly that there are ways of providing assistance to those who need the attention and the care and the guidance and the support and the treatments that are out there for American families.

The most obvious ones are those that have been involved in the current rescue efforts at ground zero and their families. Having had an opportunity the other evening to talk to the head of the firefighters union and to listen to him for a short period of time, I could already see that the challenges that are going to be faced by so many of the families involved are going to be severe.

We know that challenges still exists. We know now in recent years enormous progress has been made in understanding the very challenge of mental illness and mental disease. We know extraordinary progress has been made.

The only reason for not accepting this amendment may be the issue of cost. It always comes around to the issue of cost. At least it comes around so often by those who want to resist legislation.

That argument does not stand up in this case. We have experience in a number of the States on this issue. In our committee, this was raised as an issue. And we agreed to raise the exemption from companies with 25 employees or less up to companies of 50 employees or less. That means approximately half of all working families in this country will effectively be covered, but there will still be many others left out. I regret that, quite frankly. But I am satisfied that if we get this in place and we have the results that I know will come, we will be right back in a very short period to extend the exemption from employers of less than 50 down to 25.

The fact is, 23 States have passed parity laws. There is absolutely no evidence that any of them have experienced any significant increase in costs. We know that now as fact. We are not dealing with theories, estimates, or judgments by those who are opposed to it. We are dealing with facts. The facts are as I have stated; there has not been a significant increase in cost.

The Senators from New Mexico and Minnesota would agree with me that with an effective program providing mental health parity, you are probably going to see a reduction in the cost of health care because when you treat the mental health challenges and the illnesses for individuals, more often than not, it has a very positive impact in terms of other physical disabilities.

Those studies have been presented before our committee, and I am absolutely convinced that even though this is going to provide additional kinds of treatment for individuals who need it, the overall bottom line is going to be savings in health care expenditures. We have seen examples of it. I won't take the Senate's time right now to go into those studies, but a very compelling case has been made.

If you think back to it logically, you will see the reasons for it. The first reason is to assist families and individuals by increasing the nation's capability to provide mental health services to Americans who need it. It is a grave mark on our national consciousness if we have the ability to assist these families and we do not do so. This legislation will ensure that we are going to do it.

Secondly, with the progress that has been made with these breakthrough treatments and medicines, we have the chance to make a important difference to our fellow citizens in their lives and the lives of their families and to have an enormous positive impact on our fellow citizens.

Finally, this is not going to be an additional burden in terms of cost. This is a compelling case. It has been made eloquently and passionately by two of those who have given their commitments and the force of their arguments—Senators DOMENICI and WELLSTONE. They have made this case time in and time out. It is time for the Senate to act. It is essential that we act, and I hope this will pass overwhelmingly.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am happy to be a cosponsor of this amendment.

First of all, I wish to express my gratitude for the leadership shown by Senator WELLSTONE and Senator DOMENICI. They brought to the Senate, with this unique partnership they have formed, something that will be long remembered. They are from different political parties, two individuals with different views on almost everything in political life. In the last 6 or 7 years in the Senate, they have brought together something that has been very dynamic. As a result of their leadership, laws have been changed in this country, attitudes have been changed in this country, and the entire United States owes a debt of gratitude to these two men.

We have all had experiences with diseases where we may have said, yes, my cousin, my brother, my father, or my neighbor had this same disease—whether it is cancer, heart disease, whatever the condition—a medical problem with which we have all had experience. If we are honest with ourselves—and we are becoming so—if we talk about mental illness, it is the same thing.

How many of us have relatives who have clinical depression? Lots of us. How many know of members of our families who have bipolar disorders? That is a relatively new term but something we understand. The same applies—whether it is cancer or heart disease, it applies to this.

I have been stunned by how many people have been affected by a suicide. It is no secret in this body that my father committed suicide. It is no secret that it took a long time for me to acknowledge it publicly and talk about my father's death. But since I have, every place I go, people come to me and relate stories. For example, I was at a TV interview in Las Vegas. One of the anchors who did the interview said: May I speak to you afterward? I said sure, and I waited. Her brother committed suicide. Every place I go, people

come up to me and say their mother, father, brother, or sister committed suicide. We know at least 31,000 people each year kill themselves. There are really more because there are automobile accidents and other kinds of ''accidents'' that are not counted, but they are suicides.

Many people deny that their loved ones have committed suicide. I try to have them be as forthcoming as I should have been many years ago about my father. It affects us all.

That is what this amendment is all about—parity, making sure that heart disease is treated no differently than depression that leads to suicide.

There is a tendency of some to think these problems are identifiable at a given age. Well, the sad reality of it is that mental illness doesn't appear at any certain age. Children have mental disorders, mental problems. Teenagers develop them. People in their twenties and thirties have them.

Here are two examples. There is a woman I have gotten to know in Washington—a 78-year-old widow. She is a very pretty woman. Her husband was extremely well educated. She has two sons. They both were happy, with good jobs, in good professions. While in their forties, they developed mental illness—both of them. Now she cares for her two sons. She is 78 years old. I visit her at least once a month. Some months they are in better shape than in other months. They are under medication and treatment. But it has affected her life dramatically.

I often wonder what is going to happen. In fact, I don't know about the one son. One, I know, was happily married with children before he got sick. Now he is divorced. I often wonder what is going to happen to these men after this woman passes away.

Another example is somebody I knew who was a great athlete in high school, a high school all-American, college all-American, a professional athlete. I wonder what happened to him. All of a sudden, I didn't see him on the roster and wondered what happened to him. He is in an institution—a mental institution. Who would ever guess it? I will not mention his name. Who would ever guess he would have been in a mental institution—this fantastic athlete, tough, hard, and so good. He is in a mental institution.

I recognize that there needs to be more done so that we accept mental illness more. That is what this legislation is all about. That is what mental parity is. That is the name these two men—Senators WELLSTONE and DOMENICI came up with, ''mental parity,'' or mental fairness, to treat diseases the same, whether it is heart trouble or depression.

We are doing better than we were. One reason we are doing better, in my opinion—the one to which I have devoted so much time, suicide—is we have a man who is the Surgeon General who is a tremendous person. All we had to do was talk to him about suicide and he knew something had to be done. Dr. Satcher has worked tirelessly, since he became Surgeon General, to bring about change. He has worked with us to make sure there was money to study the causes of suicide. We don't know why people commit suicide.

You would think the suicide would be in States—and I say this without any denigration whatsoever—where it is dark and cold in the wintertime, such as North Dakota, Minnesota, South Dakota, these cold States, but it is not.

It is not. Suicide is west of the Mississippi, in States where the Sun shines a lot, wide open plains and places for people to get outdoors. The 10 leading States in suicide are west of the Mississippi. We do not know why, but we are studying why, and we hope to learn more.

In the Senate, we have passed resolutions recognizing the problems with suicide. We are appropriating some money now. We are doing better.

To show this is a serious problem, I have a statement that indicates that a telephone survey conducted by the Pew Research Center of the people and the press a few days after the attacks on September 11 found that 71 percent of respondents reported being depressed, 49 percent said they had difficulty concentrating, and 33 percent reported insomnia.

We have all talked to our friends and relatives who after this attack are having trouble sleeping. For the first time these people are having trouble sleeping.

In another study conducted 3 weeks after the attacks, respondents said they were depressed, and 20 percent 3 weeks after of the events said they were having trouble sleeping.

There should be full parity for mental illness. We have to make sure, as has been discussed today, that companies, businesses, and government do not try to figure out some way to get around this. They should not do that. It is the intent of this amendment that people with mental illness be treated as well, as fairly, and as equally as people with medical illnesses. That is the purpose of this legislation.

If, in some subsequent time, someone is trying to figure out the congressional intent, the intent of this is to have mental parity, to have people who have mental illness treated the same as people with a medical illness.

Again, I express my appreciation to the people who have us talking about this issue, Senator WELLSTONE and Senator DOMENICI. But for their advocacy, we would not be here today and we would not have been doing things in the past 5 years. It is because of them we are considering this amendment. I am personally indebted to them for the work they have done to help those with no voice, to help those with no lobbyists, to help those who cannot help themselves.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

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

Ms. STABENOW. Mr. President, I am proud to be a cosponsor of the legislation and to add my name to this amendment. I join with others who have thanked Senator DOMENICI and Senator WELLSTONE for their diligence and dedication on what is an extremely important issue. It is extremely important to all of our families.

I have been involved with mental health issues all of my adult life, starting when I was in the State House of Representatives in Michigan chairing the Mental Health Committee and writing legislation we have in place in Michigan for children, families, and adults. But today I rise in support of this amendment because of my personal situation.

My father, who was an extremely loving and wonderful man, a businessman in business with my grandfather in a car dealership in Eau Claire, MI, when I was growing up, in his mid-thirties found himself being diagnosed a manic-depressive. At first, we did not know what that meant in terms of the highs and lows he was experiencing.

At that time—it was the midsixties—there was very little available in the community. It mostly was hospitalization for anyone who had any kind of mental health problems. We did not have a lot of money. Our family was not a wealthy family, and we struggled with attempts to get my father adequate care.

One of the things we learned as we moved through this disease with him was that mental illness is as physical as any disease that is now covered by our insurance system. If you are a manic-depressive, that means you have chemicals in your brain that are off balance. They provide too much of a stimulus that causes one to be awake, to go into a manic state; it causes then too less of a stimulus, so one goes into a depression and they may swing back and forth.

Just as we have now developed medicines to help those who have cancer and diabetes or those who have Parkinson's or Alzheimer's disease—and we are moving on all kinds of fronts to develop new medications—we have medicine now for those who are diagnosed manic-depressive.

When my father was finally able to find someone who understood his disease, there was something developed called Lithium, and he had the opportunity to begin taking that medication each month. He was able to go back to his normal life. He was able to work and function and be a part of the community because this was a physiological disease that was treatable by medication.

We know, whether it is schizophrenia, manic-depression, or other diseases, that we are talking about imbalances in the brain. These are physiological changes. These are health problems, as much of a health problem as diseases that are covered by insurance.

I cannot think of anything more basic than finally, in 2001, understanding in our health insurance system what we have now known in the medical community for years, and that is: If we provide treatment, we can treat those with mental illnesses as well as physical illnesses with great success.

My colleagues have spoken to the fact if we do not do that, we will treat them in our jails, we will treat folks who are homeless and under the bridges sleeping at night. There will be some way that those who have mental illnesses will find themselves in situations where they will be reaching out, and we will be addressing it in some way in the community. The question is, do we do it in a positive way in the health care system where it needs to be addressed or will we be addressing it in some other way that is not positive?

I hope we will all come together. It would be wonderful to see everyone coming to the Chamber and supporting this long overdue amendment on mental health parity. I hope my colleagues understand this has been worked out. This is a bill that has been balanced. For those concerned about small business, this is legislation addresses those companies with less than 50 employees being exempt, that there is a year delay—there is a lot that has been put together in this amendment.

I compliment my colleagues who have worked so hard to come up with a balanced approach and yet proceed with the principle of mental health parity. In this day and age, shame on us if we do not understand the variety of ways in which someone can become ill and require our health system to address those equally. It is long overdue. I strongly urge adoption of this amendment.

I again thank my colleagues who have come forward and have fought so diligently for this principle for so many years.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the Senator before she leaves the Chamber, I thank her very much for her remarks. I have been very amazed in the 5 or 6 years I have been involved with mental illness issues as it pertains to Federal policy, as it pertains to State law, the more I go out and meet people, whether it is in a townhall meeting where a lot of people from all walks of life come, or whether it is a special event where somebody is being honored and there is a lot of glitter around, or even if you go to New York for some kind of event and you are meeting the people of swank New York, wherever and whenever, you always have more than one person walk up and tell you about their family—schizophrenia, manic depression, clearly depression, especially among young people, always somebody brings that up.

To be honest, it is so common as an illness that it is hard for this Senator to believe we are in this year, 2001, still letting people write insurance policies and act as if heart conditions and all the research that goes with it should be covered, even build hospital clinics because insurance companies are so willing to pay because that insurer carries all of his resources on his back and builds new hospitals, builds new clinics, builds new techniques, builds more research, but all of these people who walk up to us and tell us their story, there is no money, there is no coverage.

Some people will take that as this is a big philosophical difference. They would say to Senator DOMENICI on the Republican side, why do you want to tell anybody what to do? Why do you want to tell insurance companies what to do?

Frankly, I think when we started this process of what will insurance companies cover and what they will not, I asked a question of those who think this is philosophical: What if we would have said a heart condition is not covered by insurance. Why? Because the heart is part physical and it is part spiritual, and we do not know enough about it so let us not cover it.

What do you think we would be doing today? Do you think we would get to 2001 in American chronology and we would still be having insurance companies say they are not covering heart conditions because 41 years ago they should not have covered heart conditions because, after all, it is part spirit and part physical?

Those who oppose this legislation want to leave the millions of Americans with severe mental illnesses right where they have been for decades. They do not want to acknowledge there is treatment, that it is costly, that one can get well, and that it is defined as brain disease in many parts of the medical community.

It is not something that is unlike any other illness. It is very much like a lot of illnesses. It has a huge number of qualities that are the same as mental illnesses that we are so concerned about that we would not let an insurance company get by without covering them to the maximum. We would have them here and we would be citing them for some kind of contempt of America if they did that, I would think.

So when the Senator from Michigan joins us and tells us the real facts, it begins to show signs that the message is getting through.

Let me give one more example. When President Kennedy was the President, we were engaged in a very serious national effort with the severely mentally ill who were locked in cages. We could tell a whole story about that terrible part of American health care. As an ironic situation, I might say they are no longer locked in cages as they were. At that point in history, we decided that could not be done, they had to be let out.

Now more of the seriously mentally ill are in jails in America than they are in hospitals. They are not in the cages. They are in jails because there is no place else to put them. They are getting arrested for malfeasance, most of it small. When it gets to the big crimes, we have a national argument about whether or not they are mentally insane when they commit mass murder.

In any event, the reality of it is we decided way back then that we were going to treat the mentally ill differently. But what we thought would happen was that across America there would be clinics, there would be facilities built that would let the doctors treat the mentally ill in a modern, hospitable, decent manner, not in the dungeons of the past.

Guess what happened. Nobody put up any money. Now one would say: Well, who should put up money? Either the Government ought to pay for some facilities or there ought to be some coverage if it is an illness so that the insurance companies would pay for it based upon it being carried by the mentally ill person. When they get sick, the insurance comes into play. With that, the private sector may build many facilities for the mentally ill. It is not going to happen until we do that.

I thank the Senator so much for her remarks today. They were right on, from this Senator's standpoint, and very relevant.

Ms. STABENOW. Will my friend yield?

Mr. DOMENICI. I yield.

Ms. STABENOW. One more time, I thank the Senator from New Mexico for his commitment on this issue and the way he is able to explain the importance of it.

I stress, along with the Senator, if we had private insurance coverage, then the facilities would be there. They would know there is a way for this to be paid for and, in fact, as we do with other kinds of health insurance, the hospitals would know there is a reimbursement system, the physicians would know there is a reimbursement system, and they would know as well there would be for these mental illnesses.

I thank the Senator for his wonderful commitment and leadership, as well as Senator WELLSTONE. I am hopeful we can move forward and that this can truly be a historic day.

Mr. DOMENICI. I send to the desk a list of cosponsors. There were 65, plus the Senator from Minnesota and the Senator from New Mexico.

The PRESIDING OFFICER. The cosponsors will be added to the amendment.

The list is as follows:

COSPONSORS

Wellstone, Kennedy, Reid, Stabenow, Akaka, Baucus, Bayh, Bennett, Biden and Bingaman.

Boxer, Breaux, Byrd, Cantwell, Carnahan, Carper, Chafee, Cleland, Clinton, Cochran and Collins.

Conrad, Corzine, Daschle, Dayton, DeWine, Dodd, Dorgan, Durbin, Edwards, Feinstein and Frist.

Graham, Grassley, Harkin, Hatch, Hollings, Inouye, Jeffords, Johnson, Kerry, Kohl and Landrieu.

Leahy, Levin, Lieberman, Lincoln, Lugar, Mikulski, Miller, Murray, Nelson (FL), Reed and Roberts.

Rockefeller, Sarbanes, Schumer, Shelby, Snowe, Specter, Thomas, Torricelli, Warner, Wyden and Stevens.

Mr. DOMENICI. There are 154 organizations that indicate the time has come when we ought to do this, and I ask unanimous consent that this list of organizations be printed in the RECORD at this point.

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

154 ORGANIZATIONS SUPPORTING S. 543, THE DOMENICI-WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT OF 2001

Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Family Physicians, American Academy of Neurology, American Academy of Pediatrics, American Academy of Physical Medicine and Rehabilitation, American Academy of Physician Assistants, American Academy for Geriatric Psychiatry, American Association for Marriage and Family Therapy, and the American Association for Psychosocial Rehabilitation.

American Association of Children's Residential Centers, American Association of Pastoral Counselors, American Association of School Administrators, American Association of Suicidology, American Association on Mental Retardation, American Board of Examiners in Clinical Social Work, American Congress of Community Supports and Employment Services (ACCSES), American Counseling Association, American Family Foundation, and the American Federation of State, County and Municipal Employees.

American Federation of Teachers, American Foundation for Suicide Prevention, American Group Psychotherapy Association, American Hospital Association, American Jail Association, American Managed Behavioral Healthcare Association (AMBHA), American Medical Association, American Medical Rehabilitation Providers Association, American Mental Health Counselors Association, and the American Music Therapy Association.

American Network of Community Options and Resources, American Nurses Association, American Occupational Therapy Association, American Orthopsychiatric Association, American Osteopathic Association, American Political Science Association, American Psychiatric Association, American Psychiatric Nurses Association, American Psychoanalytic Association, and the American Psychological Association.

American Public Health Association, American School Counselor Association, American School Health Association, American Society of Clinical Pharmacology, American Therapeutic Recreation Association, American Thoracic Society, America's HealthTogether, Anxiety Disorders Association of America, Association for the Advancement of Psychology, and the Association for Ambultory Behavioral Healthcare.

Association for Clinical Pastoral Education, Inc., Association of Jewish Aging Services, Association of Jewish Family & Children's Agencies, Association of Maternal and Child Health Programs, Bazelon Center for Mental Health Law, Catholic Charities USA, Center for Women Policy Studies, Center on Disability and Health, Center on Juvenile and Criminal Justice, and the Central Conference of American Rabbis.

Children and Adults with Attention-Deficit/Hyperactivity Disorder, Childrens' Defense Fund, Child Welfare League of America, Christopher Reeve Paralysis Foundation, Clinical Social Work Federation, Commission on Social Action of Reform Judaism, Corporation for the Advancement of Psychiatry, Council for Exceptional Children, Council on Social Work Education, and Dads and Daughters.

Disability Rights Education and Defense Fund, Inc., Division for Learning Disabilities (DLD) of the Council for Exceptional Children, Easter Seals, Eating Disorders Coalition for Research, Policy & Action, Employee Assistance Professionals Association, Epilepsy Foundation, Evangelical Lutheran Church in America Lutheran Ofc. for Governmental Affairs, Families for Depression Awareness, Families U.S.A, Family Violence Prevention Fund, Family Voices, and the Federation of American Hospitals.

Federation of Behavioral, Psychological & Cognitive Sciences, Federation of Families for Children's Mental Health, Friends Committee on National Legislation (Quaker), Inclusion Research Institute, International Association of Jewish Vocational Services, International Association of Psychosocial Rehabilitation Services, International Community Corrections Association, International Dyslexia Association, Jewish Federation of Metropolitan Chicago, and Kids Project.

Learning Disabilities Association of America, MentalHealth AMERICA, Inc., NAADAC, The Association for Addiction Professionals, National Association for the Advancement of Colored People (NAACP), National Association for the Advancement of Orthotics & Prosthetics, National Association for Rural Mental Health, National Association of Anorexia Nervosa and Associated Disorders—ANAD, National Association of Children's Hospitals, and the National Association of Counties.

National Association of County Behavioral Health Directors, National Association of Developmental Disabilities Councils, National Association of Mental Health Planning & Advisory Councils, National Association of Protection and Advocacy Systems, National Association of Psychiatric Health Systems, National Association of Psychiatric Treatment Centers for Children, National Association of School Nurses, National Association of School Psychologists, National Association of Social Workers, and the National Association of State Directors of Special Education.

National Association of State Mental Health Program Directors, National Center on Institutions and Alternatives, National Coalition Against Domestic Violence, National Coalition for the Homeless, National Committee to Protect Social Security and Medicare, National Council for Community Behavioral Healthcare, National Council on Suicide Prevention, National Depressive and Manic-Depressive Association, National Down Syndrome Congress, and the National Education Association.

National Foundation for Depressive Illness, National Health Council, National Hopeline Network, National Law Center on Homelessness & Poverty, National Mental Health Association, National Mental Health Awareness Campaign, National Multiple Sclerosis Society, National Network for Youth, National Organization of People of Color Against Suicide, and the National Partnership for Women and Families.

National PTA, National Therapeutic Recreation Society, NISH (National Industries for the Severely Handicapped), Presbyterian Church (USA), Washington Office, Samaritans of The Capital District, Inc. Suicide Prevention Center, School Social Work Association of America, Service Employees International Union, Shaken Baby Alliance, Society for Personality Assessment, and the Society for Public Health Education.

Suicide Awareness Voice of Education, Suicide Prevention Advocacy Network, The Arc of the United States, Tourette Syndrome Association, Unitarian Universalist Association of Congregationalists, United Cerebral Palsy Association, United Church of Christ, Justice and Witness Ministry, United Jewish Communities, Volunteers of America, Yellow Ribbon Suicide Prevention Program, and the Youth Law Center.

Mr. STEVENS. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. STEVENS. Mr. President, I ask the Senator from New Mexico if this has been scored by the Office of Management and Budget?

Mr. DOMENICI. Yes, it has.

Mr. STEVENS. What would be its impact on fiscal year 2002?

Mr. DOMENICI. No impact on the year 2002. We have made the bill operative and effective in 2003.

Mr. STEVENS. Mr. President, I want to confer with the distinguished chairman of our committee, but we reached a firm agreement we would not exceed 686 for this year, and I do not know how that impacts taking on a bill that will start impacting 2003. What would be the impact in 2003?

Mr. DOMENICI. Over $150 million a year. We knew of the agreement and the binding nature of our agreement, and I felt bound by it in terms of how much money for 2002, and I think that is literally for 2002 but not 2003, 2004, or 2005. So we changed the effective date to 2003 in the amendment before it was sent to the desk.

Mr. STEVENS. I must express my reservation until we reach an understanding about how this will impact the agreement we made with the Office of Management and Budget and with the House on this bill. It does add outyear expenditures, as I understand it. The Senator has indicated it does not impact 2002. I reserve judgment on this amendment.

I am a cosponsor of it. I think the bill itself is a worthy bill, and it basically is an entitlement program. It is not an appropriation, as I understand it.

Mr. DOMENICI. The Senator asked me a question, and I want to answer this way: Frankly, most of this bill is going to be taken care of by insurance companies paying insurance bills, but there is some U.S. Government responsibility because it reduces the receipts in certain areas that would have otherwise come in because of the overall costs. We knew in 2002 it was subject to a point of order because, in fact, there is a cap in 2002. There is no cap for 2003 and the years beyond, and for that reason we do not believe a point of order lies in the outyears, nor do we think anybody is bound to reduce appropriations by that amount in the outyears.

We are prepared at some point to exchange serious discussions, if anyone wants to do it, on this issue.

I yield my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I, too, thank the Senator from Michigan.

Mr. WELLSTONE. Above and beyond the National Mental Health Association and the National Alliance for the Mentally Ill, there is a Fairness Coalition of Mental Health, and other children, education, law enforcement, and labor organizations all behind this legislation. There is a broad range of organizations supporting the legislation.

I point out to colleagues the legalistic language of the bill. This bill is modeled after the Federal Employees Health Benefits Program in which we participate. It says to a group health plan: Do not treat mental health benefits differently from the coverage of medical and surgical benefits. You have to treat it the same way. The legislation does not mandate that a plan provide mental health coverage but says if you have mental health coverage, you have to treat it the same way or have the same coverage as for physical illness. That is why it is called a parity bill.

There are still important steps to take, which I hope someday we will, so all the people in our country who have no coverage will be treated. This legislation for over 100 million would make an enormous difference.

The cost to the Nation is enormous. Additional health care costs occur when people cannot get the coverage they need, and they wind up in the emergency room or it leads to other illnesses. There is a productivity loss from people who struggle with illness and get no help. There are the social costs of crime: When people do not get treatment, they cannot work or they wind up homeless. We have a lot of homeless people struggling with mental illness. When we treat children at a young age, it will have a huge impact on whether they have a life of misery where they could end up in trouble, more trouble, then incarceration, or whether they are treated and they can go on and live a very productive, happy, and healthy life.

I visited a correction facility—and there are many facilities—in Tallulah, LA. I could talk about this forever. Mr. President, 95 percent of the kids had not committed a violent crime. Too many were kids who struggled with mental illness. They should have been checked at the front end of assessment when a kid breaks and enters a house or steals a car. Remember, we are talking about anywhere from 10 percent to 20 percent of children in this country who struggle with this illness.

Too many kids all across the country—and your police, law and order communities, law enforcement communities, will tell you this—do not get any treatment, there is no coverage, and they wind up incarcerated when they should not be incarcerated. Then what happens is almost indescribable. The kids are not able to defend themselves. Quite often they are brutalized. Then they come out of these facilities dysfunctional. But they never should have been in the facility in the first place. We never provided the care for them. There never was the coverage.

I am sure there can be some good negotiation and things can be worked out in conference on offset, but I argue for $150 million more a year, or whatever the final costs would be. Is it not worth it to end the discrimination and provide the coverage to so many people, including a good number of whom are our loved ones, with the difference being life or death?

In the words of Rabbi Hillel: If not now, when? When are we going to end the discrimination? This is a matter of civil rights. When are we going to have the health care plans that provide the coverage for people who are struggling with this illness, including many children? When are we going to make sure, with the plans now no longer able to discriminate, there will be an infrastructure of care in our communities, the delivery of the care will follow the money, and the money will be in the plans?

This is more than worth it. We have 65 Senators supporting this legislation. This is bipartisan. If Senator DOMENICI and I are working on something together, it has to be bipartisan. I cannot even think of anything else on which we agree—I don't mean that; I am kidding.

I urge my colleagues to support this measure.

We use the word ''message.'' I hate the word. Everybody says: What is our message? What is our message. This would not be a bad statement. I think it would be good for our country—much less the people we can help, it would be good for our country—if the Senate went on record today supporting an amendment that I think is all about helping people, all about helping some vulnerable people, all about ending discrimination, all about calling for our country, America, to be a better country, all about calling on all of us to be our own best selves, all about making sure we provide care to people, many of whom up to now have not received any care.

The consequences of the plans discriminating and not providing care are so tragic. People who struggle from depression and get no care take their lives. Children don't get any care and they wind up incarcerated when they could have a good life.

The highest percentage of suicides is in the elderly population. Sometime soon I would like to get to Medicare. With Medicare, if you see your doctor apart from in-home care, you pay a 20 percent copay. But if you are struggling with depression—and the highest rate of suicide is in the elderly population—and you go to see a doctor, you pay a 50-percent copay. That is in Medicare. That is blatant discrimination. Why is depression less important than any other illness?

We can help a lot of elderly people. We can help a lot of children. We can help a lot of people in our country. Most important of all, we can help ourselves as Senators. It would not be such a bad thing to have a strong bipartisan vote for something all about values, people helping one another and recognizing we can do better. As Bobby Kennedy would have said, we can do better as a nation.

Please Senators, give this amendment your support. Let's pass it with an overwhelming vote.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. CORZINE. Mr. President, I rise today in strong support of the amendment offered by Senators DOMENICI, WELLSTONE, and KENNEDY. It is an amendment which will ensure that people with mental illnesses are treated equally, fairly, and equitably, on parity with people who have physical illnesses. I do not think there are words that are strong enough to point out the rightness of this in our American health care system.

Today, in America, two-thirds of our citizens with mental illness do not have access to mental health treatment, despite the fact that many have health insurance. For far too long, mental health consumers have been discriminated against in the health care system—subjected to discriminatory cost-sharing, limited access to specialties, and other barriers to needed services. In fact, many of them are just flat left out of the system.

I have had some personal experience with this in my life. I know it is a very difficult trial even if one is not without resources. That is why I am pleased to be a cosponsor of the Mental Health Equitable Treatment Act, legislation that represents a critical step toward equal coverage for mental health services. This amendment, the one we are debating today, incorporates the text of that legislation. And I hope to be a cosponsor, as well, of the amendment.

This amendment builds upon legislation enacted 5 years ago which sought to ensure parity between mental and other types of health care.

That law took the first steps toward recognizing that mental illness is a serious yet treatable disease. I served on the board of the NYU Child Study Center which worked for the better part of a decade to diagnose, to learn diagnosis, and to make sure that we had treatment regimens that actually could attack this disease, based on science and with great and positive outcomes.

It is because of those experiences and some in my own life that I commend

Senators WELLSTONE and DOMENICI for their great leadership on this movement. It is a very powerful statement to our country that we care about everyone, and their tireless efforts should truly be commended because they will ensure that Americans with mental illness will have equal access to mental health services.

Unfortunately, the law enacted several years ago has now expired. Frankly, everyone would agree that it included some loopholes that allowed health care plans to evade many of its goals. This amendment is designed to restore the law and to close those loopholes.

Perhaps most importantly, the amendment would ensure true mental health parity by prohibiting inequitable copayments, deductibles, and inpatient and outpatient visit limits for mental health services.

These are real issues for real people who are in these circumstances, not unlike circumstances people might have with their physical health. We know that people would not be tolerant of those kinds of activities.

These are commonsense proposals which will make a real difference in people's lives and I hope my colleagues will support them.

Earlier this year, many of us worked hard to pass a strong Bipartisan Patient Protection Act that would provide for strong health care protections for all uninsured Americans, the Patients' Bill of Rights. Many of these protections, however, will do nothing for mental health consumers if group health plans are allowed to continue discriminating between mental and other medical and surgical health care coverage.

Advances in medical research have made great strides in our ability to treat mental illness. As a nation, we need to make sure that our insurance covers those advances. Without proper coverage, the benefit of this research will be unable to reach those who need it most.

As a country, I heard Senator WELLSTONE say, we lose $300 million in missed days of work, health care costs and criminal justice costs in a given year as a result of untreated mental illness. We simply cannot afford to do that. It is a simple cost/benefit equation that tells us that we need to move forward on this.

It is overwhelmingly on the side of making sure that parity is attended to. In attempting to find a treatment, those suffering with mental illness face countless obstacles, as we have discussed over and over. This amendment would reverse those discriminatory practices, ensuring that health insurance coverage is strong and fair.

I am pleased that my home State of New Jersey has enacted a mental health parity law, but, frankly, it does not go far enough and flat out excludes children, our most vulnerable, from its coverage.

In addition, because of the ERISA preemption, not everyone in New Jersey is covered by our own State law. Therefore, we need a strong Federal law that ensures mental health parity for all Americans.

In a few weeks I will be introducing legislation that goes a step further. My bill will address the fragmentation of the delivery system by providing increased support to community mental health services. But this is a step we should take and we should take it now.

I am proud of the leadership Senators DOMENICI, WELLSTONE, and KENNEDY have provided to make sure that our Nation has addressed this issue through the years. It is imperative that we now bring to closure this debate about parity by including this amendment in this appropriations bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from New Jersey leaves the floor, might I say that there is no need to be personal about legislation, but I thank him for his comments.

It is obvious that there are many who have been here for a short time, such as the Senator, who already understand that we can't go on as a nation fooling ourselves that schizophrenics are not sick, they don't have a disease; that serious depression, which is now causing suicide in numbers that just go off the map, we can't run around and say, well, for some reason, some purposes, it is an illness or a difficult disease, but for other purposes, well, in terms of whether they should have insurance, we will look the other way and act as if it isn't.

We have had Senators who understand manic depression take the floor. Those are just two nice words. One means high; one means low. But you put that in the brain of a person, and it is not very normal. They have to be sick, and they are diagnosable. They are treatable. But here we are, the millennium is here, we are one year into it, and some people would still say: Let's play like it ain't so. Let's just wish it away. And certainly when it comes to health insurance, we just can't. We have to leave things alone no matter how backward it is, how disjointed it is, how unreal it is. We just have to look the other way.

When will be soon enough? I think now. I will tell the Senator, in order to get it through here, we had to put it off a year in terms of its effectiveness. I would like it to be effective as soon as it gets passed, but it won't because we wouldn't have gotten a bill out of the Senate that would be subjected to some technical objections. I shouldn't say we wouldn't, but it would be difficult. We made a call and said that it is better 2 years from now than to leave it as it has been forever.

So tonight you will be part of voting in an appropriations bill, and we will put on it covering the mentally ill of this land with parity or nondiscrimination of health insurance. We are going to exempt some small businesses. Somebody will argue about that: Why are you doing that? We can't get everything in one swoop. We really think the coverages by big corporations are where we are going to find out how to do this. So they are all going to be under it, whether it be Ford or Intel or whomever. Many of them include coverage already. But no more excuses. No more looking the other way.

Frankly, in the State of the Senator from New Jersey, in 8 or 9 years, there will be new mental health facilities built. You are going to ask: Who built this? We know not all are going to be built by the Federal Government because we don't build them. We never did enough since John Kennedy decided we should go another way with the mentally ill and try to be more humane. What is going to happen is private entrepreneurs are going to say, what is the insurance company going to pay when we take care of that depressive person for a week?

If they pay enough, they are going to build the clinics just as they have built hospitals, just as they have built other health facilities. As of now, nobody accepts the responsibility. Everyone wants to look the other way. I am grateful that Senators who have been here a while, such as this Senator, the Senator who has just arrived, are all coming to the same conclusion this afternoon. Perhaps by 6 o'clock we will have passed this bill.

It is very strange. It goes out in the country. I have been working for it. I expect the debate to go on for a couple weeks. That isn't going to happen. The reason it isn't is because 67 Senators signed this bill and we brought it up. I thank each one of them.

I have a detailed statement that includes a number of approaches to this issue, including an analysis and summary of what the New York Times found when they analyzed mass killers. They analyzed 25 mass killers and found half of them had serious mental illnesses such as schizophrenia. There was no place to put them. They had been put in jails. Cops had arrested them. People had tried them on in prisons. But nobody took care of them. Then they ended up over in one of the Texas cities killing all the people in that Baptist church.

We find that half of the mass killers in America are those kinds of people. There is no place to put them. Relatives don't know what to do. Neighbors say: Look at all this behavior. Isn't it strange? We will call a cop. The third time the cop is called, he says don't call anymore. What does that person who is desperately ill do?

We invite these kinds of murders and mass killings that occur in our country. It is time to try something that may give these sick people another option.

I have a quick set of facts about mental illness, the numbers on the kinds of mental illnesses that exist. I think it will help Senators who want to read the RECORD to understand the scope of this problem.

I ask unanimous consent that it be printed in the RECORD.

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

QUICK FACTS ON MENTAL ILLNESS

Major Depressive Disorder—9.9 million American adults age 18 and older suffer from this disorder in a given year;

Bipolar Disorder—2.3 million American adults age 18 and older suffer from this disorder in a given year;

Schizophrenia—2.2 million American adults age 18 and older suffer from this disorder in a given year; and

Obsessive—Compulsive Disorder (OCD)—3.3 million American adults age 18–54 suffer from this disorder in a given year.

16% of all inmates in State and local jails suffer from a mental illness; 600,000–700,000 mentally ill individuals are booked into a jail every year; 25% to 40% of America's mentally ill will come into contact with the criminal justice system.

Suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year.

Of the 850,000 homeless individuals in the United States, about ⅓ or 300,000 of those individuals suffer from a serious mental illness.

In the developed world, including the U.S., 4 of the 10 leading causes of disability for individuals over the age of five are mental disorders. In the order of prevalence the disorders are major depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

The direct cost to the United States per year for respiratory disease is $99 billion, cardiovascular disease is $160 billion, and finally $148 billion for mental illness.

EFFICACY OF TREATMENT

Treatment for bipolar disorders have an 80 percent success rate.

Schizophrenia has a 60-percent success rate in the United States today if treated properly.

Major depression has a 65 percent success rate.

Compared to several surgical procedures:

Angioplasty has a 41-percent success rate.

Atherectomy has a 52-percent success rate.

Mr. DOMENICI. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I rise to support the Senator from New Mexico in his effort. I have been an original sponsor of the bill he has had. In years past, I was chairman of this bill in Wyoming and worked on this for some time. As a good focus on rural health care is unique, this is another unique issue with which we need to deal. I urge support for the amendment. I thank the sponsors for their efforts.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Wyoming for his support. It means a lot. His voice is important. I appreciate his mentioning that is not something that only applies to metropolitan America; it is important in rural America. I thank Senator CORZINE as well. I will not take much time now.

Senator CORZINE asked that he be a cosponsor of the amendment. I believe Senators BYRD and STEVENS, with the agreement that we now have, asked to be included as cosponsors. I ask unanimous consent they all be added as cosponsors.

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

Mr. WELLSTONE. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I compliment the Senator from New Mexico and the Senator from Minnesota for their advocacy on this amendment. As I commented earlier in the debate on this amendment, I have cosponsored the authorizing legislation for the past two Congresses and had withheld cosponsorship of this amendment as a manager of this appropriations bill until I could see how it was going to be worked out. We are now in the process of working it out. I think we will be successful, but it is still too early to make a final commitment.

What is occurring here is on the scoring for budgetary purposes, if it is on this bill, it is scored against this bill; and we are now up to the limit of our authorization. But we are now looking into the remedy of having it scored in another direction—that is technical—and an amendment is now being prepared that may cure that problem. It is not a commitment to cure the problem, but we will know shortly.

In the interim, as a comanager of the bill, I do not intend to raise any point of order that this is legislation on an appropriations bill. Technically, that point of order can be raised. It does not have to be raised because of the difficulties of getting Senate consideration on this bill for a very protracted period of time. As the Senator from New Mexico, Mr. DOMENICI, outlined, I think it is not appropriate to raise a point of order that this is legislation on an appropriations bill. At least I do not intend to raise that point of order.

This is a proposal that I believe has great merit. That is why I have cosponsored the authorization bill for the last two Congresses.

At this time, I ask unanimous consent that I be added as a cosponsor to the Domenici amendment.

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

Mr. SPECTER. Mr. President, Senator HARKIN, the chairman of the subcommittee, and I are urging colleagues to come forward to offer amendments. It is now 4:25. We have only had one amendment offered all day. It is very important that we move ahead with the disposition of this bill.

Last year, we had the bill out of committee on June 30 and it passed the Senate on July 27. Then we had months of negotiation in the conference committee, so that if we are to get this matter into conference and have a conference report, it is urgent that we proceed at this time.

There is substantial funding for education, which has the consensus of the Senate. There is substantial money for the National Institutes of Health, and the public interest requires that we move ahead. If we do not finish our appropriations bills, there is the possibility—or perhaps probability—that the bills that are unfinished will be folded into a continuing resolution. That means that important funding will not be provided.

Again, on behalf of Senator HARKIN, my comanager, I urge our colleagues who have amendments to come to the floor. Perhaps Senator HARKIN would like to italicize my urging.

Mr. HARKIN. Mr. President, I will respond to my distinguished ranking member, my friend, that I believe we are making some good progress. A major amendment is being worked out right now. I hope we go to a voice vote shortly. I only know of one other amendment that might be pending. Quite frankly—hope springs eternal—I think we might be through with this shortly.

Mr. SPECTER. Is the Senator suggesting that only one other amendment is pending and we may be in a position to go to third reading?

Mr. HARKIN. I believe that might be the case. People may want to go home early tonight and have dinner with their families.

Mr. SPECTER. What time does he think we might go to third reading?

Mr. HARKIN. It depends on how long it takes to work out this language. We are waiting for Senator DORGAN. He had an amendment. I saw him a minute ago. Perhaps he will be out here shortly. I don't think that will take too long.

Mr. SPECTER. Mr. President, we urge colleagues, if they have amendments to offer, to come to the floor and do so now.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I know pending before the Senate now is landmark legislation. I commend my colleagues, Senator PAUL WELLSTONE and Senator PETE DOMENICI, truly a political odd couple, one from the State of Minnesota and the other from New Mexico, who have come together on this important cause, both understanding the importance of our maturing as a nation when it comes to the issue of mental health.

I am a strong supporter of the Mental Health Equitable Treatment Act which they are bringing to this legislation. I am pleased it is finally going to come for a vote. I know those two Senators, as well as Senators DASCHLE and KENNEDY, have worked tirelessly to make this happen. I know advocates for the mentally ill have waited, frustrated and disappointed time and again, and had hoped this day might someday come. I recognize it is equally imperative we do not threaten this bill's passage by attaching amendments that may make it even more difficult in conference.

With this in mind, I do, however, want to raise the subject of another amendment relating to mental health, and I ask my colleagues to consider it in the context of the underlying Wellstone-Domenici amendment.

The issue I am about to discuss affects literally thousands of Americans every single year. This amendment of which I speak would be an improvement on the bill we are currently debating. However, I want to make it clear I will not be offering this as a second-degree amendment. I want to give to Senators WELLSTONE and DOMENICI every opportunity to bring their important bill through conference intact. Although I believe my amendment would be a worthy addition to theirs, I am going to save that cause until another day.

Let me talk about this amendment and why I would have brought it to the floor. Some time ago I received a letter from a constituent in Illinois who in the 1980s suffered severe depression and received the kind of treatment which allowed her to return to work. I will call her Mary Smith. At the time, Mary had employer-sponsored health insurance through her husband's job, but in the fall of 1998 Mary and her husband lost this employer-based insurance coverage when her husband lost his job.

Mary applied for comprehensive health insurance plans offered to individuals. Her application was declined because, as the insurance company noted, ''Due to her medical history of depression she did not meet the company's underwriting requirements.''

Mary was turned down for health insurance due to a medical history of depression. She wrote me, and this is what her letter said:

> As I see it, we are being punished for accessing health care. In 1987, when I was clinically depressed, I could have chosen to avoid proper medical care, become unemployed and received Social Security disability. I did not. I obtained the help I needed and continued to support myself, my family and contribute positively to society. Depression is a treatable medical illness. Insurance companies must stop their indiscriminate denial of this coverage.

Sadly, Mary Smith is not alone. Each year more than 50 million adults in the United States suffer from mental illness, 25 percent of our adult population. Some 18 million Americans are affected by depression annually. One in five Americans has a mental disorder in any one year. Fifteen percent of the adult population use some form of mental health service during the year. Eight percent have a mental disorder. Seven percent have a mental health problem. Twenty-one percent of children ages 9 to 17 receive mental health services in a year.

The problem Mary Smith faced is, under the current system of care in the United States, individuals who are undergoing treatment or have a history of treatment for mental illness may find it difficult, if not impossible, to obtain private health insurance, especially if they have to purchase it on their own and cannot rely upon group insurance through an employer.

In part, this is a result of the Health Insurance Portability and Accountability Act that protects millions of Americans in the group health insurance market and affords very few protections for individuals who apply for private nongroup insurance. Approximately 9.6 percent, or 26 million Americans, are insured in this private nongroup insurance market—26 million people.

A 1996 GAO study found that insurance carriers denied up to 33 percent of applicants for private health insurance because they had a preexisting health condition, including, of course, mental health conditions. HIPAA provides few protections for individuals who apply for insurance in the individual insurance market. Individuals without at least 18 months of prior continuous group coverage are not protected against discrimination and red lining. This issue is not about parity. It is not about mental health benefits. It is about discrimination. It is about red lining.

Mary Smith was being told she could not get any health benefits, not just mental health benefits. She was denied all health insurance coverage because many years before she had successfully treated a condition of depression. She was not eligible to get hospital coverage if she needed surgery. She was not eligible for preventive care, such as a flu shot. She was not eligible for a doctor's visit. Had she become injured or ill, she would have received no care.

Efforts to improve health care parity have focused on providing equality between mental health covered services and other health benefits, and I salute Senators WELLSTONE and DOMENICI for their leadership. These efforts are very important, and I strongly support them.

Parity will not help individuals who do not have access to any affordable insurance coverage due to preexisting mental illness discrimination. Think of that for a moment. We are saying if you cover a person for other illnesses, in the Wellstone-Domenici amendment, you also have to provide mental health protection as well. I believe that is sound.

Mary Smith never reaches that point. Mary Smith, whose husband lost his job, ends up in the private insurance market. She cannot even get into a private health insurance plan because the company, under the law today, can discriminate against her because she had treatment for a mental health problem.

Individuals who seek insurance in the individual market are people such as Mary who are in periods of transitional employment, but they are also people who are self-employed. They are family farmers. I have many of them in my State. They are small business owners. They are recent college graduates who lose coverage under their parents' plan, and they are the children and spouses of self-employed people and those in transitional employment.

Every person at risk, needing to buy private health insurance, is subject to this discrimination. If they had been treated for a mental illness, they could run into the same experience Mary Smith did.

This type of discrimination is precisely why many Americans do not seek treatment for mental illness. Despite the efficacy of treatment options and the many possible ways of obtaining a treatment of choice, nearly half of all Americans who have severe mental illness do not seek treatment. They are not only concerned about the stigma in society, they are clearly concerned about the discrimination which is allowed under the law for those people who have turned for help.

This reluctance to seek care is an unfortunate outcome of very real barriers. Foremost of these is the stigma that many in our society attach to mental illness and to people who have it. How many of us, or our family members or friends, have thought about what might happen if we went to seek therapy for anxiety, depression, or even marriage counseling? It is unconscionable that persons should have to consider not being able to get health insurance coverage because they did the right thing and were treated for a mental condition.

Repeated surveys have shown that concerns about the cost of care are among the foremost reasons that people do not seek care.

My amendment prohibits insurers from charging persons with preexisting health conditions higher premiums. This is because insurers use higher premiums to keep certain people locked out of the plan.

The GAO interviewed one insurance carrier in my home State of Illinois which only charges 2 to 3 percent of its enrollees a nonstandard rate, but the rate they charge is double the standard rate.

In some States, including Illinois, high-risk pools have been created to act as a safety net to ensure the uninsured have access to coverage. These safety nets are often expensive. For Mary Smith, this safety net would have cost her and her husband $700 a month for health insurance. They are a great deal for insurers; all sick people are in one pool.

Risk pools undermine the underlying function of insurance to include a broad pooling of risk. They relieve insurers of responsibility.

Mental disorders impose an enormous emotional and financial burden on ill individuals and their families. And when they go untreated, costs escalate. Mental disorders are costly for our Nation in reduced or lost productivity and in medical resources used for care, treatment, and rehabilitation.

The National Institute of Mental Health estimates the annual cost of untreated mental illness exceeds $300 billion, primarily due to productivity losses of $150 billion, health care costs of $70 billion, and societal costs of $80 billion.

Two years ago the Surgeon General issued a report on mental health. The report concludes that a broad range of treatments of documented efficacy exists for most mental disorders.

Diagnoses of mental disorders are as reliable as those of general medical disorders. In fact, the success rate of treatment for disorders such as schizophrenia is at 60 percent; depression, 70 to 80 percent; and manic disorder, at 70 to 90 percent, surpassing those of other medical conditions. Heart disease, for example, has a treatment success rate of about 50 percent.

Here is what we know: We know mental health is fundamental to our health. We know millions of Americans suffer from mental illness. We know treatment exists for mental illness. We know the treatment works. We know, despite the efficacy of treatment options, nearly half of Americans who have mental illness do not seek medical care. We know that reluctance to seek care is a result of real barriers, including stigma, discrimination, and of course financial obstacles which are treated by the Wellstone-Domenici amendment. We know mental disorders impose an enormous emotional and financial burden on sick individuals and their families and that untreated mental illness is costly for our Nation in lost productivity and medical resources. We know the private insurance system perpetuates barriers, reinforces stigma, throws up financial roadblocks, and undermines the health of millions of Americans who do the right thing and seek treatment.

The amendment I was prepared to offer today, because of Mary Smith, would try to do the right thing. It is common sense. It doesn't cost anything. It does not solve all the inequities that individuals with mental health conditions face. But it does remove one of the many barriers to health care faced by those who have been treated for a mental condition. I think there is no more appropriate context in which to address this than a patient protection act.

This amendment prohibits any health insurer that offers health coverage in the individual insurance market from denying an individual coverage because of a preexisting mental illness unless a diagnosis, medical advice, or treatment was recommended or received within the 6 months prior to the enrollment date. Health plans can exclude coverage for mental health services but not for more than 12 months. The exclusion period must be reduced by the total amount of previous credible insurance coverage.

It also prohibits plans in the individual market from charging higher premiums to individuals based solely on the determination that such an individual had a preexisting mental health conditions. It defines a preexisting mental health condition as including all clinical disorders and personality disorders diagnosed on Axis I or Axis II of the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. This broad definition would include mood, anxiety, eating, sleep, and adjustment disorders, clinical disorders such as mental retardation and autism, cognitive disorders such as amnesia and dementia, and sexual and gender identity disorders.

These provisions apply to all health plans in the individual market, regardless of whether a State has enacted an alternative mechanism, such as a risk pool, to cover individuals with preexisting health conditions.

The amendment does not mandate that insurers provide mental health services if they do not already offer such coverage. It does not prohibit health plans from establishing a waiting period for mental health services for individuals with a preexisting mental health condition of up to 12 months.

All we are trying to do is to ensure that if you should go to a therapist or a psychiatrist or a psychologist or seek other mental health services, you do not have to worry that you or your family will not be able to get health insurance because you asked for help. It simply does not make sense, just because a person seeks treatment for mental illness, he or she is rendered uninsurable.

I hope my colleagues will join me in this important initiative to ensure that such individuals are not discriminated against when applying for health insurance coverage. It is just the right thing to do.

Mary Smith's letter is one of many we receive in our Senate offices. I am glad we picked this one and read it carefully and closely. I thought for a moment about how we could help this woman who did the right thing. Faced with a mental illness, she went to a doctor, and having gone to that doctor her life has improved. She stayed on the job and had a much better life. She could have applied for a government program and didn't do it. She wanted to stay in the workplace. Little did she know that a few years later when her husband lost his job, the fact that she was successfully treated for depression would ultimately mean they could not buy health insurance in the private market.

How can we stand by as a nation and allow this kind of discrimination against people who are no more guilty of their condition than a person is guilty for the color of their eyes? It is something God has sent to them. In this situation I think we should consider the passage of legislation which would prohibit this discrimination once and for all and make certain, as the underlying Wellstone-Domenici amendment, this amendment would say we are going to treat mental illness in the 21st century much differently than we have in years gone by.

I thank you for the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DASCHLE be included as a cosponsor of this amendment.

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

Mr. WELLSTONE. Mr. President, since there was news today that Dr. Hyman is stepping down as Director of the National Institute of Mental Health, and since I believe we are going to pass legislation on antidiscrimination in mental health coverage which will be landmark and will make a real difference in the lives of people—and I have spoken plenty about the amendment already—I wanted to thank Dr. Hyman for all of his leadership. He has been an exceptional director.

I have had a chance to work very closely with him through Ellen Gerrity, a fellow in my office. We are lucky enough to have her working with us. She worked for the IMH. I think Dr. Hyman has done a good job, along with Dr. Satcher, who is Surgeon General. He has done magnificent work. The two of them have done perhaps the best job we have seen in the history of our country of providing an education for people in the country. So much of mental illness is a brain disease. It can be diagnosed. It is very treatable.

That is the good news. The bad news is there is a huge gap between what we know and what we don't know. We are trying to close that gap—not all of it but a good part of it—with this piece of legislation.

I thank Dr. Hyman. He is one of the people I have had a chance to work closely with in Washington. He is a good example of someone who, with a highly developed sense of public service, has made a huge difference.

I thought I would use this opportunity to thank Dr. Hyman and wish him the very best as he moves on to be, as I understand, provost at Harvard University.

We have had a number of Senators—I don't need to speak more—who have

come to the floor and have spoken. I think what they have said is not only significant, but the way they have said it is significant.

Senator DOMENICI always speaks about this issue with a tremendous amount of eloquence and a lot of knowledge. His wife Nancy Domenici—I don't think he would be offended if I said it—is probably every bit the leader he is. I don't want to say more, but she is every bit the leader he is.

We have two Senators out here managing the appropriations bill who want to move us forward. After we have done the work to make sure we deal with rule XVI and germaneness—and we have done a lot of work on the budget point of order—I think they have been very gracious in letting us go forward. Senators HARKIN and SPECTER are very supportive of this piece of legislation. Senator THOMAS from the State of Wyoming came and spoke.

It reminds me of 1996, I think it was, when we passed partial legislation. I remember Senator Simpson came out on the floor and spoke about a tragedy within his own family. I believe it was a niece who took her life at a young age. Senator CORZINE came out on the floor and made it very clear that this issue means a great deal to him.

Senator REID spoke about his own experience, that his father took his life. Senator HARRY REID has been absolutely, in his own very quiet way, perhaps the most powerful Senator, in a positive way, on the whole issue of treating depression than anybody in the Senate.

Senator KENNEDY came out and spoke. He has devoted a good part of his career to this issue. He is the health care Senator, but, actually, long before we had this kind of coalition—and we have 150 organizations supporting this piece of legislation. We have organizations such as the National Mental Health Association and NAMI—the National Alliance for the Mentally Ill—that deserve a lot of credit, along with the whole coalition. If I went through all 150 organizations, it would take a lot of time. But I personally think Senator KENNEDY deserves a great deal of credit for being willing to light a candle a long time ago to speak to this awful discrimination.

I also thank all of these different organizations because the truth is, when we started out on this matter over a half a decade ago, it was then an issue—it still is an issue of discrimination—but the problem was there was not exactly a political constituency that had any real clout. Then I think what has happened in the last 6, 7, 8, 9 years is that a lot of families have said: We are the ones who struggle with this illness—or we have a loved one who struggles with this illness—and we refuse to be treated as men and women of lesser worth. We are men and women of worth and dignity. We struggle with an illness just as any other illness. We are going to be advocating for ourselves.

It has been the citizen politics, the citizen lobbying that has led to the result of—we have a dispute as to whether it is 65 or 67 Senators who now support this. This piece of legislation passed out of the HELP Committee on a 21–0 vote. We made some compromises, but it is still an enormous step forward. I do not think it would have happened without the citizen politics.

I say to the Presiding Officer—because we both represent the State of Minnesota—we represent a State that is a model State, as we are in many ways, but we passed full parity for both substance abuse addiction, which I think is terribly important—and I think that is the next piece of legislation on which we ought to work—and mental health and, by the way, with very little cost but with great benefit.

The estimates of the amount of money we have saved in our State for people who now get the treatment and, therefore, are productive and go to work or do well in school and do well in their families verses what was going on before is just stunning and important. The problem is because of ERISA, a lot of the self-insured plans are not covered, so we still have 50 percent of the people not covered and, thus, the need for national community regulation.

But I thank a lot of the people in Minnesota who both the Presiding Officer and I know well; and certainly Sheila and I have gotten to know them very well because we have had so many meetings with so many people.

I mentioned the Kluesners earlier, Mary and Al Kluesner. I mentioned the Westins. But there are so many others who have met with us, who have met in public. There have been so many picnics on our lakes that I have attended with people. There are so many people who have told their own stories. They have made a huge difference.

So again, colleagues, we have 65 or 67 Senators who support this measure. It is strongly bipartisan. We now have the support of the chair and ranking chair of the Appropriations Committee, and the chair and ranking chair of the Budget Committee. We have the whip who has spoken, and Senator DASCHLE, the Senate majority leader, who has asked to be a cosponsor. We have 150 organizations: Religious, children, labor, and health.

We are close to adopting an amendment that I believe we can keep in conference. I am not trying to be coy, but I think if I had to have somebody in my corner, I would want TOM HARKIN more than anybody else. He chairs this committee. If I had to have one person to fight for me, he would be the one.

So I thank colleagues. We may have a lot more debate yet, but I think we are going to take this journey. I believe we are going to wind up in a good place where we are going to make our country better. We are going to make our country better by passing this.

I see other colleagues in this Chamber, so I do not want to take any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to speak on the pending Domenici amendment. I am opposed to the Domenici amendment. I am not going to force the Senate to vote on it this afternoon. I think it is clear where the votes are, but I want to explain the issues. I want to raise the issues in this debate so that they can be looked at by the House.

I believe, based on what I have been told, the administration is opposed to the amendment. There is also a point of order against the second-degree amendment that will be offered directing scoring. That point of order will lie against the conference report if the bill comes back from conference with the directed scoring provision in it. I want to reserve my right to raise that point of order at that time.

I want to be brief, but let me basically explain what we have here. What we have is an amendment that imposes a new mandate on the private sector of the economy. That mandate is a mandate where we decide what kind of health insurance Americans should have, and they are going to have it whether they want it or not; and we are going to override some 70 years of negotiations between private employers and private employees as to what their health insurance looks like.

We are going to mandate that if a company provides health insurance that has any mental health provisions in it, those benefits have to be treated the way benefits are for physical health or else the company may be prohibited from providing the policy.

The Congressional Budget Office, in looking at this mandate, has estimated that what will happen is, premiums will go up, some companies will drop mental health coverage altogether, and others will continue to provide it under these new circumstances. Remarkably, they estimate that the adoption of this amendment, over a 5-year period of implementation, will drive up costs on the private sector of the economy by $23 billion. So we are about to impose $23 billion in costs on the private sector of the economy because we think we know better what private health contracts, negotiated between employers and employees, ought to look like.

There is a budget problem here because the Congressional Budget Office estimates that by paying the $23 billion in additional health insurance premiums, that American industry and agriculture will end up paying lower wages than they would have paid, and that we will collect, over a 10-year period, over $5 billion less in taxes because of this amendment.

The distinguished chairman of the Budget Committee informed the Senate that he would charge, in future budgets, that $5 billion against the Appropriations Committee if the amendment were adopted.

We are now, as I understand it, in the process of writing an amendment that

says that for the purposes of the budget, even though this amendment will cost over $5 billion, we are not going to count it.

Without going on and on, let me raise the list of particulars. No. 1, who are we to be telling American workers and American business what kind of health insurance benefits they should have and how that package should be made up and what they should choose? What about workers who would rather have higher wages than to have this new benefit that we are deeming to be in their interest?

What about the $23 billion of cost that we are going to impose on the private sector? I know the amendment is written so it does not start until 2003. The point is, that is $23 billion of cost over a 5-year period that will be borne by the private sector, $23 billion that could have gone to create more jobs, more growth, more opportunity.

I simply raise two questions regarding the $5 billion of lost tax revenue because companies, as estimated by CBO, will pay lower wages when they are mandated to pay for these benefits: first, what about workers that would rather have those wages than the benefit? Shouldn't they have a choice, or are we granted such wisdom that we make the choice for them?

Second, if it is going to cost $5 billion, have we not made an absolute mockery out of the budget process, made it a complete fraud by passing a law that says, yes, it costs $5 billion, but we are going to pretend that it does not cost $5 billion?

That is basically the proposition that is before us. We are going to say, if you are going to provide mental health coverage, you have to provide it on par with physical health coverage or you can't provide it.

The logical question is, isn't that something that people should decide about their own insurance? Isn't that the same decision that people make, in deciding do they want a new refrigerator, or do they want to send Johnny to college. They have tradeoffs on which they have to make hard decisions? What about the people who are going to lose income? We are going to lose $5 billion in taxes over a 5-year period. What about the people who lose billions of income?

Maybe they would have wanted to spend on it something that would have had greater value to them. Maybe nobody cares whether they could have spent those billions better because we are going to spend it for them.

Then the question becomes, if we are going to spend it, instead of being honest about it, we are simply going to pass a law that says, it costs $5 billion, everybody knows it costs $5 billion, and there is no debate about it costing $5 billion. But so that we don't have to worry about it, we are going to pass a law that says, while it costs $5 billion, for budgetary purposes, we are going to act as if it doesn't cost $5 billion so we don't have to count it against appropriations in the future.

I simply have to say, I would be ashamed of this amendment. This is bad law, bad principle, and bad precedent.

If I thought we had more than 15 people who would vote against it, I would demand a vote. I would be happy for the world to know I am against it. I don't want to put my colleagues on the spot, but I am hoping that the House will not accept this amendment. The Senator who offered the amendment, 5 or 6 years ago, had a similar amendment that cost only $300 million a year. Rather than extending that, we are adding a full-blown mandate on the private sector.

I am hoping something can be worked out. I hope we will not have directed scoring. We ought to pay for this in appropriations if we are going to do it.

Finally, I am hoping the administration and the House will not go along with this amendment.

I am sorry to have taken people's time. But I wanted to come to the Chamber and basically outline what is wrong with this amendment, and what is wrong with the procedure that we are following by directed scoring when we say we know it is going to cost $5 billion but we have decided that we are going to pretend that it doesn't. We are going to charge it against mandatory spending.

In any case, I hope it will be fixed. It should be fixed. This is bad policy. It sets a bad precedent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will respond very briefly, as one of the co-managers of the amendment. I thank the Senator from Texas. I actually don't mean that as sort of fake Senatorial courtesy. He has intellectual integrity, and I understand exactly what he is saying.

Two quick points I will say to him: There is an argument on the CBO scoring of $1.3 billion over 10 years. I say to my colleague, I would challenge that. I believe Senator DOMENICI would as well. He is in a markup right now on another bill.

I understand my colleague is going to reserve final judgment on the conference report, but the quarrel I have with it is with the assumption. The assumption that CBO is making, not $5 billion, $1.4 billion over 10 years, the assumption that is being made is that with the mental health coverage ending the discrimination, that what employers will do is, therefore, in order to make up the cost, which CBO, by the way, said is minuscule, less than a 1 percent increase in premiums, will cut wages for employees. That is the assumption. And then, with less wages, there will be less that will be contributed to Social Security.

For the record, I would challenge that assumption. I will challenge that assumption on the basis of what we have seen in States that have the mental health parity where that has not happened. For a lot of companies and a lot of employers, it is a very attractive proposition to offer this coverage because families are crying out for it.

As to the second point, that the money is not going to be spent, we are not saying that there isn't going to be the expenditure of money. We are saying it is not going to lie against this bill. We are going to handle this just as anything else we do. We paid for the tax cuts. We will pay for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will be brief. I am reading from the Congressional Budget Office cost estimate of August 22, 2001. The Congressional Budget Office estimates that the proposal will reduce Federal revenues in the initial year by $230 million and $5.4 billion over a 10-year period. That was the number I was using.

I think there is no question about the fact that one of three things will happen. From my point of view, they are all bad.

No. 1, some people will lose health coverage they already have because the company, in trying to escape the $23 billion of cost over 5 years, can simply drop mental health coverage. That is bad.

No. 2, the company can simply decide to not provide health insurance at all, which is perfectly legal. That is also bad.

Then third, if companies lower wages or if wages don't grow as much as they would have grown because these higher premiums have to be paid, for many workers that is bad because there are obviously many who would rather have that income than to have the coverage, and we are making the decision for them.

I respect the opinion of my colleague from Minnesota, who is for this benefit, but all I am saying is he may think it is a great idea, but there are probably a lot of working people in America who would rather not risk that coverage, or would rather keep the mental coverage they have, or would rather have higher wages.

Finally, is the question about how we are going to do the budget. It seems to me that is a point where clearly—and I don't know the argument on the other side, other than the Appropriations Committee doesn't want to be saddled with the cost of paying for this program, which they view as a rider to the appropriations process, which I understand—that the taxpayers are going to be saddled with the costs. Somebody is going to have to end up paying that $5.4 billion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, again, I appreciate what my colleague said. Initially, I was talking about the Social Security cost, not the overall cost. We have been very clear about the fact that it would require some investment of resources. The fact is, I again

say to my colleague from Texas, there are plenty of examples of States that have moved forward. Quite to the contrary of wages going down, people have been supportive of it because this is not a small thing. This affects about 50 million adults in the country. Depression alone affects 18 million.

The reason we have 150 organizations—religious, labor, law enforcement, children, you name it—and the reason we have 65 Senators on this bill is that they have heard from people across the country, including Democrats, Republicans, and others, who have said this is what happened to me and my family because of the discrimination and because there is no coverage.

If a health care plan is going to have mental health coverage, it ought to be treated the same as any physical illness. It is a matter of discrimination, of basically civil rights. Ending the discrimination and making sure people get coverage is what this is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, the attacks against America have unified our nation. There is a new spirit of bipartisanship, of civility, and of common purpose.

Republicans, Democrats, and Independents are working together with the President to expedite legislation important to our efforts at home and abroad. Contentious issues have been set aside, in order to focus on the issues that unite us.

Thus, it is with disappointment that I feel compelled to come to the Senate floor today to discuss a dispute between the State of Missouri and the Health Care Financing Agency (HCFA) now known as the Center for Medicare and Medicaid Services, or CMS.

The details of the dispute are complex, but the consequences are enormous. At stake is the health of Missouri's children, seniors, and other vulnerable citizens.

The subject of this dispute is Missouri's provider assessment program, which is a tax on hospitals.

States use the money generated from these taxes as their ''match'' for federal Medicaid dollars. Medicaid funds are then paid out to providers according to formulas established by state law.

Over a decade ago, Congress became concerned that states were using provider taxes improperly to increase the federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a ''hold harmless'' provision. This means that states may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the state in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no ''hold harmless'' provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holden is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible.

This long-standing and legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001.

The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the State's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, parents who were working, but did not have access to health insurance through their employer, could now provide this precious resource to their children.

The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. Between 1996 and 1999, the percentage of uninsured in Missouri dropped by more than one-third, falling from 13.2 percent to 8.6 percent. In 1999, Missouri has the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be in jeopardy from a bureaucratic squabble over the technicalities of Missouri's provider tax.

For many years, HCFA has complained that the manner in which Missouri's provider tax revenues are distributed to health care providers violates federal law. During this entire period, HCFA has been threatening to terminate the program and recoup $1.6 billion from the State. Such action would devastate Missouri's health care program.

Let's be clear about what is in dispute. HCFA has never alleged that the provider tax itself contains a ''hold harmless'' provision.

Rather, HCFA—and now CMS—appear to believe that the State, under the leadership of then Governor Ashcroft, made a collusive arrangement with health care providers. CMS has suggested that state officials illegally agreed that each hospital would get back in Medicaid reimbursement at least the amount it paid in taxes.

Missouri strongly disputes the allegation that there is a hold harmless arrangement between the State and its hospitals. And, in fact, the Federal Government has never provided Missouri with a shred of evidence that state officials engaged in illegal collusion with the hospitals. I repeat, not a shred of evidence.

Instead of proving its case, HCFA continues to complain about the provider tax, threaten Missouri with legal action, and uses bureaucratic leverage to force Missouri to change its incredibly successful program.

Mr. President, this is truly a case of form over substance. Missouri has created a program that pumps millions of dollars into health care coverage for its citizens. Missouri then distributes tax dollars to health care providers according to a state formula, which everyone agrees is consistent with Federal law.

Yet, a set of health care bureaucrats in Washington seek to destroy this program. Why? Because they have a hunch—without any concrete evidence—that the people who designed the program almost 10 years ago, secretly conspired to circumvent the technicalities of federal law. This is a case of bureaucracy run amok.

Ironically, this is the same agency that has recently changed its name so to shed its image that it cares more about rules and regulations than people. As a matter of fact, this administration announced when it took office that it would measure performance by looking at health care outcomes, not by compliance with bureaucratic requirements.

Nonetheless, it is this administration that is now threatening to take action against the State of Missouri. It is doing so even when there can be no doubt that our program is working to provide better health care to kids, to seniors, and our most needy citizens.

Of course, the timing of this threatened action could not come at a worse time. Our economic downturn is causing a great deal of distress in our communities. We are seeing significant job losses. State revenues are declining, and at the same time our citizens' needs are increasing.

Why, I ask, at this time of national emergency, would the administration choose to attack a successful program that has provided health care security for so many?

And why would the administration want to divert the State's attention from the task of helping Missouri get through this economic downturn?

There really are no good answers to these questions.

Senator BOND and I, Governor Holden, and other Members of the Congressional delegation are unified in opposition to the threatened CMS action. I strongly urge Secretary Thompson, CMS Administrator Scully, and other leaders in the administration to examine this issue with great care before taking an action that would cause so much harm to our State.

Mr. President, I stand here with my fellow Missouri Senator to draw awareness to this important issue. I hope that CMS understands that we intend to take aggressive action to protect a highly successful program in Missouri.

Mr. BOND. Mr. President, this is an issue that I brought to the attention of the chairman and ranking member of the Appropriations Committee when we marked up this bill in committee. I have been working over the past few years to protect the Missouri Medicaid program from the devastating impact of a potential recoupment of almost $2 billion. Confronted with such a recovery—or even a fraction of that amount—Missouri would inevitably be forced to cut back on its Medicaid program, putting health care for many Missourians in jeopardy. I am hopeful that the State of Missouri and CMS can work together in good faith to find a resolution that protects the care that the Missouri Medicaid program provides to 479,091 children, 21,517 seniors in nursing homes, and close to 30,000 pregnant women across the state.

Mr. HARKIN. I appreciate and thank Senator CARNAHAN and Senator BOND for bringing this important issue to our attention. I am concerned that attempts to recoup Medicaid dollars from their state could jeopardize the health care it provides for hundreds of thousands of children, senior citizens, and pregnant women.

Clearly, our first priority has to be the beneficiaries of the Medicaid program. At this time of economic uncertainty, the last thing this Government should do is put our most vulnerable citizens at greater risk.

Again, I thank the Senators from the State of Missouri for raising this issue, and I look forward to working with them on this matter.

Mr. SPECTER. I thank my colleagues from Missouri for bringing this important issue to the Senate's attention. I support their efforts and encourage CMS to work in good faith with the State to find a resolution to this matter that allows Missouri to continuing making progress in providing health insurance to its citizens.

Mrs. CARNAHAN. I thank Senator HARKIN and Senator SPECTER for their support on this issue.

The PRESIDING OFFICER. The senior Senator from Missouri.

Mr. BOND. I thank the Chair and my colleague, Senator CARNAHAN. We have talked about this a great deal. Over the last decade, Missouri's Medicaid Program has faced a series of difficult but important challenges.

Not only has the program been forced to struggle with internal issues, such as transitioning to managed care, reaching out to Missourians who are eligible but not yet enrolled in the program, and providing adequate payment to health care providers who care for Medicaid patients. It has had to deal with a number of important challenges presented at the Federal level as well. Not the least were efforts by Congress, attempted in both 1995 and 1997, but foiled by me and other legislators and people in similar circumstances in other States, to limit States' abilities to make disproportionate share hospital payments to safety net hospitals.

Another challenge has been to expand coverage to children in working poor families as called for by the creation of the Children's Health Insurance Program, or CHIP. I was an early supporter of this program and its efforts to expand coverage for low-income children. Missouri achieved this as part of its 1997 Medicaid waiver which is now in effect.

In addition, in 1999, under the previous administration, the Centers for Medicare and Medicaid Services, CMS, then called the Health Care Financing Administration, HCFA, initiated an investigation of the Missouri Medicaid Program.

Since HCFA began the process, CMS has carried on this effort, moving down the path to contend that Missouri may owe the Federal Government portions of the Medicaid funding the State received beginning in 1992 based on concerns about whether the tax imposed on hospitals and nursing homes by the State of Missouri to help finance the Medicaid Program actually complies with Federal law.

We all know that many States prior to 1992 tried to squeeze extra Federal funding by taking or accepting money from health care providers, essentially nursing homes and hospitals, in order to inflate artificially State level medical spending and, thus, increase the Federal share of costs in the joint State-Federal Medicaid Program.

In 1991, of course, Congress passed the law to outlaw these contributions and to establish strict new controls on provider taxes. This law imposed a requirement on States that provider taxes be uniform and broad based, and it prohibited States from instituting hold harmless Medicaid schemes in which payments to a health facility, particularly including DSH payments, were directly or indirectly related to the amount of provider tax a facility pays.

The State of Missouri believes it is fully in compliance with that law. CMS disagrees. Missouri does impose a tax on hospitals and nursing homes to finance a State's share of Medicaid expenses, but the State insists the tax is uniform and broad based.

Furthermore, the payments the State makes to Medicaid providers recognize their proportion of indigent payments, but these payments are targeted to needy facilities and are in no way intended to facilitate or pay for compensation for the provider taxes by the facilities that receive the reimbursement.

This is a unique setup in which the State sends Medicaid payments for some hospitals to a subsidiary of HMA, the hospital association, which then acts as an agent in distributing the funds.

The CMS concerns about the Missouri situation center on this arrangement, and we have reason to believe they were on a course to attempt to seek $1.6 billion in repayments. This would be an enormous sum for the Missouri Medicaid Program whose annual budget in 2001 was only $3.5 billion, including both Federal and State funds.

If this action were to be taken, it would devastate the Medicaid Program of the State of Missouri and the care it currently provides for over 479,000 children, 21,000 seniors in nursing homes, and close to 30,000 pregnant women. That is absolutely unacceptable, and that cannot go forward.

The State of Missouri already faces huge budget shortfalls due to overspending and, in the near term, will have difficulty even in maintaining the current programs and services which are so vitally needed. If CMS were to succeed in taking these funds back, Missouri's Medicaid Program and over 800,000 people currently served could be grievously harmed.

I come to the Chamber today with my colleague from Missouri to raise this issue for the Senate. We have entered into a colloquy with the managers of the bill because we believe, as a result of raising this issue when we discussed it in the Appropriations Committee markup, that we started the process of bringing the State of Missouri and CMS together in good faith negotiations on the issue.

We strongly urge them to come to a resolution that meets CMS's concerns but that protects the integrity of Missouri's Medicaid Program and the care it provides to some of Missouri's most vulnerable citizens.

I appreciate the time of the Senate, and I appreciate the understanding of the managers of the bill. My colleague from Missouri, Senator CARNAHAN, and I look forward to seeing a successful resolution that will take care of the concerns of CMS, but also not take away the vitally needed Medicaid support for needy children, for the seniors in nursing homes, and for the pregnant women.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2035 TO AMENDMENT NO. 2020

Mr. BYRD. Mr. President, on behalf of the distinguished senior Senator from Alaska and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. STEVENS, proposes an amendment numbered 2035 to amendment No. 2020.

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of the amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment by Mr. DOMENICI is the text of S. 534, the Mental Health Equitable Treatment Act of 2001. This amendment would prohibit group health plans and group health insurance issuers that provide both medical and surgical benefits and mental health benefits from imposing treatment limitations or financial requirements for coverage of mental health benefits that are different from those used for medical and surgical benefits.

The problem Senator STEVENS and I encountered in processing this amendment is that the Senate Appropriations Committee would be charged with approximately $1.5 billion over the next decade if this amendment, worthwhile as it may be, were to be adopted. Both Senator STEVENS and I, I believe, are cosponsors of the underlying legislation, S. 534. I did not realize that legislation was going to be offered as an amendment to an appropriations bill, however, or I might not have cosponsored it. Because of the adverse impact on discretionary spending, we would be forced to oppose this amendment in its current form. In an effort to find a workable solution to the problem, this amendment would direct that any expenditures resulting from this amendment be charged to the committee of jurisdiction under the budget process. If this amendment is adopted, I will drop my opposition to the underlying amendment.

Senator STEVENS and I have spoken with the chairman and ranking member of the Budget Committee, and they are in agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am pleased to join with the distinguished chairman of our committee in offering this amendment to the Domenici amendment.

Senator BYRD and I have made a firm agreement to hold the line on the understanding we reached with the House of Representatives and the President of the United States to hold the total spending to $686 billion this year. This amendment does not breach that agreement. I am talking about the Domenici amendment does not breach this agreement.

Further, the amendment to the Domenici amendment will assure in future years, if there are caps continued under the Budget Control Act, that this amendment will not result in monies being assessed to our committee, as Senator BYRD has stated. They should properly be asserted to the committee of jurisdiction.

I am of the firm opinion this is a good bill. I was a cosponsor of the bill. I did not expect it to be offered to an appropriations bill, but under the parliamentary situation I do not express objection to that. I do, however, think the Senate should be reminded once again we have a firm understanding with regard to the appropriations process this year, and if we hold to that understanding I think we will finish our bills in time to enjoy the holidays with our relatives. If we breach that agreement, we will be here for a long time.

I am proud to serve with Senator BYRD, who is chairman, because we are two people who I believe keep our word. We have in this instance convinced the Senate to follow us in that regard. So I thank the Senator very much and am pleased to cosponsor the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Very quickly, I know Senator DOMENICI is in a markup on the energy and water bill, along with Senator HARKIN.

I thank my two colleagues for their amendment. I think it just adds to the strength of the bill. It is very important to have their support. So I thank both of them for their work.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, for their assistance in moving ahead with this very important amendment.

Parity for mental health has been an objective of about two-thirds of the Senators for many years. Through today's action, I think we are on the road to getting that accomplished. So I salute my colleagues and thank my colleagues for their cooperation and good work.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

If not, the question is on agreeing to amendment No. 2035.

The amendment (No. 2035) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2020, as amended.

The amendment (No. 2020), as amended, was agreed to.

Mr. SPECTER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT

Mr. HARKIN. Madam President, I ask unanimous consent that the list I will send to the desk, once this consent has been granted, be the only first-degree amendments to H.R. 3061, the Labor-HHS appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read the third time and the Senate vote on passage of the bill. That upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

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

The list of amendments follows:

FIRST DEGREE AMENDMENTS

Bayh: Mark to market.

Bingaman: Retirement; Hispanic education programs.

Byrd: Relevant; relevant to the list.

Clinton: SAMSHA—mental health for public safety officers; mental health services for children.

Daschle: Relevant; 3 relevant to the list; firefighters' collective bargaining.

Dorgan: Customs related.

Dodd: Children's Mental Health; EMS; Kids and terrorism.

Feingold: Defibrillators.

Graham: Ecstasy use.

Harkin: Relevant; relevant to the list; managers' amendments.

Kennedy: Bioterrorism.

Reed: Relevant; mark to market

Reid: Relevant; relevant to the list.

Torricelli: 3 lead poisoning; 2 assistance for dislocated workers; SOS anthrax emergency response.

Wellstone: Mental health parity.

T. Hutchinson: Charitable giving.

B. Smith: Research; relevant; relevant to list.

DeWine: 4 Safe and Stable Families.

Collins: LIHEAP; substance abuse/homeless; relevant.

Sessions: Wage index; foreign school loans; misuse of AIDS funds.

Murkowski: Relevant; national security

Nickles: 2 Relevant; 2 relevant to list.

Brownback: Human cloning ban; embryo research; human-animal hybrid embryo; 12 relevants.

Domenici: Mental health parity (S. 543).

Enzi: School construction; mental health.

Gramm: Diabetes research funding; relevant; relevant to list.

Gregg: 2 mental health; school renovation; relevant/health.

Kyl: Impact aid; relevant.
Specter: 2 Relevant.
Lott: 3 relevant; 3 relevant to list.
Cochran: Relevant.
Snowe: 3 relevant.
Santorum: HUD.
Grassley: Relevant.

Mr. HARKIN. This is a finite list of amendments we now have before the committee.

I am authorized by the majority leader to announce there will be no further votes this evening.

Mr. SPECTER. Madam President, I urge all of our colleagues to move ahead promptly tomorrow to offer amendments. The list is a very long list and, as is frequently the case, a great many of the amendments listed are placeholders. We would appreciate our colleagues advising which amendments they intend to offer and specify what amendment it is so we can move ahead. It is very important we complete action on this bill if we are to complete a conference in a time where we will finish during the current session before the holiday season.

Last year, it took months for the conference to be resolved between the House and Senate. We urge our colleagues to come to the floor tomorrow when we start action on the bill, which I understand is to be at 10:30, to proceed to offer amendments.

I yield the floor.

AMENDMENT NO. 2024

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2024.

Mr. DORGAN. Madam President, I ask unanimous consent reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

At the end of the bill, insert the following:

TITLE ____—INFORMATION ON PASSENGERS AND CARGO

SEC. ____01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

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

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Madam President, this is an amendment I discussed on the floor briefly earlier today. I shall be brief again. I understand under ideal circumstances this amendment would be placed somewhere else, at some other time, perhaps in some other bill. It is an amendment that is critically important and should have been done last week. It should now be law. It should already be providing protection to the American people today but is not.

I am angry about that because the Congress should not have missed this opportunity last week. I don't intend to let the Congress miss this opportunity at any point along the way. I will offer it, and if it is not finally a part of this bill when signed by the President, I will offer it to every bill.

Let me describe the circumstance. I am chairman of an appropriations subcommittee and I held a hearing a few weeks ago and had the Commissioner of the Customs Service and the Commissioner of the Immigration Service testifying before that subcommittee. One of the things they talked about was the need to provide security with respect to who is coming into our country. A country cannot be secure unless it has some notion of border security. We have millions of people coming into our country each and every year. They are guests of ours, coming in on a visa given by our country.

When people come to our country, we welcome them. We want them to visit our country, but we also want to be sure the people who are coming to our country from foreign lands are people we want to have as guests. There are some we want to keep out: Those involved in terrorist activities, those who have had association with terrorist groups, known and suspected terrorists. We do not want to welcome them into our country. We want to keep them out. That is the whole purpose of border security.

We have around 80 million people who come to this country every year on some 400,000 international flights. I repeat, on 400,000 international flights we have some 80 million people disembark to visit the United States.

There are just over 100 major air carriers flying those passengers into our country. We have an arrangement with 95 of those air carriers to voluntarily provide the United States Customs Service with advance passenger lists of who is coming to visit our country. The Customs Service runs that list against a list the FBI has, the Customs Service has, and 21 different agencies of law enforcement, to evaluate which of these passengers, if any, should not be allowed into our country, which of them are on the suspect list, and which are on the list of known or suspected terrorists.

We have the majority of the airline carriers and the majority of the names of passengers being given to our law enforcement authorities in the form of an advance electronic passenger list. It is called the Advance Passenger Information System. It is a voluntary, not mandatory, system covering 85 percent of the international air passengers that are not already pre-cleared by Customs. It works fine except we have a number of carriers from countries that do not participate.

Let me list a few: Saudi Arabia, Egypt, Jordan, and Pakistan, just to name a few.

One would ask whether we should be getting advanced passenger information from these countries. The answer is yes. In fact, the Senate said yes last week. The Senate was prepared to adopt this amendment last week as part of the counter-terrorism bill, which is where it should have been. In conference it was knocked out. It went to conference with the U.S. House. Some were worried more about committee jurisdiction than they were about security. So they knocked it out.

The result was, when the President signed that counter-terrorism bill, it did not have this provision that makes mandatory the Advanced Passenger Information System.

What does that mean? It means that today about 219,000 international air passengers arrived in the United States—today, Tuesday. About 34,000 are pre-cleared by U.S. Customs agents stationed abroad who run an APIS-type check as part of the clearing process, 156,000 are pre-screened through APIS while they are in flight, leaving approximately 29,000 whose names are not provided to the Customs Service until they arrive because their carriers do not participate in the Advanced Passenger Information System. Why? Because the Congress last week decided not to include that requirement in a conference report.

The President wants this requirement. The Customs Service wants the requirement. All the Federal law enforcement authorities want the requirement. We get it on 85 percent of international air passengers. And the ones we don't get it from are Pakistan, Kuwait, Saudi Arabia, Egypt, and Jordan, just to name a few.

I ask the question: Does it promote this country's security to require those air carriers to provide the same information that virtually every other air carrier in the world provides to us? The answer is clearly yes.

We are less secure today than we should be because the Congress knocked out my provision in that conference committee. That provision was not in the counter-terrorism bill when the President signed it, despite the fact that the Senate supported it. The Senate said yes. But it was knocked out in conference.

I intend to offer this to any vehicle I have the opportunity to offer it to. I know that it doesn't necessarily belong on an appropriations bill. But it belongs in law in this country. It belongs there now. It should be there now. It should be providing security for this country now with respect to the 29,000 people who entered this country today whose names were not provided under the Advanced Passenger Information List. It makes no sense to me to be in this situation.

Some would say, well, this really inconveniences and mandates the air carriers to do this. No, it does not. Most of the air carriers do it voluntarily, and they have a good relationship with our country. But some air carriers decided that they will not do it. The Customs Commissioner and others indicate that we ought to make it mandatory. I agree with that.

Since September 11, things have changed. It is not profiling. It is not profiling in any way to ask for an advanced list of passengers who are going to visit our country as guests in our country. But we are trying to profile those who are terrorists and suspected terrorists. Let's admit to that.

One of the goals that we have in all of our efforts with respect to increasing security at our borders is to determine who the people are who associate with terrorists and known terrorists or suspected terrorists, and try to keep them out of our country. Unfair? I don't think so, not in the circumstance where thousands of Americans have been killed— cold-blooded murder by terrorists who decided to use an airplane as a weapon of destruction; not at a time when terrorists sent anthrax-laced letters around this country through the mail system and people die.

I ask that we include this amendment in this appropriations bill. I hope those who are talking about their committee jurisdiction will understand that this isn't about jurisdiction. It is about security. This isn't about trying to protect your little area. It is about common sense to try to protect this country's borders. The Advanced Passenger Information System works. It has worked for a long while. It provides this country names that are important to secure our borders, except that it doesn't do it in all instances. In the instances where it fails, it is critically important to give this country critically important information in order to give this country some assurance and some comfort.

I understand that we will probably deal with this amendment tomorrow. I wanted to offer it this evening.

Mr. HARKIN. Madam President, I believe this amendment which I am pledged to cosponsor should become law. It is very reasonable for the United States to require that airlines provide information about their international travelers coming to the United States so customs can be able to check if any of the passengers are of special concern.

We are going to considerable lengths to improve the safety of our aviation system and to improve our ability to better protect our borders. Requiring that international airlines provide some basic information about their passengers and their cargo is very reasonable.

I understand some airlines are concerned about the small costs involved. Some airlines might have other reasons to not comply. But with 85 percent compliance with the voluntary requirements, clearly the burden is well within reason. There is no question, given the realities of our world, this should be required information for any international flight coming to the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TERRORISM

Mr. SPECTER. Madam President, the terrorist attacks carried out by Osama bin Laden and al-Qaida on September 11 require a reevaluation of our national policy on what the government should be doing on its primary responsibilities: the security of the people.

The United States was stunned by that diabolical attack. It was thought impossible to make the country, with special emphasis on the Congress, more ''fighting mad''; but that was done with the anthrax attacks. As a nation, we are determined to respond thoughtfully and forcefully to win the war against terrorism. This floor statement briefly reviews some of the responses by the U.S. to terrorism for the past two decades to learn from our mistakes of the past and to guide us on what to do in the future.

The United States has been slow to assert extraterritorial jurisdiction to

bring to justice terrorists who attack U.S. citizens around the world. Ordinarily, jurisdiction resides in the locale where the crime occurred; however, a nation may assert extraterritorial jurisdiction where its citizens are victimized on foreign soil which provides the nexus for jurisdiction beyond its boundaries.

It was not until 1984 that the United States asserted extraterritorial jurisdiction to try terrorists who kidnaped or hijacked Americans abroad. Those provisions were contained in the Omnibus Crime Control Act of 1984 which was added onto the appropriations bill for the Department of Justice. The Senate and House Judiciary Committees, led by feuding chairmen, could not agree on legislation, so an appropriation subcommittee took up the issues in an unusual way. The bill was passed in the middle of an all-night session, in which I participated along with Senator Warren Rudman on the Senate subcommittee, and Congressman Bill Hughes on the House subcommittee.

That legislation still left a void on terrorism other than kidnaping or hijacking. On July 11, 1985, I introduced the Terrorist Prosecution Act of 1985, to establish extraterritorial jurisdiction for any attacks on any U.S. citizen anywhere in the world. Several months later, the need for such legislation became urgent when on December 27, 1985, 16 people, including five Americans, were killed by random terrorist strafings at the Rome and Vienna airports, and many others were wounded. This provided the impetus to pass the Terrorist Prosecution Act which became law on August 27, 1986, providing the basis for the indictments against Osama bin Laden for conspiring to murder 18 Americans in Mogadishu, Somalia, in 1993, and 12 Americans at the Nairobi, Kenya, and Dar es Salam, Tanzania, Embassies in 1998.

Although there were solid precedents for the United States to act against indicted terrorists, who were harbored in foreign countries, the United States declined to pursue an aggressive policy to enforce outstanding warrants of arrest. In 1886, in the case of *Ker* v. *Illinois*. 119 U.S. 436 (1886), the Supreme Court of the United States held that a prosecution could be validly pursued even where the defendant was abducted in a foreign country and brought back to the U.S. for trial. Ker, under indictment for fraud in Illinois, had fled to Peru. Illinois authorities pursued him to Peru and brought him back to Illinois for trial and conviction. The Supreme Court of the United States said:

> There are authorities of the highest respectability which hold that such forcible abduction is no sufficient reason why the party should not answer when brought within the jurisdiction of the Court which has the right to try him for such an offense, and presents no valid objection to his trial in such court. (*Ker,* 119 U.S. at 444.)

That principle was upheld by the Supreme Court of the United States in *Frisbie* v. *Collins,* 342 U.S. 519, 522 [1953], in an opinion by Justice Black, a noted civil libertarian.

Based on my experience as district attorney of Philadelphia in pursuing indicted criminals, I thought some of those techniques could be applied to international terrorists. Those ideas were expanded after chairing the Intelligence Committee and Judiciary Subcommittee on Terrorism.

After studying ''Ker'' and ''Frisbie,'' I urged U.S. executive branch officials to consider abduction, if necessary, to bring back to the United States indicted terrorists. In hearings before the Judiciary Committee and the Appropriations Subcommittee on Foreign Operations, I questioned Secretary of State George Schultz, Attorney General Edwin Meese, FBI Director William Webster and State Department Counsel Abraham Sofaer on that subject. In testimony before the Judiciary Subcommittee on Terrorism on July 30, 1985, Judge Sofaer raised a series of objections to such forceful action, saying:

> I would say that seizure by U.S. officials of terrorist suspects abroad might constitute a serious breach of the territorial sovereignty of a foreign state, and could violate local kidnapping laws—that is, the people who do the seizing could be, in fact, criminals under local law. Such acts might also be viewed by foreign states as violations of international law incompatible with the foreign extradition treaties that we have in force with those nations.

It may be that those hearings, urging the application of ''Ker'' and ''Frisbie,'' led to action by U.S. law enforcement officials against Fawaz Yunis, although his case did not involve abduction in a foreign country, but the principle was close. In June 1985, Yunis and other terrorists hijacked a Jordanian airliner with two U.S. citizens in Beirut, Lebanon. In September 1987, a joint operation of the FBI, CIA, and U.S. Military led to the capture of Yunis, who was lured onto a yacht off the coast of Cyprus with ''promises of a drug deal.'' Once the yacht entered international waters, Yunis was arrested and returned to the U.S. for trial where he was convicted of conspiracy, aircraft piracy, and hostage-taking, and then sentenced to 30 years in prison.

The hearings on ''Ker'' and ''Frisbie'' may have also led the DEA—the Drug Enforcement Administration—to abduct from Mexico Dr. Alvarez-Machain who was implicated in the kidnaping and murder of a DEA agent in Mexico in 1985. After the DEA unsuccessfully negotiated with Mexican authorities for Alvarez-Machain's surrender, DEA officials offered a reward to a group of Mexican citizens for delivering Alvarez-Machain to them in the United States, which was done in April 1990. The trial court dismissed the case because the DEA agents had violated the extradition treaty with Mexico, and the Circuit Court of Appeals affirmed. When the case reached the Supreme Court of the United States, the Court reversed the lower courts and stated this principle of law:

> The power of a court to try a person for a crime [exists even if] he had been brought within the court's jurisdiction by reason of a forcible abduction. (*United States* v. *Alvarez-Machain,* 504 U.S. 655, 661 (1992).)

And now onto Osama bin Laden's longstanding record on terrorism against the United States.

The cases of Ker, Frisbie, and Alvarez-Machain provided ample precedent for the United States to have acted against Osama bin Laden prior to September 11, 2001. For a decade, Osama bin Laden had been prosecuting a war of terrorism against the United States. In 1992, he issued a religious declaration, known as a fatwah, urging that United States troops be driven out of Saudi Arabia, and the fatwah was extended in 1993 to demand expelling U.S. troops from Somalia. The terrorists convicted for bombing the World Trade Center in 1993 were trained in al-Qaida camps in Afghanistan. In 1996, al-Qaida called for a jihad against the United States.

In February 1998, bin Laden and al-Qaida issued another fatwah, calling for the murder of U.S. citizens wherever they were found in the world. In May 1998, bin Laden announced the need to possess a nuclear weapon against ''Jews and Crusaders.'' In indictments returned in November 1998, Osama bin Laden was charged with conspiring to murder U.S. troops in Saudi Arabia and Somalia and for being directly involved with the bombings of the U.S. embassies in Kenya and Tanzania in August 1998. In June 1999, bin Laden called for the killing of all American males. And then bin Laden was involved with al-Qaida in the terrorist attack on the USS *Cole*.

Notwithstanding demands by the United States and the United Nations, the Taliban refused to turn bin Laden over to U.S. authorities. In harboring bin Laden, the Taliban, the de factor government of Afghanistan, was an accessory after the fact. In his September 20, 2001 speech to a Joint Session of Congress, President Bush equated those who harbor terrorists with the terrorists themselves.

From all that, it was readily apparent that bin Laden and al-Qaida were at war with the United States even prior to September 11. Then, on September 11, in addition to murdering 7,000 Americans, bin Laden and al-Qaida sought to destroy our symbol of economic achievement by leveling the twin towers of the World Trade Center and to decimate the White House and U.S. Capitol with planes which crashed into the Pentagon and in a Pennsylvania field.

In a Senate floor statement the following day, September 12, I said—and it is worth repeating now:

> [T]here have been many declarations that what occurred yesterday with the Trade Towers and the Pentagon were acts of war. And there is no doubt about that. Similarly, what bin Laden did in Mogadishu in 1993 and in the Embassies in 1998 were acts of war. At this time, while the Congress should never act precipitously, I do suggest that consideration be given to a declaration of war

against the political entity which harbors and has given aid and assistance to bin Laden's terrorist organization and bin Laden and his co-conspirators, based on the indictments which already have been handed down . . .

It was my view on September 12 that even though we could not prove at that time that bin Laden was responsible for the terrorism of September 11, that a basis already existed for declaring war on Afghanistan and the Taliban for harboring bin Laden based upon the indictments which had already been returned establishing probable cause for acts of war which bin Laden and al-Qaida had committed against the United States.

On September 13, when the President met with Members of Congress from New York, Virginia, and Pennsylvania, which were the impacted States, I urged President Bush to consider a declaration of war against Afghanistan and the Taliban on the basis of the outstanding indictments against bin Laden and the Taliban's refusal to turn him over. The President made no response at that meeting to my suggestion.

President Bush declined to ask for a declaration of war, but he did request a resolution authorizing the use of force which was passed unanimously in the Senate and 420–1 in the House.

Presidential executive orders have provided that: ''No person employed by or acting on behalf of the U.S. Government shall engage in, or conspire to engage in, assassination.'' But in April 1986, President Reagan ordered the bombing of Tripoli, Libya, and Muammar Qadhafi after intelligence intercepts implicated Libyan intelligence operatives in the bombing of a disco in Berlin, resulting in the death of two American soldiers.

Similarly, President Clinton ordered a missile attack on Osama bin Laden in Afghanistan in August 1998 after the Embassy bombings. In an interview with Tom Brokaw on NBC News on September 18, 2001, former President Clinton said:

We had quite good intelligence that he [bin Laden] and his top lieutenants would be in his training camp. So I ordered the cruise missile attacks, and we didn't tell anybody, including the Pakistanis, whose airspace we had to travel over, until the last minute, and unfortunately we missed them, apparently not by very long. We killed a number of terrorists, destroyed the camp, but we didn't get him or his top lieutenants. And I made it clear that we should take all necessary action to try to apprehend him and get him. We never had another chance where the intelligence was as reliable to justify military action. He's very elusive. He spends the night in different places, often stays in—in caves. There were times when he tried to hide among a lot of women and children. It's a tough . . . nut to crack. But the world is changed now, and . . . the pressure that President Bush and the administration is putting on the Taliban and also on the Pakistanis, and the statements the Pakistanis have made, and the unity we've got around the world—we finally got other countries as concerned about this as we are. . .

Now to a discussion of Israel's response to terrorism. It is worth noting what Israel has done in its war against terrorism. Israel has adopted a policy on what could be called ''executions'' after its own determination of terrorists' guilt. After the massacre of the 11 Israeli Olympic athletes in Munich in 1972, it is reported that Prime Minister Golda Meir and Defense Minister Moshe Dayan authorized the executions of 9 of the terrorists whom they identified as being responsible for the Munich murders. One person, killed in Norway, was reported misidentified as a terrorist. Such executions have also been carried out by Israel against terrorists who were principals of the PLO, Islamic Jihad, Hezbollah and Hamas whom the Israelis found involved in murders of Israeli civilians.

The terrorism of September 11 should make us more understanding of the perils faced by Israel for five decades. Since the second Intifada began in September 2000, Israel has sustained 165 deaths from the killings. On a proportionate basis to our population, that would translate into over 7,000 Americans, a virtual equivalency to the mass murders on September 11. Should Israel be expected to respond differently from the way we responded to September 11? Just as the United States must find a way to stop terrorist attacks on U.S. citizens, a way must be found to stop the violence which has killed 714 Palestinians as well as 165 Israelis.

In seeking to organize a coalition against bin Laden and al-Qaida, the United States has urged, even pressured, Israel to temper its responses against Palestinian terrorists. In so doing, the United States should consider whether it is applying a double standard between what we are doing and what we ask Israel to do. What is the difference between the United States demand on the Taliban to turn over Osama bin Laden contrasted with Israel's demand on Chairman Arafat to turn over the assassin of the Israeli tourism Minister Rehavam Zeevi.

The usually perceptive Thomas L. Friedman in his October 23 New York Times column applied such a double standard. Asking Israel to pull its punches against Palestinian terrorism to stop ''. . . inflam[ing] the Arab-Muslim world in order to avoid . . . seriously undermining our [the United States] coalition against bin Laden,'' Friedman calls for Israel to subordinate its security interests to those of the United States. Friedman then asks Prime Minister Sharon whether ''. . . you (know) how serious this war is for America''? Is the war against Palestinian terrorism any less serious for Israel?

In seeking the assistance of Arab countries in the coalition, the United States has been careful not to ask for more than can reasonably be expected. Similar consideration must be extended to Israel. During the gulf war in 1991. Prime Minister Itzhak Shamir and Israel cooperated with the United States by taping their windows, wearing gas masks, and not responding to Iraqi Scud missile attacks. Israel has made serious, good-faith efforts to negotiate with Arafat notwithstanding the Intifada violence. Prime Minister Barak made the Palestinian authority a very generous offer in January 2001. Foreign Minister Shimon Peres has engaged in extensive negotiations until those talks were interrupted by outbursts of Palestinian terrorism.

There was a real question as to how much control Chairman Arafat can exert over Palestinian terrorism. Last April 16, I met Chairman Yasser Arafat in Cairo near midnight at the precise time Israel was responding to Palestinian mortar attacks. As we talked, aides brought Arafat communiques describing the fighting. I asked Chairman Arafat why he had not accepted then Prime Minister Barak's generous offer earlier in the year. Chairman Arafat responded that he had, but he was obviously oblivious to the fact that he imposed so many conditions it was, in fact, not an acceptance.

I then called on Chairman Arafat to make a clear statement calling for an end to Palestinian terrorists attacks. He said he had done that at the Arab summit on March 29, 2001. The transcript of his speech refuted his statement. That speech was another example of his longstanding tactic of sending contradictory messages. Chairman Arafat is famous for saying one thing in English to one audience and the reverse in Arabic to another audience.

In assessing Chairman Arafat's ability to reign in Palestinian terrorism, we must take into account that today he is not the man he was when he shook the hands of Prime Minister Rabin and Peres on the White House South Lawn on September 13, 1993, in the presence of President Clinton. Shortly thereafter, I met Chairman Arafat in Cairo in January 1994 traveling with a congressional delegation. At that time Arafat was healthy, robust, and forceful.

Seven years later, when I again met him in Cairo, he was shaky, hesitant, and spoke mostly through his aides. The recent challenges to his authority by Hamas, resulting in Chairman Arafat's firing on and killing Palestinians in early October, shows his diminished authority and raises serious questions as to whether he can be effective in ending the Palestinian violence even if he wants to.

This April, Secretary of State Colin Powell criticized Israel's response to Palestinian terrorism saying Israel's military action was ''excessive and disproportionate.'' In hearings before the Appropriations Subcommittee on Foreign Operations on May 15, 2001, I challenged Secretary Powell's characterization and said:

While Israel did respond very, very forcefully, Israel could have responded much more forcefully and is facing a situation where everybody is sort of at wit's end. And I believe that the calculation is made that if they hit them hard enough within reason that they will—that the Palestinians perhaps will stop the terrorism although that is

very complicated with Hamas and Islam Jihad and the others.

Then Secretary Powell sought to justify his comment by saying that we tried to be ''even-handed''. He then referred to ''the cycle of violence.'' The comment on ''cycle of violence'' suggests some sort of parity or moral equivalency between the purpose and level of force between Palestinian terrorists and Israel's reaction in self-defense.

There is, realistically viewed, no moral equivalency.

Terrorism, the killing of innocent victims, is totally reprehensible, repugnant, and morally unjustifiable. Self-defense in response to such terrorism is morally justifiable and is authorized under international and natural law.

When United States pressure on Israel increased, Prime Minister Sharon bluntly told the Bush Administration ''do not try to appease the Arabs at our expense'' and analogized the situation to the allies sacrificing Czechoslovakia in the Munich Pact of 1938. The Bush administration replied in kind calling Sharon's comment ''unacceptable.''

In limiting the freezing of terrorist assets to individuals and groups connected to the al-Qaida organization and the Irish Republican Army, President Bush did not extend United States efforts to ''every terrorist group of global reach,'' as articulated in his September 20th speech. Perhaps he left out Hamas, Hezbollah, the Palestine Liberation Organization and other Arab terrorist organizations to maximize the chances to get Syria and other Arab countries into our coalition.

Israel's battle against Palestinian terrorism would have benefited by our freezing the bank accounts, of Hamas, Hezbollah and the PLO, just as we did with terrorist organizations connected to Osama bin Laden; but United States national interests at the moment may have differed—just as Israel's national interest may differ.

Israel cannot be blamed for the September 11 terrorism. Senator JOHN MCCAIN was right when he said on NBC's ''Meet the Press'' on October 21:

> So if Israel were taken off the face of the Earth tomorrow, we would still be facing the same terrorist problems we have today.

Osama bin Laden's hatred against the United States, is rooted in events which preceded Israeli's existence. His videotaped statement broadcast on October 7 cited, ''what America is facing today is something very little of what we have tasted for decades. Our nation, since nearly 80 years is tasting this humility.'' He raged against the United States for our military action against Iraq and Japan. The two references to Israel were minor compared to his diatribe against America as the ''head of international infidels.''

His disregard for human life was palpable in minimizing ''a few more than 10 were killed in Nairobi and Dar es Salaam.'' The intensity of hostility was demonstrated by a statement by Ayman al Zawahir, one of his close associates, on the same videotape:

> American people, can you ask yourselves why there is so much hatred against America?

The New York Times on October 7 characterized bin Laden's anti-American attitude:

> Mr. bin Laden, born in Saudi Arabia, has typically focused his anti-American statements on the presence of American troops in Saudi Arabia, declaring it a violation of Islamic holy places. Now, in keeping with the rest of the Arab world, he shifted focus to the Palestinian uprising that began in September 2000, as officials believe.

A minister of the United Arab Emirates is reported to have warned the United States that if Israel continued killing Palestinians, ''most of us will certainly have to reconsider our role in the coalition''. The United States was obviously seeking to assuage Arab objections when Secretary of Defense Rumsfeld skipped Israel in his recent mid-East trip and Secretary of State Powell emphasized that Israel would not be part of any military coalition. Hezbollah and Hamas are now reportedly accelerating their terrorism on the expectation that Israel may be reluctant to respond out of concern for Arab participation in the coalition. That is a prelude to the most important part of this somewhat lengthy statement, and that is a focus on dealing with terrorism in the future.

The conduct of Osama bin Laden and al-Qaida prior to September 11 should have put the United States on notice that we were facing a ruthless, powerful enemy engaged in a religious war with the capacity to inflict enormous damage. By 20/20 hindsight, the United States should have taken whatever action was necessary to, as President Bush later put it, either bring bin Laden and al-Qaida to justice, or to bring justice to them. The point is not to attach blame for what happened in the past; but to learn from this bitter experience how tough and determined we must be from this day forward in fighting terrorism. After September 11, it is obvious that the civilized world faces decisions on how to deal with terrorism which threatens our survival. Self defense, acknowledged as a person's most primordial motivation, is recognized as a fundamental principle in international law.

Congress, in conjunction with the President, has the responsibility to conduct hearings, deliberate, and establish our national policy on how to deal with terrorism. As a starting point, Congress should conduct oversight hearings to determine whether our intelligence agencies were at fault in failing to provide warnings of the September 11 attacks. If so, Congress must act to cure such deficiencies and to do whatever is necessary at whatever cost to reorganize our intelligence agencies and provide the resources to be as sure as possible that we will not be again caught by surprise. The oversight hearings on the adequacy of our intelligence should be deferred until next year so as not to distract the intelligence community from using its full resources to detect current threats.

Congress, in conjunction with the President, should consider the public policy behind the Executive Order banning ''Assassinations.'' As a starting point, we should consider whether the pejorative term ''assassinations'' is accurate or whether we are really dealing with ''executions,'' even if they are based on a non-judicial determination of guilt. It is one thing to prohibit the CIA from involvement in the killing of a leader of a foreign political faction or from the killing of a foreign leader contrasted with the CIA implementing a Presidential finding to take bin Laden into custody or kill him if there is no alternative.

The use of force in war or against terrorism does not require the same level of proof to convict in a U.S. court of law. Without prejudging Israel's nonjudicial determinations of guilt and the following ''executions,'' Congress must decide what quality of proof and what level of force is necessary to assure our Nation's survival.

It was concluded that the Executive Order banning assassinations did not preclude President Reagan's order to bomb Libya and Qaddafi or President Clinton's order for a missile attack against bin Laden and al-Qaida in Afghanistan in August of 1998. In 1976, the Church Committee on Intelligence Operations concluded:

> . . . short of war, assassination is incompatible with American principles, international order, and morality. It should be rejected as a tool of foreign policy.

The Church committee's interdiction against assassination, ''short of war,'' raises the obvious question as to when war begins or whether terrorism isn't in fact, war. When it becomes a matter of survival, I suggest the pristine rules of the Church committee may have to be superseded, again depending on the circumstances.

Judicial determinations of guilt are not required as a basis for the use of deadly force in war and should not be the basis for action against terrorists. Israel has long considered itself in a war for survival facing being vastly outnumbered and surrounded by hostile armies in wars in 1949, 1956, 1967 and 1973, and some of those nations still have a state of war technically against Israel. In moving against the Munich murderers and Palestinian terrorists, Israel has adopted an activist policy of execution after a nonjudicial determination of guilt. All of that I suggest is worth studying.

In President Bush's speech to the Joint Session of Congress on September 20, he said:

> The war on terrorism . . . will not end until every terrorist group of global reach has been found, stopped and defeated.

Congress, in conjunction with the executive branch, must also decide what

action should be taken against every nation which sponsors, supports, or harbors terrorists in order to meet President Bush's goal. We must determine what national security and survival require in evaluating a policy on abducting or executing terrorists in foreign countries and taking tough action against these who harbor them.

Consideration should also be given to the detention of individuals where there is reason to believe they are part of al-Qaida or some other group which is actively planning terrorism against the United States. Under existing law, membership or an affiliation with such a group without more is not a basis for arrest or detention. The standard for detention should not require the level or probable cause necessary for a warrant of arrest or a search warrant but it should be more than mere surmise. It is obviously a difficult line to draw.

A case was reported after September 11 where a suspected terrorist was detained when he tried to gain entry to the United States from Canada, but was released when there was not sufficient evidence to arrest him. He was reportedly later identified as one of the pilots on a September 11 hijacking, which illustrates the point that if we let them go when we have reason to detain them, they may come back to kill us.

Twenty-first century terrorists do not wear uniforms. Study must be undertaken to determine an appropriate standard for detention on the analogy of detaining prisoners of war. The issue of detention of aliens received considerable attention during the debate on the terrorism legislation which was signed into law by President Bush on October 26. That legislation answers part of the problem but not all of it.

Poignant scenes from ''Saving Private Ryan'' illustrate the problem.

In the movie, U.S. forces captured a German soldier behind enemy lines as they were making their way on their mission to save Private Ryan. The German soldier pleaded for his life. The American soldiers did not have the capacity to take him with them as a prisoner, so they had the alternative of killing him or letting him go.

When he promised to move to U.S.-held territory and surrender himself, the American soldiers relented and released him.

In a later scene, that German soldier confronts the same American soldiers and kills several of them. That sequence illustrates American generosity and our natural instincts to be merciful. It is a lesson worth noting that we, as a nation, must reevaluate our level of ''toughness'' if we are to survive.

In this Senate floor statement, I have sought to raise issues which must be decided after congressional hearings and deliberations rather than to provide definitive answers.

Now, Mr. President, I come to the crux of what I have had to say.

In summary, these are the issues to be decided by Congress in conjunction with the President, after hearings, deliberation, and consultation. These are some of the issues which have to be considered. I do not say they are all inclusive, but these are the ones on my mind now.

First, should the United States revise its policy against assassinations to acknowledge that war and terrorism warrant executions under some circumstances?

Second, should such executions be authorized based on a nonjudicial determination of guilt, recognizing that responses to war and terrorism have traditionally not required the level of proof to indict or convict in a U.S. court of law?

Third, what level of our national leadership should be invested with the power to make such nonjudicial determinations of guilt?

Fourth, what are the standards for the quality and quantity of proof to make such a nonjudicial determination of guilt?

Fifth, should the United States be deterred from going into another sovereign nation to abduct or take forceful action against a terrorist when the host nation fails or refuses to turn over such terrorists?

Sixth, to what extent should the United States act against foreign nations or their officials who harbor terrorists?

And seventh, should individuals be detained where there is some basis to believe that they are non-uniformed members of al-Qaida or another terrorist organization on the analogy of incarcerating prisoners of war? If so, what should be the standard for such detention, and who should make the determination?

My sense is that America will maintain its resolve in carrying on the war against terrorism regardless of how long it takes. The steadfastness and durability of the coalition is another question. In my opinion historically, ''Remember Pearl Harbor'' will be a mild declaration or exhortation to ''Remember September 11th!!''

That concludes my statement. I thank my colleague, the Senator from Alaska, for his patience, and in fact he was patient. He came in at the latter part of my statement, and I have taken considerable time until Senator STEVENS arrived, and there is no other Senator who sought recognition. I appreciate the opportunity to make the statement which has been the product of considerable work on my part.

I yield the floor.

IN RECOGNITION OF THE BAYER CORPORATION

Mr. SPECTER. Madam President, I have sought recognition to recognize and acknowledge the activities of one of my own very good corporate neighbors and constituents, the Bayer Corporation of Pittsburgh. Last week, on October 24, Bayer Corporation's president and chief executive officer, Mr. Helge H. Wehmeier, and U.S. Postmaster General John E. Potter announced Bayer's donation of 2 million doses of their antibiotic Cipro, one of the FDA's drugs of choice for the treatment and cure of anthrax disease.

This medication was donated to the Federal Government and is intended for use by Federal employees who may need it. The medication will be administered by U.S. Federal health care agencies, including the Department of Health and Human Services and its Centers for Disease Control and Prevention, as well as local and State health care officials in the Washington, DC, area.

There has been a claim, and justifiably so, for the heroism of our firemen, our police, and our health care workers who responded to the attacks on September 11. Now with the problems with anthrax, we appropriately add to that honor roll the U.S. postal workers. Mr. Helge H. Wehmeier had noted that the unsung heroes, less celebrated perhaps, but no less brave in their readiness to perform their duties, were the postal workers. Regrettably, we have seen problems with anthrax there. The contribution by Bayer should be of substantial help.

I also call my colleagues' attention to the comments of Department of Health and Human Services Secretary Tommy Thompson last week with respect to the negotiations with Bayer and Mr. Wehmeier. I ask unanimous consent, following these brief remarks, there be printed in the RECORD a copy of the press release which was issued following the meeting with Secretary Thompson and Mr. Wehmeier, president and CEO of the Bayer Corporation.

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

HHS, BAYER AGREE TO CIPRO PURCHASE

WASHINGTON, Oct. 24.—HHS Secretary Tommy G. Thompson and Mr. Helge H. Wehmeier, President and CEO of Bayer Corporation, today announced agreement for a significant new federal purchase of the antibiotic ciprofloxacin (trademarked Cipro) at a substantially lowered price. The antibiotic is expected to be available by year end. Supplementing existing emergency stockpiles, it would be available for use in the event of a bioterror event.

Under the terms of the agreement valued at $95 million, HHS will pay 95 cents per tablet for a total initial order of 100 million tablets. This compares with a previously discounted price of $1.77 per tablet paid by the federal government. Bayer said it will rotate the government's inventory, as part of this agreement, to assure the American public a continuously fresh supply of Cipro. This inventory rotation adds an additional value of 30 percent for the government, which is included in the agreement.

Funds for the purchase are included in the $1.6 billion emergency proposal made by President Bush Oct. 17, which awaits Congressional action. HHS is also carrying out substantial new purchases of other antibiotics that are effective against anthrax, especially doxycycline. The purchases will fulfill Secretary Thompson's proposal to quickly increase the nation's emergency reserve of

antibiotics. Resources to be on hand by January would treat up to 12 million persons immediately for anthrax exposure. Treatment would be with a mixture of effective antibiotic products, with Cipro representing about 10 percent of the antibiotics on reserve. Currently, 18.6 million Cipro doses are available in the nation's emergency reserve, which would enable immediate treatment of about 2 million persons in combination with other antibiotics.

''This agreement means that a much larger supply of this important pharmaceutical product will be available if needed,'' Secretary Thompson said. ''The beneficial price also means that we can have more funds available to assist state and local health responders to be ready for all eventualities. I commend the Bayer Corporation for its ongoing efforts to ensure a fully adequate supply of this valuable product.''

''Bayer is fully committed to supplying America in its war on bioterrorism. This agreement between Bayer and the Department of Health and Human Services is an important security measure that will enable the nation to have in its stockpile ample supplies of Cipro to combat the threat of anthrax,'' said Bayer president Wehmeier. ''Cipro has become standard for anthrax treatment. The men and women of Bayer are 100 percent committed to delivering this vital antibiotic to the U.S. government on schedule.''

Secretary Thompson said current supplies of Cipro and other antibiotics which are effective against anthrax ''are entirely adequate to meet the current need. This purchase is aimed at expanding our emergency stand-by capacity, to make us even better prepared for the possibility of massive exposure to anthrax or other biological agents.''

As a further contingency, the agreement provides for the option of a second order of 100 million tablets at 85 cents, and a third order at 75 cents, if it is determined that further orders are needed. Cipro is one of many antibiotics that have been found effective in the treatment of exposure to anthrax in the incidents in recent weeks. Current treatment practice for anthrax exposure, including those possibly exposed to anthrax, is a 60-day course, involving initial use of a broad spectrum antibiotic like Cipro, for five days, followed by determination of other antibiotics to which the pathogen is susceptible.

The Cipro to be purchased would be used to expand emergency stand-by supplies in the National Pharmaceutical Stockpile (NPS), maintained by HHS' Centers for Disease Control and Prevention. The NPS includes both vendor managed inventory and 50-ton ''Push Packages,'' designed to be able to reach any point in the continental United States within 12 hours. The current eight ''Push Packages'' are to be expanded to 12, under the President's proposals.

COMMUNITY RAIL LINE RELOCATION ASSISTANCE ACT

Mr. LOTT. Madam President, many cities and towns across our country are experiencing conflicts between railroads, motor vehicles, and people for the use of limited and increasingly congested space in downtown areas. High density highway-rail grade crossings, even properly marked and gated ones, increase the risk of fatal accidents. Many rail lines cut downtown areas in half while serving few, if any, rail customers in the downtown area. Rail traffic can cut off one side of a town to vital emergency services, including fire, police, ambulance, and hospital services. Downtown rail corridors can hamper economic development by restricting access to bisected areas. Sadly, since September 11, we now must be concerned about freight trains carrying hazardous materials through the middle of densely populated areas being targets of terrorist actions. These problems exist in small and large cities and towns across the Nation.

While TEA–21 provides some flexibility in the use of the Highway Trust Fund to enable States to address some of these concerns, it is primarily focused on solving transportation problems by building or modifying roads, including road overpasses and underpasses, as it should be. However, in many situations, this highway-rail conflict cannot, or should not, be fixed by cutting off or modifying a roadway. The answer is often to relocate the rail line.

To address this need I introduced S. 948, the Community Rail Line Relocation Assistance Act of 2001. The bill would authorize the Secretary of Transportation to provide grants to States and communities to relocate a rail line where this solution makes the most sense. In those cases where the best solution is to build a railroad tunnel, underpass, or overpass, or even reroute the rail line around the downtown area, this bill will enable these cities and towns to afford to undertake such a significant infrastructure project. The bill does not tap the Highway Trust Fund. Instead, the rail line relocation grant program would compete for appropriations on an annual basis.

S. 948 is supported by the United States Conference of Mayors, the National Conference of State Legislatures, the National League of Cities, the Association of American Railroads, the Short Line and Regional Railroad Association, the Railway Progress Institute, the National Railroad Construction and Maintenance Association, and the Rail Supply and Service Coalition.

The Senate may soon consider other legislation to authorize funding to increase security for Amtrak, other modes of transportation, and our nation's ports. I ask my Senate colleagues to consider the needs of their own States, to cosponsor S. 948, and to support inclusion of this provision in the next transportation authorization bill to be considered by the Senate. So far, working with representatives of our Nation's cities, I have identified 40 cities in 23 States that are concerned about rail crossing problems and for which rail line relocation may be the solution, I am sure there will be several more such cities that will be identified in the weeks to come. I ask unanimous consent that the list of these cities be printed in the RECORD.

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

CITIES CONCERNED WITH RAIL CROSSINGS AND RAIL LINE RELOCATION

Arizona: Marana and Tucson.
California: Fremont, Hemet, Mountain View, Paramount and Richmond.
Colorado: Arvada.
Georgia: Augusta.
Iowa: Iowa City.
Illinois: Carbondale, Elgin and Roselle.
Indiana: Portage.
Massachusetts: Boston.
Minnesota: Rochester.
Mississippi: Biloxi/Pascagoula, Greenwood, Jackson, Meridian, Tupelo and Vicksburg.
Missouri: St. Joseph.
North Carolina: Winston-Salem.
North Dakota: Fargo.
Nebraska: Grand Island and Lincoln.
Nevada: Reno.
New York: Hempstead.
Ohio: Brooklyn, Lima and Mansfield.
Oklahoma: Edmond.
Pennsylvania: Pittsburgh.
South Carolina: Columbia.
Tennessee: Germantown.
Texas: Beaumont, College Station and Laredo.
Wisconsin: Madison.

AGRICULTURE APPROPRIATIONS

MEDICAL DEVICE TECHNOLOGY

Mr. JOHNSON. Madam President, first I thank, Chairman KOHL and Senator COCHRAN for their outstanding work in putting together an excellent bill. An important part of this legislation provides funding for the Food and Drug Administration to perform its vital mission to protect and promote the public health. That mission includes the essential work of evaluating the safety and effectiveness of promising new life-saving and life-enhancing medical device technologies so that they may be used with patients in an expeditious manner. However, we must be sure that the Center for Devices and Radiological Health (CDHR) are provided with the adequate resources to carry out their work. The number of patents issued in the medical device sector has increased by 30 percent in recent years. The private sector is committing substantial increases in funding to healthcare research and development. We are fortunate that the FDA will be faced with the task of evaluating many new technologies that will benefit all of us next year. It is my hope that we could review this issue in conference to ensure that the premarket review function at CDRH receives an appropriate level of funding to carry out their mission.

Mr. DORGAN. I thank my colleague for raising this matter. It is my concern that the pre-market review function at the Center for Devices and Radiological Health does not have sufficient resources to keep up with the tremendous pace of innovation that is now taking place in the health sector. Despite the FDA's ongoing efforts to improve in this area, review times for breakthrough medical devices are lengthy and likely to get longer. While this bill makes important progress toward giving FDA the funds it needs to carry out its mission, I hope the chairman would work with us in conference

to find a way to provide the resources needed to reduce medical device application review times.

Mr. KOHL. I appreciate the remarks and understand the concerns expressed by my colleagues. I agree that patients should not have to wait for promising new therapies due to insufficient resources at FDA. Language in the report accompanying the Senate bill states that the increase received by FDA's Devices and Radiological Health Program for fiscal year 2002 is consistent with agency estimates for bringing medical device application review times within statutory limits. While this statement is accurate according to the budget submitted to congress by the FDA, I have been informed that in testimony to the House Appropriations Committee, FDA officials stated the agency would need more funds than requested in their budget to decrease application review times significantly. I believe it is important for us to work together to resolve this issue, and look forward to working with my colleagues and our House counterparts in the Conference Committee.

Mr. VOINOVICH. Madam President, I was proud to offer an amendment to the fiscal year 2002 agriculture appropriations bill.

The amendment I offered last week set aside $500,000 from the Office of Generic Drugs at the Food and Drug Administration for use in the education and dissemination of information to America's senior citizens regarding the efficacy, safety and availability of generic drugs.

Currently, the FDA informs the public and providers about generic drugs through print advertising, reaching a limited number of individuals. It is my hope that this amendment will allow FDA to enlarge its outreach, utilizing not only print media, but also radio and television public service announcements.

In the absence of a Medicare prescription drug benefit, it is imperative that Congress provide alternative avenues for seniors needing to lower their out-of-pocket prescription drug costs.

Although millions of seniors already know about and use generic drugs, there are still many others who are not aware of their availability. Indeed, many highly used brand-name drugs whose patents have expired have generic alternatives available. These generic drugs are chemically identical in their active ingredient to their brand-name counterparts and are sold at substantial discounts from the branded price.

For example, the prescription drug Kelflex, an antibiotic, costs approximately $88 per month. Its generic equivalent costs about $13 per month, a potential annual savings of $900 for an individual who uses this product. In fact, according to the Congressional Budget Office, generic drugs save consumers an estimated $8 to $10 billion per year at retail pharmacies.

As each of my colleagues knows, the nature of health care has changed dramatically in America since the creation of Medicare in 1965. In many instances, diseases or conditions that once required hospitalization are now treated by pharmaceuticals. However, as advances in pharmaceuticals continue and the population ages, the Center for Medicare and Medicaid Services reports that national spending for prescription drugs is expected to more than double from an estimated $117 billion to $366 billion over the next ten years. Unfortunately, the financial burden on Medicare beneficiaries, those who use prescription drugs the most, will continue to increase. Consider the fact that Medicare beneficiaries account for 14 percent of the U.S. population, yet they consume approximately 43 percent of the nation's total drug expenditures and you can understand why we need to address this issue.

$500,000 will ultimately only be a drop in the bucket in finding a solution to providing access to affordable prescription drugs to seniors. However, these funds will help provide valuable information to those who rely on medications the most. With greater reliance on pharmaceuticals, increased direct-to-consumer advertising and the increased empowerment of seniors, it is imperative that those who use prescription drugs become better educated about the availability of generic equivalents that are just as effective as their name-brand counterpart.

While seniors wait for Congress to pass permanent prescription drug benefit legislation, the federal government should capitalize on other opportunities to aid seniors in their effort to obtain affordable prescription drugs.

That is why I have offered this important amendment and why I will work with Secretary Thompson and the Department of Health and Human Services to provide seniors with thorough information regarding highly utilized drugs, their generic equivalent and comparative pricing, as well as any other pertinent information that is necessary to improve the health and quality of life of our senior citizens. This information would prove to be highly useful to seniors and could easily be included in the annual ''Medicare & You'' publication. Seniors are typically very knowledgeable consumers of health care, and whatever information we can provide is a critical way to help them bypass the high cost of prescription drugs.

It is a sad reality that some senior citizens on fixed incomes do not take their full doses of their medications because they try to save money by stretching out their supply. Unfortunately, such self-medication can lead to life threatening health considerations. The amendment I offered will help our seniors get the information they need on lower cost generic drugs so they may obtain the prescription drugs they need to live their lives to the fullest.

I thank the manager and ranking member of the subcommittee for accepting this important amendment.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations provided to the Social Security Administration for continuing disability reviews, up to $520 million in 2002, and the amount of appropriations provided to the Department of Health and Human Services for adoption incentive payments, up to $20 million in 2002. S. 1536, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act for 2002, provides a total of $453 million for the two activities. That budget authority will result in new outlays in 2002 of $384 million.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution.

I ask unanimous consent to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,491	537,523
Highways	.....	28,489
Mass Transit	.....	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	907,818	923,356
Adjustments:		
General Purpose Discretionary	453	384
Highways	.....	.....
Mass Transit	.....	.....
Conservation	.....	.....
Mandatory	.....	.....
Total	453	384
Revised Allocation:		
General Purpose Discretionary	547,944	537,907
Highways	.....	28,489
Mass Transit	.....	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,515,766	1,481,544	187,121
Adjustments: CDRs, adoption incentives	453	384	−384

TABLE 2.—REVISED BUDGET AGGREGATES, 2002—Continued

[In millions of dollars]

	Budget authority	Outlays	Surplus
Revised allocation: Budget Resolution	1,516,219	1,481,928	186,737

Prepared by SBC Majority staff on 10–30–01.

SPECIALIST JONN J. EDMUNDS

Mr. THOMAS. Madam President, today I rise to speak about a very special soldier from Cheyenne, WY.

A U.S. Army Ranger was one of two soldiers killed October 19, when a Black Hawk helicopter crashed in Pakistan.

Spc. Jonn J. Edmunds died when the helicopter he was riding in crashed while supporting Operation Enduring Freedom.

Jonn Edmunds was a 1999 Cheyenne East High graduate. He was 20 years old.

Jonn Edmunds and Pfc. Kristofer T. Stonesifer of Missoula MT, are the first combat deaths of the U.S. led military campaign against terrorists in Afghanistan. The soldiers were members of B Company Third Battalion, 75th Ranger Regiment, based in Fort Benning, GA.

Last Saturday, I attended Spc. Edmunds' funeral and had the opportunity to speak with Jonn Edmunds' father Donn. I told him how sorry we are for his loss. How words are not enough to comfort his family and friends or to express our pride for the job he was asked to do.

This unfortunately, is war and this terrible loss will not be the last. That certainly doesn't make it any less difficult for the family when someone like Jonn, young, patriotic, dedicated to his country and service, is killed.

I want to again offer my sincere condolences to the family. We don't pretend to understand your loss, but we share in your grief. Wyoming shares your grief and they, like I do, thank you for your son's service.

War is hell. It will take the lives of soldiers and innocents alike.

I believe, as do all American's, that our cause is just. The cost of doing nothing would be much worse. This effort will not be a short one. It is important that we stay dedicated to the cause of defeating terrorism even in the face of terrible loss.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 17, 1999 in Novato, CA. A 17-year-old gay male student, Adam Colton, was ambushed and severely beaten. The letters F-A-G had been scratched into his stomach and arms. Colton had been beaten the previous September in an anti-gay incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

OVERSEAS COOPERATIVES

Mr. HAGEL. Madam President, I rise to commend Senator LEAHY and Senator MCCONNELL for their leadership in crafting the Fiscal Year 2002 Foreign Operations Appropriations Bill.

I am here today to state my continued support of international economic assistance for programs that utilize cooperatives and credit unions. Last year, Senators GRAMS, FEINGOLD and I sponsored the Support for Overseas Development Act, S. 3072. This Act was included as part of a larger bill, the Microenterprise for Self-Reliance and International Anti-Corruption Act, H.R. 4673, which was signed into public law on October 17, 2000. This bipartisan legislation enhances current language in Section 111 of the Foreign Assistance Act of 1961.

Overseas cooperatives foster similar principles abroad that U.S. cooperatives are based on: free democratic associations of mutual benefit for members. For four decades, cooperatives and credit unions have proven to be an effective and efficient way to assist people in developing and market transition countries. Currently, U.S. cooperatives are working in over 67 different countries.

Under our legislation, USAID is encouraged to put greater priority on the development of agricultural cooperatives for marketing, processing and inputs. USAID should explore community-based cooperatives for rural electric and telephone service when national utilities are privatized. Strong financial cooperatives, such as credit unions and farm credit associations, are ways to generate member-owned savings and provide micro-loans to entrepreneurs and farmers. Housing and community development cooperatives can address issues such as daycare for HIV/AIDS, orphans and community responses to environmental problems such as solid waste collection.

The Administrator of USAID, Andrew Natsios, is currently putting together a report to Congress regarding the implementation plan for this legislation. I am looking forward to reviewing this report.

Credit unions and rural cooperatives are able to mobilize local savings or equity for micro-loans as a way to provide greater food security, the world's poor need access to microenterprise loans, credit and savings. Rural areas in developing countries need electricity and telecommunications, yet history shows that there are insufficient profits for private companies to enter these markets. Cooperatives should be part of programs pursued by the World Bank and other multilateral institutions to enhance rural communities as part of their private sector approaches.

USAID can tap cooperative methodologies to bridge ethnic and sectarian differences to build communities in areas that are rife with conflict. In communities ravaged by HIV/AIDS, war, terrorism and inequality, cooperatives empower communities. Cooperatives are direct and meaningful expressions of diplomacy where poor people can participate in decision-making that affects their daily lives.

Overseas cooperatives are an important way to promote broad-based economic, political and social development. I am looking forward to progress on this legislation in fiscal year 2002.

ADDITIONAL STATEMENTS

WISE WORDS FROM A WARRIOR'S WARRIOR

• Mr. MILLER. Mr. President, Colonel David H. Hackworth, U.S. Army, Ret., knows war as few men do. Today's most decorated living soldier, he is a warrior's warrior.

He joined the Army when he was 15, was battlefield commissioned in Korea when he was 20 and was the youngest colonel in Vietnam.

His heroic achievements in both these wars made him a living legend. Never afraid to speak out, even when it meant criticizing our effort in Vietnam, Hackworth has long been a knowledgeable observer worth listening to.

This old soldier who has seen so much shared his recent observations in a thought-provoking, tell-it-like-it-is column in The Washington Times. It is an article that should be read and believed by all Americans. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Times, October 27, 2001]

FIGHT OR FLIGHT?

(By David Hackworth)

My No. 1 son rang from Florida: ''Dad we're scared. We're starting to wonder if we made a mistake leaving Indiana.'' Another Floridian, Frederick George, wrote: ''I've never been more depressed than now. I'm 86 years old, and I've seen a lot.''

My phone rings off the hook, and my mailbox is jammed. Most of the messages say: We're not coping well with this War Against Terrorism. My comeback: Get used to it.

We're in for at least 30 rounds, and Round One is far from being over. My 5- and 8-year-old grandkids will probably be in college before the last terrorist creep has been hunted down and folks can get back to the way things were before Sept. 11.

You can try running, but you can't hide from fear. Just ask the yellow-stained members of the House who ignored the report

from last year's Hart-Rudman Commission predicting ''a direct attack against American citizens on American soil is likely over the next quarter-century'' and then cut and ran when the first shot came their way.

But the attack on the World Trade Center proved in spades that all citizens of every free country in the world are now targets, so there's no longer any place safe to run. The quickest way to get a grip and make it through this new kind of war is to check out—and copy—the combat soldier's MO. The whole living-on-the-bayonet-edge mindset becomes almost second nature once a grunt accepts that his life can be snuffed out any second. His ears get used to incoming—they automatically tell him to hit the deck because a round is about to thud in close, or to finish that smoke because it's going over the hill. He's used to walking through areas where one misstep will explode a mine and take his leg or life, and he learns to take care of himself and his buddies almost without thinking. Or he lets fear rule and goes mad. Or he goes into denial and gets killed.

Many of you are combat vets—you just don't remember that for most of your lives you lived with the fear of being instantly incinerated and radiated by the Bomb. Remember the air-raid sirens and the ''Duck and Cover'' drills? Those 25,000 Soviet nuclear warheads once pointed at you and yours would have done a zillion times more damage than terrorist bombs, kamikaze planes or bugs and germs.

On the battlefield, I wore my steel pot begrudgingly. It was heavy and a pain. But I knew it would improve my chances of staying alive, so I cursed it while I wore it. Now I resent wearing a surgical mask and gloves and opening much of my mail outside. But just like wearing that helmet, it helps me stay alive while the FBI and the police track down the terrorist sleepers imbedded in our society.

And so must all of you learn to live on a potential killing field. Instead of letting fear knock you down, use it as warriors do to stay alive. Fear can pump up your reactions if employed positively and let you make it through the darkest night. Survival is our strongest instinct, and we will win this sucker just as we did World War II, the Cold War and the conflict that follows this one.

The other survival skill you should borrow from a grunt is alertness. A soldier asleep on guard duty is a dead soldier. A terrorist will have a tough time doing his thing if we all keep a sharp eye out for whatever doesn't compute. Like some weirdo learning to fly a plane who wants to give takeoffs and landings a miss. Or a non-islander buying a one-way air ticket to Hawaii or Guam.

Fortunately, most Arab terrorists coming our way will be easy to spot except on Halloween. If you see some character at the water reservoir, parked near the nuclear reactor, fiddling with a building's air-conditioner intake vents, delivering unordered fire extinguishers or bicycling around with a backpack, keep him under surveillance and notify the authorities quickly.

Use that fear to stay alert and stay alive.●

HONORING PAUL DUFAULT

● Mr. KERRY. Mr. President, today I honor one of the most fervent advocates for the labor movement and working families across the country; Mr. Paul Dufault.

For the past 45 years, Paul has served the men and women of New England as an active member, secretary-treasurer and later as president of the United Food and Commercial Workers Local 1445. Despite a changing economy and an evolving workforce, Paul's vision and motivation remained strong and unwavering for almost half a century. I am proud to extend to him my warmest appreciation for his steadfast commitment to economic prosperity for all individuals and families.

Paul began his career in labor advocacy as a part-time employee at Stop and Shop Supermarket, where he became a member of the Retail Clerks Union Local 1445 in 1956. Four years later, when Local 826 of Worcester acquired the Worcester jurisdiction from Local 1445, Paul was brought on as an organizer. Paul's strong work ethic and potential did not go unnoticed an this was reflected in his promotion to business agent. This was followed in 1967 with an appointment to International Representative. Paul then advanced in 1971 to president of Local 1435. With the merger of the Retail Clerks International Union and the Amalgamated Meat Cutters and Butcher Workmen in 1976, Local 1435 merged with Local 1445 and Paul stepped into the position of secretary-treasurer.

In 1996, Paul was elected president of United Food and Commercial Workers Local 1445 of Boston, MA. More than 3,000 new Local 1445 members were organized in the last three years, resulting in Local 1445 becoming the largest UFCW local in New England. Paul's leadership has resulted in improved benefits and working conditions for members. Local 1445 is indebted to Paul and all he has done for the working men and women of New England and I join them in thanking Paul for his contribution to the labor movement over the last 45 years.

In addition to Paul's accomplishments in Local 1445, Paul was also vice president of the Massachusetts AFL–CIO and served as chairman of the UFCW Interstate Health & Welfare fund, where he had been a trustee since 1971. He contributed his expertise in labor issues to the Gloucester Seafood Workers Pension and Health Welfare fund as a trustee, and served as an alternate on the UFCW National Pension Fund, as well.

Mr. President, I am truly grateful to join families across Massachusetts and throughout the country in celebrating Paul's career and contributions. I wish he and Judy, as well as his four children and seven grandchildren, the very best as they begin this new chapter in their lives.●

RECOGNITION OF SALLY SKINNER BEHNKE

● Mrs. MURRAY. Mr. President, I would like to take this opportunity to recognize an outstanding citizen of the State of Washington. Sally Skinner Behnke has been awarded the 2001 Isabel Colman Award for Excellence in Community Service for displaying significant and broad based leadership in her community. This prestigious award is given by the YWCA of Seattle-King County-Snohomish County and is reserved for an individual or organization whose efforts have contributed to enhancing the quality of life in the community. Ms. Behnke's efforts for over 20 years have done just that.

Some of her many achievements include being the first woman to serve on the board of Washington Mutual, Past President of the University of Washington Alumni Association, founding member and Past President of the Northwest School for Hearing Impaired Children, and an active fund-raiser for the Lifelong AIDS Alliance. The two experiences that she is most proud of are working on the board of the Fred Hutchison Cancer Research Center and serving as Past Board Chair of Children's Hospital. These contributions to our community make her more than worthy of this award and our recognition.

Ms. Behnke's work is inspiring, and her words are encouraging. She said, ''Take care of your home. Look around at this wonderful, wonderful place that is yours and mine. And if you haven't already, find a little corner of it to give your heart to.''

On behalf of the people of Washington State, I would like to thank Ms. Behnke for her time, energy and many years of dedicated service.●

TRIBUTE TO MELVIN VAN PEEBLES

● Mr. LEAHY. Mr. President, in a year when we have seen such terrible news about New York, we do well to remind ourselves of all the good things that come from that great city.

One such thing was the awarding of Chevalier in the Legion D'Honneur to my friend, Melvin Van Peebles, by the Consul General of the Republic of France on April 24 of this year. The award was made to Mr. Van Peebles because of his work as an author, a producer, and a director of award-winning films.

I have known Melvin for years, and I know him as a man of conscience, talent, erudition, and eclectic friendships. I have always considered myself honored to be one of his friends. The man who first introduced me to Melvin was my good friend, Dr. Henry Jarecki, of New York, and he and Gloria Jarecki hosted the investiture at Gramercy House in New York City.

I ask consent to print in the RECORD the comments made by Dr. Jarecki at that event, and to add my own congratulations to Melvin Van Peebles for an award justly deserved.

The comments follow:

REMARKS OF DR. HENRY JARECKI

Back in the fifties, while Melvin was becoming well-known in America, I had been out of the country. So it is no surprise that when Katie McGee first mentioned the name Melvin Van Peebles some thirty-five years ago, I knew so little about his work that I expected to meet a Dutchman. It was indeed some years before I knew who I was dealing with but in the meantime he had become a

close friend who I could hang out with and gab about philosophy, somebody who was an advisor and when needed, a fellow mischief-maker. Gradually, I got to see and know all about the famous Sweetback movie and his other films and I read and saw his plays, especially Ain't Supposed to Die a Natural Death and Don't Play us Cheap, two of the ones I think are among the great works of American literature. Waltz of the Stork, a musical I backed, was not one of the great works. Otherwise I would be rich today. But we reflected on a lot more plays, too, including the Bessie Smith piece called the Champeen that we argued about for five years and still have to make.

Close friends sometimes disagree—we solved that by making bets. One bet he lost made him work for me on Wall Street for a year during which he became the first Black trader on the American Stock Exchange. Not surprisingly, he wrote a book about it as he does about almost anything he does. That book, called Bold Money, introduced many nonprofessionals to the world of security option trading. He always writes books about what he does. He makes movies about the making of movies and he writes books about the ''making of the making of a movie'' movie. Happily, all of this piques his viewers' and readers' interest and makes him a bunch of money.

But he's made a lot more than movies, plays, and money. He has made a number of wonderful children, all of whom I've had the pleasure of hanging out with over the years, Megan, Mario, Max, and maybe more. Megan has the beauty and the wonderful heart she had when she worked at Mocatta and Mario has become a distinguished motion picture actor and director himself. Very few people know that one of the steps of his professional life, maybe the step that taught him all there was to learn about acting before he went to Hollywood was working as a gold trader for me at a company called Mocatta.

The Van Peebles children have been friends of my children and Melvin himself has helped each of my children, most recently my son Eugene, who made a film called The Opponent based loosely on Eugene's early life friendship with Mike Tyson. Melvin's most recent French film, A Belly Full, was not the reason for this Legion of Honor award but was its occasion.

Even before making a great name in America, Melvin had become well-known in France, partly for his book and movie, Story of a Three-Day Pass which had won many awards there, and throughout his life he has remained an American bridge to France, even having one French son, Max, who has helped him work on many of his movies. And so this clearly American icon has gradually become a French figure of the arts as well.

We are all honored to be here tonight with Melvin Van Peebles to help celebrate his receiving this award from Consul-General Richard Duque who honors us with his presence. I personally have in my own very modest film-making career achieved only one thing: when I, following in Melvin's footsteps, was making a movie about Cuban music in Havana with my friend Gary Keys, I managed to buy some Cuban cigars and also a wonderfully appropriate humidor in which to keep them. And so, Melvin, I take pleasure in presenting you with this unusual-looking humidor and the accompanying box of Cuban cigars. If you choose to give some of these cigars out to some of your guests here, feel free to do so: I have a second one upstairs. And those who worry about smoking Cuban cigars—and I'm not one—can always say the words of Melvin's friend Pat Leahy, the Senator from Vermont, who tells us that he cannot be criticized for burning Castro's crops.

Thank you all for coming.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 70. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and for other purposes.

S. 1572. A bill to authorize the provisions of educational and health care assistance to the women and children of Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4507. A communication from the President of the United States, transmitting, pursuant to law, a report relative to an arrangement with the United Nations regarding the reciprocal debt forgiveness contemplated by the legislation; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–200. A resolution adopted by the Senate of the General Assembly of the State of Rhode Island relative to maintaining the public institutions status of D.C. General Hospital; to the Committee on Governmental Affairs.

SENATE RESOLUTION

Whereas, D.C. General Hospital, a 108-year-old health care facility located in our nation's capital, will stop operating as a full-service public hospital as a result of the Mayor of Washington, D.C.'s plan to privatize the hospital, eliminating a safety net for thousands of disadvantaged people who otherwise would not have access to basic health care services; and

Whereas, D.C. General Hospital is a major trauma center and plays an indispensable role in providing quality and affordable health care to the 100,000 under and uninsured residents of the city. Additionally, the hospital is only one of two health care facilities in the Washington, D.C. area with a Level III neo-natal unit, treating 1,000 premature and critically ill infants a year; and

Whereas, Concerns over the possible closing of the hospital and the move to change its public institution status have generated opposition from numerous observers throughout the country, including health care officials, representatives of medical organizations, community activists and policymakers who feel that D.C. General Hospital represents this country's commitment to providing health care services to the residents of its inner cities; and

Whereas, D.C. General Hospital should continue to operate as a fully-funded public hospital in order to provie lifesaving health care services to Washington, D.C.'s poor and uninsured: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the Congress of the United States to maintain the public institution status of D.C. General Hospital so it can continue to operate as a fully funded public hospital, provide lifesaving health care services to Washington, D.C.'s poor and uninsured and represent this country's commitment to providing health care services to the residents of its inner cities; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives and the entire Rhode Island congressional delegation.

POM–201. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence

Plantations express concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM–202. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to imposing a moratorium on major airline industry mergers; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Economic development and prosperity are dependent upon a competitive airline industry providing reasonable rates, access, and efficient services for the transportation of people and goods; and

Whereas, Competition in the airline industry will be drastically reduced if pending mergers are allowed to proceed without comment from consumer, business, and labor organizations; and

Whereas, Airline industry competition is essential to keeping prices reasonable and service satisfactory for consumers and business travelers, and lack of competition will cause longer delays in air travel and decreased customer service; and

Whereas, These merger proposals will inevitably lead to further consolidation in the airline industry. This consolidation will decrease service and access in certain markets and localities, and hinder or prevent new low-cost airline carrier's entrance into the market; and

Whereas, The United States Congress and Departments of Justice and Transportation are examining the proposed airline mergers: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations expresses concern over the prospect of decreased competition in the airline industry and the adverse economic and other impacts on this State, the surrounding region, and the nation as a whole; and be it further

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the President, the Congress, and the Departments of Justice and Transportation of the United States to impose a moratorium on major airline industry mergers in order to fully and carefully consider all consequences; and be it future

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby urges the Attorney General of this State to separately communicate these and related concerns to the Attorney General and the Secretary of Transportation of the United States; and be it further

Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; the Attorney General of the United States; the Secretary of Transportation of the United States; and the Attorney General of the State of Rhode Island.

POM–203. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to amending the internal revenue code to accommodate certain tax issues related to the phase-out of Oldsmobile; to the Committee on Finance.

SENATE RESOLUTION NO. 108

Whereas, The phase-out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phase-out of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–204. A legislative resolution adopted by the House of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 1

Whereas, The United States of America stands as a Nation most respected throughout the world for its freedom and its defense of freedom; and

Whereas, Tens of thousands of men and women have fought and died to secure, maintain and guarantee this freedom, and have utilized this freedom to build the most powerful and most successful nation on earth; and

Whereas, On Tuesday, September 11, 2001, enemies of the United States encroached upon the sacred soils of our Nation and conducted a series of the most inhumane, murderous, attacks in the history of the world, hijacking and destroying four civilian aircraft, crashing two of them into the World Trade Center Towers in New York City, a third into the Pentagon outside Washington, D.C., and the fourth failing to reach its target and crashing in Pennsylvania, which monstrous attacks killed and injured thousands of innocent people and completely demolished the World Trade Center Towers and a portion of the Pentagon, symbols of American strength and success; and

Whereas, The freedom fought for, secured and maintained over the past two hundred twenty-five years is threatened by the attackers, by targeting symbols of America, clearly intended to intimidate our Nation and weaken our resolve; therefore, be it

Resolved by the House of Delegates:

That the members of the West Virginia House of Delegates hereby express their deepest, heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of Tuesday, September 11, 2001, and the recovery efforts following the attacks;

That the members of the House of Delegates hereby offer collective condolences and unreserved expressions of support to the State and to the City of New York, to the State of Virginia, and to the State of Pennsylvania;

That the House of Delegates of West Virginia hereby condemns in the strongest possible terms the terrorists who contrived and carried out those attacks, as well as their sponsors or any person or nation which harbors terrorists;

That the House hereby commends the heroic actions of the myriad of rescue workers, volunteers and officials who responded to these tragic events with courage, determination and skill;

That we hereby publicly proclaim that we will not forget those who have fought and died to help secure and maintain our freedom, and we further publicly decry and condemn those who plot, plan and execute attacks on our freedom, our citizenry and our way of life;

That our thoughts and prayers go out to all those directly affected by the attacks and to those participating in the recovery from the attacks;

That the President of the United States and the Congress be hereby urged to deal swiftly and judiciously with the situation, that freedom might live; and, be it further

Resolved, That the Clerk of the House of Delegates forthwith prepare and cause to be delivered certified copies of this resolution to President George W. Bush, to the Honorable Bob Wise, Governor of the State of West Virginia, to U.S. Senators Robert C. Byrd and John D. Rockfeller IV, and to member of the United States House of Representatives Alan B. Mollohan, Shelley M. Capito and Nick Joe Rahall, to the Clerk of the United States House of Representatives and the Secretary of the United States Senate, to the Governor of New York and the Mayor of New York City, to the Governor of Virginia and the Governor of Pennsylvania, and to the Presiding Officers of the Legislatures of all the States in this Nation.

POM–205. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to September 11, 2001; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 503

Whereas, In the morning hours of September 11, 2001, terrorists hijacked four commercial jetliners, including the passengers and crew members, with intentions of using them as weapons of mass destruction against the United States; and

Whereas, Two of the jetliners were flown directly into the twin towers of the World Trade Center in New York City, a third into the Pentagon in Arlington, Va. and the fourth crashed in Pennsylvania without reaching a possible target in Washington, D.C.; and

Whereas, Thousands of innocent Americans and hundreds of foreign visitors were killed or injured as a result of these attacks, including the passengers and crew of the four jetliners, workers and visitors in the World Trade Center and military and civilian personnel in the Pentagon; and

Whereas, Sadly, in the aftermath of the attack in New York City both towers of the World Trade Center collapsed, killing and injuring hundreds more, including rescue workers trying to locate possible survivors; and

Whereas, It was the terrorists' intention, through these hate-filled attacks against the United States, to intimidate, embarrass and expose the vulnerability of the United States as a world power; and

Whereas, If history is to repeat itself, we only need to recall the words of Japanese Admiral Isoroku Yamamoto, after the surprise attack on Pearl Harbor, who said, ''We have awakened a sleeping giant and have instilled in him a terrible resolve''; and

Whereas, We stand united as a nation to begin the process of healing and rebuilding, not only of symbols and structures of economic and military strength, but of our patriotism; and

Whereas, Our most sincere condolences are extended to the families of our innocent citizens and those foreign visitors who have died. Our greatest tribute to them should be that we stand united in our pursuit to bring their killers to justice and to commit ourselves to the war against terrorism around the globe; therefore, be it

Resolved by the Senate:

That the Senate hereby condemns the action of terrorists and their attack on the United States on September 11, 2001; and, be it further

Resolved, That the Senate extends its sincere and heartfelt condolences to the families of our innocent citizens and those foreign visitors who have died as a result of these senseless acts of violence; and, be it further

Resolved, That we commit ourselves to stand united in our pursuit to bring those responsible to justice and to continue our task to rid the world of terrorism; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the United States Senate and the Clerk of the United States House of Representatives.

POM–206. A resolution adopted by the Senate of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on Foreign Relations.

RESOLUTION

Whereas, On Tuesday, September 11, 2001, the United States of America suffered on its own soil the most extensive, devastating, and heinous acts of terrorism that have ever been perpetrated on innocent civilian victims. On that date, four separate groups of terrorist highjackers took forcible possession of four different commercial jets and, with incomprehensibly evil intent, used them as missiles to destroy some of the nation's most symbolic landmarks and to murder innocent people located within and around them; and

Whereas, The terrorists crashed one of the jets, American Airlines Flight 11, into the One World Trade Center building in the Manhattan borough of New York City, crashed another, United Airlines Flight 175, into the neighboring Two World Trade Center building, and crashed a third, American Airlines Flight 77, into the Pentagon in Washington, D.C. The fourth plane, United Airlines Flight 93, which apparently was on its way toward Washington, D.C., crashed approximately eighty miles from Pittsburgh, Pennsylvania. Shortly thereafter, the Two World Trade Center building collapsed as a result of the damage it sustained, followed quickly by the collapse of the One World Trade Center building and, later in the day, by the collapse of the neighboring Seven World Trade Center building; and

Whereas, It is estimated that thousands of innocent victims, including police officers, firefighters, and other rescue workers, lost their lives and that thousands more were injured as a result of these devastatingly evil acts of terrorism, causing human suffering of an incomprehensible magnitude; and

Whereas, The President of the United States and the United States Congress rightly have interpreted these terrorist acts as a declaration of war against the United States of America and all that it stands for. It is imperative at this dark time to unite as a nation in order to combat the evil of terrorism: Now therefore be it

Resolved, That the Senate of the State of Ohio fully supports the President of the United States and the United States Congress in the actions they must take in order to seek justice for the devastation that our nation has suffered from terrorism and to protect our nation from further terrorist acts of aggression; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM–207. A joint resolution adopted by the Legislature of the State of Alaska relative to anti-gun-ownership policies; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas the founding fathers considered popular ownership of firearms by private citizens to be a natural right and one of the surest safeguards against tyranny and governmental excesses; and

Whereas the Second Amendment to the United States Constitution recognizes and protects the inalienable right of American citizens to keep and bear arms; and

Whereas, in 1994, art. I, sec. 19, Constitution of the State of Alaska, was amended by an overwhelming majority to specifically protect an Alaskan's individual right to keep and bear arms; and

Whereas the Clinton Administration's stance on gun ownership moved dangerously in the direction of abridging or eliminating individual Second Amendment freedoms; and

Whereas, under the Clinton Administration, the United States Department of Justice interpreted the Second Amendment to not protect the right of individual citizens to keep and bear arms but to apply only to governmentally recognized military organizations; and

Whereas the Clinton Administration's stance on gun ownership intentionally ignored the original intent of the Constitution's framers and sought to dramatically limit the Constitutionally affirmed Second Amendment freedoms of individual law-abiding Americans; be it

Resolved, That the Alaska State Legislature urges President Bush to renounce the Clinton Administration's anti-gun ownership policies; and be it further

Resolved, That the Alaska State Legislature requests President Bush to use his executive powers and influence to reorient the United States Department of Justice towards a policy that fully recognizes the right of individual Americans to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution.

POM–208. A resolution adopted by the House of the General Assembly of the State of Ohio relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, Our nation and the entire civilized world was shocked and appalled by the vicious and horrific attacks perpetrated by terrorists upon the World Trade Center in the City of New York and the Pentagon Building in Washington, D.C. on September 11, 2001; and

Whereas, President George W. Bush and the Congress of the United States, Governor George Pataki of the State of New York, Mayor Rudolph Giuliani of the City of New York, and law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation immediately took bold action to protect the citizens of our nation and to provide leadership and relief for the victims of these attacks; and

Whereas, Thousands of people are dead or missing in the City of New York and in Washington, D.C., including hundreds of firefighters, and thus the people of the City of New York, the State of New York, Washington, D.C., and the United States in general are suffering greatly: Now therefore be it

Resolved, That the House of Representatives of the State of Ohio expresses its admiration and support for President George W. Bush and the Congress of the United States, for Governor George Pataki of the State of New York, for Mayor Rudolph Giuliani of the City of New York, and for the law enforcement, firefighters, and other emergency workers of the City of New York, Washington, D.C., and other parts of our nation, all of whom decisively responded to the terrorist attacks in the City of New York and Washington, D.C.; and be it further

Resolved, That the House of Representatives of the State of Ohio expresses its sympathy and support for the family and friends of all persons who died because of these terrorist attacks or the crash of United Airlines Flight 93 in Pennsylvania, whether their death occurred in the airplane or a building, on the ground, or in an attempt to rescue or serve others, and for all of the people of the City of New York, the State of New York, and Washington, D.C.; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to members of the Ohio Congressional delegation, to Governor George Pataki of the State of New York, to Mayor Rudolph Giuliani of the City of New York, and to the news media of Ohio.

POM–209. A resolution adopted by the Senate of the General Assembly of the State of

Pennsylvania relative to September 11, 2001; to the Committee on the Judiciary.

RESOLUTION

Whereas, On September 11, 2001, the people of the United States were deliberately attacked without warning or provocation, thus evoking another day that will ''live in infamy''; and

Whereas, Let us never forget the nature and character of this cowardly and brutal attack in which individuals without conscience turned the early minutes of a normal workday into a vision of horror, with more American blood spilled on American soil than anytime since the Civil War; and

Whereas, These senseless, inhuman acts have turned our beloved, tranquil homeland into a scene of untold suffering and destruction; and

Whereas, The World Trade Center became a tomb for American Airlines Flight 11, carrying 81 passengers and 11 crew members, and United Airlines Flight 175, carrying 56 passengers and 9 crew members; and

Whereas, United Airlines Flight 93, carrying 38 passengers and 7 crew members, crashed in Somerset County, Pennsylvania; and

Whereas, American Airlines Flight 77 crashed into the Pentagon, killing 58 passengers and 6 crew members; and

Whereas, The unthinkable has occurred with the shedding of American blood on American soil by commercial aircraft under the control of suicide hijackers; and

Whereas, The bombing of Pearl Harbor nearly 60 years ago resulted in the loss of 2,388 American lives; and

Whereas, America gave 3,393 of her sons on D-Day to liberate Europe; and

Whereas, The terrorist attacks of September 11, 2001, are a tragedy of epic proportions, with preliminary reports of 252 confirmed dead, 6,291 injured and updated reports of 6,453 missing in the destruction of the World Trade Center and 189 presumed dead in the attack on the Pentagon; and

Whereas, The President of the United States has called these attacks of wanton aggression acts of war that will solidify our resolve to defeat the forces of terrorism; and

Whereas, This is the latest in a long series of murderous rampages committed against the United States and the world, including: the October 1983 bombing of the Marine barracks in Beirut, the December 1988 bombing of the Pan Am Flight over Lockerbie, Scotland, the February 1993 truck bomb which crippled the World Trade Center, the August 1998 bomb attacks on the United States embassies in Kenya and Tanzania and the suicide attack on the USS Cole in October 2000; and

Whereas, The attacks on the people of the United States are attacks on the people of the entire civilized world as at least 62 countries lost citizens in the carnage at the World Trade Center; and

Whereas, The world is outraged and shocked by such death and senseless mayhem and there appears to be no limit to the malice of those who must find some inconceivable satisfaction from the slaughter of innocents; and

Whereas, Our national resolve has come together as never before, for we, as one people, have a spirit that is solid and impenetrable; and

Whereas, Over $200 million has been donated to date for financial assistance and aid to the victims of the attacks; and

Whereas, Those who cause us harm will be brought to justice in a world made smaller by the unity of all peoples of good will; and

Whereas, We encourage all Pennsylvania and Americans to pray for peace, the end of conflict and comfort for the victims, their brokenhearted families and our bruised nation, as we share in the grievous losses of their loved ones; and

Whereas, In the days that have followed the tragedy we have heard of people, most previously unknown to us, whose lives were taken through these despicable acts. Let us celebrate their lives and accomplishments as their loss will impoverish our country in ways as of yet unknown; and

Whereas, We encourage support for our President, George W. Bush, as he weighs the options before him and seeks wise counsel for the difficult decisions that must be faced by our country in the months ahead; and

Whereas, We witness the prayer services, candlelight vigils and spontaneous supportive actions of a grieving nation that are a balm to wounded hearts across our stricken land; and

Whereas, Our duty is not to shrink, fearful of the future, but to go boldly to claim our place as a leader among nations and a people committed to freedom and justice; and

Whereas, We go forth affirming our cherished liberty and freedoms and now to rebuild an even better America and world; and

Whereas, We go forth fulfilling the promise of the future that was taken from so many as their sacrifice demands; and

Whereas, The intent of these horrific acts was to divide us into irreconcilable parts, let us confound such terrorism and come together as a nation and as a people as never before in a spirit of tolerance and true compassion for the beliefs that unite us are far more plentiful than the items that divide us; and

Whereas, Even as our nation weeps for our murdered fathers, mothers, sons and daughters, we will undertake the necessary task of rebuilding and safeguarding our future; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and the Congress of the United States and this Commonwealth to commemorate every September 11 as a day of mourning and remembrance; and be it further

Resolved, That the Senate extend its deepest sympathies and condolences to the families and friends of the victims of this terrible tragedy; and be it further

Resolved, That the Senate unanimously and unequivocally condemn those individuals and countries who played any part in the shedding of innocent American blood; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–210. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to the nations response to September 11, 2001; to the Committee on Armed Services.

RESOLUTION

Whereas, As our nation prepares its response to the horrors visited on our people on September 11, 2001, we pause to lend our support and give thanks to those who will be seeking justice for our beloved dead and injured; and

Whereas, As the President of the United States, George W. Bush, said in his speech to the nation during a joint session of the Congress of the United States on September 20, 2001: ''Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done''; and

Whereas, We wholeheartedly support the President of the United States in his pledge to use every resource at America's disposal to successfully conclude the conflict brought to our peaceful shores, whether through diplomacy, the use of intelligence capabilities, instruments of law enforcement and elimination of financial resources or every necessary weapon of war; and

Whereas, We recognize that a nation cannot maintain peace without a willingness to defend itself against terrorism or aggression; and

Whereas, The President of the United States has authorized the call-up of 50,000 reservists; and

Whereas, More than 35,000 reservists have been activated for homeland defense in order to permit troops to engage in other duties; and

Whereas, Those soldiers, sailors and Marines now being deployed have our complete support, unending thanks and countless prayers; and

Whereas, We pray that our men and women in uniform will be comforted and given strength to perform the very difficult tasks ahead of them; and

Whereas, The Pennsylvania Division of the National Guard, known as the 28th Infantry Division, is the oldest division in the Army in continuous service; and

Whereas, Pennsylvania has the largest National Guard unit in the United States; and

Whereas, Pennsylvania's National Guard has played a crucial role in every major conflict since the early days of our nation; and

Whereas, The valiant citizen-soldiers of Pennsylvania's National Guard, all 22,000 men and women, are properly trained and stand ready to do whatever is needed in the defense of our Commonwealth, our nation and our freedom; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania and the people of the Commonwealth of Pennsylvania commend and support the President of the United States as the Commander-in-Chief of our armed services; and be it further

Resolved, That the Senate send its support, prayers and gratitude to all our military service personnel as they undertake the difficult tasks that may lie ahead; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–211. A resolution adopted by the Grand Lodge of Ancient Free and Accepted Masons of the State of Missouri relative to National Respect; to the Committee on Governmental Affairs.

POM–212. A resolution adopted by the Guam Legislature relative to September 11, 2001; to the Committee on Energy and Natural Resources.

POM–213. A resolution adopted by the Commission of the City of Miami, Florida relative to September 11, 2001; to the Committee on Governmental Affairs.

POM–214. A resolution adopted by the Commission of the City of Miami, Florida relative to monies collected and earmarked to assist the victims of September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

POM–215. A resolution adopted by the City Council of Independence, Ohio relative to immediate action to enact measures to assist in restoring LTV Steel and the domestic steel industry to a competitive position and declaring an emergency; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1202: A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006. (Rept. No. 107-88).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment:

H.R. 717: A bill to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2215: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes..

S. 1319: A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nominations beginning Rear Adm. (lh) Jose L. Betancourt and ending Rear Adm. (lh) Thomas E. Zelibor, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Air Force nomination of Gen. Hal M. Hornburg.

Army nomination of Donald W. Dawson III.

Army nomination of Daniel M. Macguire.

Army nomination of Christopher M. Murphy.

Army nomination of Daniel F. Lee.

Air Force nominations beginning Brigadier General James P. Czekanski and ending Colonel Erika C. Steuterman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 18, 2001.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Mr. ENSIGN):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself and Mr. SMITH of New Hampshire):

S. 1586. A bill to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. CRAPO, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. WELLSTONE, and Mr. BAUCUS):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Ms. LANDRIEU):

S. 1590. A bill to amend the National Environmental Policy Act of 1969 to improve the environmental review process that is associated with authorizations required under Federal law for construction, operation, or maintenance of energy facilities; to the Committee on Environment and Public Works.

By Mr. VOINOVICH (for himself, Ms. LANDRIEU, Mr. SMITH of New Hampshire, and Mr. INHOFE):

S. 1591. A bill to promote the safe and efficient supply of energy while maintaining strong environmental protections; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1593. A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MILLER (for himself and Mr. HELMS):

S. Res. 174. A resolution expressing appreciation to the United Kingdom for its solidarity and leadership as an ally of the United States and reaffirming the special relationship between the two countries; to the Committee on Foreign Relations.

By Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO):

S. Con. Res. 80. A concurrent resolution expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 990

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1140

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1224

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1224, a bill to amend title

XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years.

S. 1292

At the request of Mr. EDWARDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1292, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH of Oregon) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1520

At the request of Mr. BAYH, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1520, a bill to assist States in preparing for, and responding to, biological or chemical terrorist attacks.

S. 1530

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1530, a bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes.

S. 1539

At the request of Mrs. CLINTON, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1539, a bill to protect children from terrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1567

At the request of Mr. ENZI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1567, a bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes.

At the request of Mr. ENZI, his name was withdrawn as a cosponsor of S. 1567, supra.

S. RES. 171

At the request of Mr. FRIST, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Oregon (Mr. SMITH), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 171, a resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself and Mr. ENSIGN):

S. 1585. A bill to establish grant and scholarship programs to enable hospitals to retain and further educate their nursing staffs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Madam President, I rise today to introduce the Hospital Based Nursing Initiative Act, a bill that will create new and innovative incentives to lessen the impact of the critical shortage of nurses in our Nation's hospitals. I am very pleased that my respected colleague, Senator JOHN ENSIGN, is joining as sponsor of this legislation/

Before I get into the specific about the bill, I'd like to talk about the overall condition of nursing in America for a moment. Several studies have been completed in the past year that show troubling trends developing in this historic profession. Take for example, the study that reflects a 41 percent dissatisfaction rate among nurses in America, higher than the dissatisfaction rate in most other countries throughout the world. Think about that for a moment, 4 out of 10 nurses in America are dissatisfied with their profession.

Another study reveals that nearly one third of nurses under the age of 30 plan to leave the nursing profession within the next year. In addition, the average age of nurses in America is 45, with many nurses headed toward early retirement. We cannot afford to lose both the older and younger nurses at the same time. Further, while the number of people that are being hospitalized may continue to decrease, those people who are being admitted are sicker and need more intensive nursing care. Not a very rosy picture for patients who are sick. We need to ask will there be someone to provide care for them?

The shortage of nurses has severely affected the health care industry. And hospitals have been hit the hardest since nearly 60 percent of nurses work in hospitals. Further, we know that when nurses have more autonomy, greater control and input into the decision making process, and better communication with physicians and hospital administration, they are more likely to experience greater job satisfaction and stay in their jobs longer. These very tenets make up the American Nurse Credentialing Center's ''Magnet'' accreditation process of nursing services at hospitals. As a result, Magnet hospitals lead the way in attracting and retaining nurses.

Many hospitals have begun to take these steps already. But more must be done. There must be incentives for hospitals to revise their management principles to improve the quality of the work environment in the hospital, initiate aggressive retention programs for nurses currently working in the hospital setting, and create the types of programs that will increase personal and professional satisfaction for the nurses in their facilities.

That is why I am introducing the Hospital Based Nursing Initiative Act of 2001. This bill will create innovative incentives for hospitals that have taken the first steps in developing aggressive retention techniques and develop a scholarship program for hospital-based nurses to return to school on full tuition scholarship to complete a nursing degree.

The first component of this bill will create a competitive grant program that would provide funds to hospitals of up to $600,000 based on staffed bed size for nursing services to use to bolster their retention efforts and improve the work environment for the nursing staff in the hospital. These grants would be made available every two years on a competitive basis. Several major nursing and hospital organizations, such as the American Hospital Association, American Nurses Association, American College of Health Care Executives, the American Organization of Nurse Executives, the American Academy of Nursing, the Pennsylvania State Nurses Association and the American Federation of Hospitals have wholeheartedly endorsed this bill. I am pleased that legislation which incorporates a number of ideas in this bill is moving toward markup in the Senate Health, Education, Labor and Pensions Committee. I appreciate the cooperative spirit with which members of the committee have worked together on these ideas.

The second part of my bill would allow nurses who work in hospitals to return to school on a full tuition scholarship in order to complete a Bachelor of Science in Nursing. This ''Bridge'' scholarship program targets the nearly 55 percent of the nursing workforce who hold an Associate's Degree in Nursing or Diploma in Nursing. Under the Bridge program, nurses will have up to three years to complete the Bachelor's degree. In turn, nurses who accept the scholarship must agree to work in the sponsoring hospitals for the same number of months that they receive scholarship funding. This program is a win-win situation: It provides ongoing advanced education for nurses who seek a higher level of training and we keep skilled nurses working in our hospitals.

We have the opportunity to make a difference. With the bill that Senator

ENSIGN and I are now introducing, we can take the necessary steps to thwart the nursing shortage and provide the critical incentives for hospitals to retain their nurses. We must do all we can to improve job satisfaction for nurses, provide them with opportunities for advanced education, and keep nurses on the job. The Hospital Based Nursing Initiative is the right bill at the right time. I urge my colleagues to support this legislation and help ease the burden on hospitals and nurses in our hospitals.

I ask unanimous consent that the text of the bill be printed in the RECORD. I further ask unanimous consent that letters supporting this legislation and its approach from each of the organizations I cited above likewise be printed in the RECORD.

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

S. 1585

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 ''Hospital-Based Nursing Initiative Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a Department of Health and Human Services study found a correlation between the number of registered nurses on the staff of a facility and patient health outcomes;

(2) studies have shown that hospitals that promote greater autonomy for nurses, greater nurse control and input into the decision-making process in the hospital setting, better communication between nurses and physicians, and input from nurses at the executive level in the hospital lead to increased retention of and satisfaction for nurses;

(3) the job dissatisfaction rate among nurses in the United States, 41 percent, is higher than in most other countries;

(4) ⅓ of nurses under the age of 30 are planning to leave the nursing profession within the next year;

(5) hospitals employ nearly 60 percent of the entire nursing workforce;

(6) while the number of inpatient hospitalizations is expected to continue to decrease, the acuity of those patients requiring hospital stays is expected to increase;

(7) the projected supply of registered nurses is anticipated to grow at a rate of less than 1.5 percent per year through the next 8 years, while the demand rate (growth) is projected to be over 21 percent per year;

(8) there must be incentives for hospitals to revise management principles to improve the quality of the work environment in hospitals, initiate aggressive retention programs for the nurses currently employed in hospital settings, and employ aggressive recruiting tactics to attract nurses back to hospital settings; and

(9) while numerous hospitals have begun to take the necessary steps to address these issues, Congress recognizes the need for intervention and stimulus.

SEC. 3. NURSE GRANT AND SCHOLARSHIP PROGRAMS.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

"PART H—NURSE GRANT AND SCHOLARSHIP PROGRAM

"SEC. 851. DEFINITIONS.

''In this part:

''(1) DIVISION.—The term 'Division' means the Nursing Division of the Bureau of Health Professions of the Health Resources and Services Administration.

''(2) NURSE LEADERSHIP.—The term 'nurse leadership' includes—

''(A) nurse executives;

''(B) nurse administrators; and

''(C) nurse managers.

''(3) PROFESSIONAL NURSE.—The term 'professional nurse' means a registered nurse who holds a valid and unrestricted license to practice nursing in a State.

"SEC. 852. QUALITY OF WORK ENVIRONMENT AND RETENTION GRANT PROGRAM.

''(a) AUTHORIZATION OF GRANTS.—The Secretary may award grants to hospitals—

''(1) to improve the quality of the work environment in hospitals;

''(2) to initiate aggressive retention programs for nurses employed in hospitals; and

''(3) to employ aggressive recruiting tactics to attract nurses back to hospitals.

''(b) APPLICATION.—

''(1) DEVELOPMENT OF APPLICATION FORM.—Not later than October 1, 2002, the Secretary shall develop an application form that a hospital shall use in applying for a grant under this section.

''(2) SUBMISSION.—Each hospital desiring a grant under subsection (a) shall submit an application to the Division at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(3) DUTIES OF THE DIVISION.—The Division shall—

''(A) review each application submitted under paragraph (2); and

''(B) not later than 30 business days after receipt of an application submitted under paragraph (2), forward the application to the Secretary with a recommendation as to whether the Secretary should award a grant to the applicant.

''(4) DUTIES OF THE SECRETARY.—Not later than 30 business days after receipt of an application from the Division under paragraph (3), the Secretary shall determine whether to award a grant to the applicant.

''(c) GRANT APPROVAL CRITERIA.—

''(1) PRIORITY CRITERIA.—The Secretary shall give priority in awarding grants under this section to hospitals that have not previously received a grant under this section.

''(2) REQUIREMENTS.—Before awarding a grant under subsection (a), the Secretary shall assure that the hospital meets the following criteria:

''(A) MULTIPLE GRANTS.—The hospital has not received a grant under this section during the previous 2 year period.

''(B) SYSTEM OF PATIENT OUTCOMES MEASUREMENT.—

''(i) IN GENERAL.—The nurse leadership and professional nurses of the hospital have developed a system of patient outcomes measurement.

''(ii) DELIVERY OF CARE.—The system of patient outcomes measurement under clause (i) evaluates the specific care needs of the patients served by the hospital and the educational needs of the nursing staff of the hospital to ensure that the care the hospital is providing is meeting the needs of the patients.

''(iii) FUNDING.—The hospital allocates sufficient funds to carry out the system of patient outcomes measurement under clause (i).

''(C) DECISIONMAKING.—

''(i) MULTIDISCIPLINARY APPROACH.—The hospital uses a multidisciplinary decision-making process that incorporates the input of the nursing staff of the hospital when refinements, resulting from the evaluation under subparagraph (B)(ii), are developed.

''(ii) PARTICIPATION IN DECISIONMAKING.—The nurse leadership of the hospital has developed and implemented policies and practices that—

''(I) ensure participation of the nursing staff of the hospital in the decisionmaking processes of the hospital; and

''(II) foster the nursing staff's ability to maintain autonomy in the delivery of care.

''(D) NURSE EXECUTIVE PARTICIPATION.—The nurse executive in the hospital participates and provides input in all facets of senior level management as a member of the executive team of the hospital.

''(E) NURSE RETENTION COMMITTEE.—The nurse leadership of the hospital has organized a Nurse Retention Committee that—

''(i) includes nursing staff representatives from the various nursing specialties practicing in the hospital;

''(ii) meets on a regular basis and forwards recommendations for initiatives to increase nurse retention to the nurse leadership; and

''(iii) works with the nurse leadership of the hospital to address and forward the recommendations under clause (ii) to the executive team of the hospital.

''(F) NURSE RESIDENCY TRAINING PROGRAM.—

''(i) IN GENERAL.—The hospital has developed a Nurse Residency Training Program (referred to in this section as the 'NRTP') for—

''(I) new graduate nurses entering the workforce on a full-time basis in a hospital setting; and

''(II) nurses returning to a hospital staff on a full-time basis after an absence of not less than 3 years without working in the nursing field.

''(ii) RETURNING NURSES.—The nurse leadership of the hospital evaluates the skills and competencies of each nurse described in clause (i)(II) to determine—

(I) whether that nurse needs to participate in the NRTP; and

(II) for how long that nurse should participate in the NRTP if it is determined under subclause (I) that the nurse needs to participate in the NRTP.

''(iii) TRAINING.—The—

''(I) hospital coordinates, to the greatest extent possible, the NRTP with an accredited school of nursing; or

''(II) NRTP is not less than 3 months and not more than 1 year in duration and accommodates sufficient training opportunities as determined by the nurse leadership in the facility.

''(G) CONTINUING EDUCATION.—The hospital promotes and, to the greatest extent possible, provides continuing education for the nursing staff—

''(i) to obtain nursing-related certification;

''(ii) to maintain continuing education units as required for nursing-licensure; and

''(iii) to further clinical skills through advanced training opportunities.

''(H) RECOGNITION AND REWARD PROGRAM.—The hospital has developed a recognition and reward program in conjunction with subparagraph (G) for a nurse who obtains a nursing-related certification from an accredited or professionally recognized organization that provides—

''(i) financial recognition and rewards; or

''(ii) non-financial recognition and rewards that are determined by the Nurse Retention Committee of the hospital to be appropriate.

''(d) ALLOCATION.—

''(1) IN GENERAL.—The Secretary shall determine the amount of a grant awarded to a hospital under this section on a case by case basis subject to paragraph (2).

''(2) MAXIMUM AMOUNTS.—The Secretary shall not award a grant exceeding—

''(A) $200,000 for a hospital with less than 100 staffed beds;

''(B) $400,000 for a hospital with less than 400 staffed beds; and

''(C) $600,000 for a hospital with 400 or more staffed beds.

''(e) RECEIPT OF FUNDS.—Not later than 60 days after awarding a grant to a hospital under subsection (a), the Secretary shall distribute the grant funds to the hospital.

''(f) USES OF FUNDS.—A grant awarded to a hospital under subsection (a) shall be used for 1 or more of the following:

''(1) Improvements to the work environment of the hospital for the nursing staff that improves the nursing staff's job satisfaction or safety, or both.

''(2) To provide continuing education programs for the nursing staff.

''(3) To continue the Nurse Residency Training Program.

''(4) To carry out initiatives recommended by the Nursing Retention Committee of the hospital to increase retention of the nursing staff.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.

''SEC. 853. BRIDGE SCHOLARSHIP PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall establish a Bridge Scholarship Program (referred to in this section as the 'program') to provide scholarships to hospital-based professional nurses to enable such nurses to complete a Bachelor of Science in Nursing degree (referred to in this section as the 'degree') in exchange for service from such nurses in sponsoring hospitals upon completion of such degree.

''(b) ELIGIBILITY.—To be eligible to participate in the program an individual shall—

''(1) be employed by a hospital;

''(2) be accepted for enrollment, or be enrolled, in an accredited school of nursing;

''(3) submit the required materials in accordance with subsection (c)(2); and

''(4) be able to complete the degree not later than 3 years after enrolling in the accredited school of nursing.

''(c) APPLICATION PROCESS.—

''(1) DEVELOPMENT OF APPLICATION FORM.—The Secretary shall develop an application form that an individual shall use to apply for a scholarship under the program.

''(2) SUBMISSION.—Each individual desiring a scholarship under the program shall submit to the hospital where the individual is employed—

''(A) an official letter from each State licensing agency where the individual is licensed to practice nursing that the individual—

''(i) has an unrestricted license to practice nursing; and

''(ii) is in good standing;

''(B) an application for participation in the program;

''(C) proof of acceptance for enrollment, or enrollment in, an accredited school of nursing; and

''(D) a written contract accepting payment of a scholarship in exchange for providing the required service in the hospital where the individual is employed.

''(3) DUTY OF THE HOSPITAL.—A hospital that receives the materials described in paragraph (2) shall—

''(A) make a determination as to whether to enter into the contract under paragraph (2)(D) with the individual; and

''(B) if the hospital elects to enter into the contract with the individual, not later than May 31 of each calendar year, forward the materials it receives under paragraph (2) to the Division.

''(4) DUTIES OF THE DIVISION.—The Division shall—

''(A) review the materials forwarded under paragraph (3); and

''(B) not later than 30 days after receipt of the materials forwarded under paragraph (3), forward the materials to the Secretary with a recommendation as to whether the Secretary should award a scholarship to the applicant.

''(5) DUTIES OF THE SECRETARY.—Not later than 30 days after—

''(A) receipt of the materials forwarded under paragraph (4), the Secretary shall approve or disapprove the application submitted under paragraph (2); and

''(B) the Secretary approves or disapproves an application under subparagraph (A), the Secretary shall notify the applicant in writing of the approval or disapproval.

''(d) CONTRACT.—

''(1) IN GENERAL.—The Secretary shall develop a written contract for participation in the program.

''(2) CONTENT.—The contract described in paragraph (1) shall be an agreement between the Secretary, the individual, and the sponsoring hospital that states that, subject to paragraph (3)—

''(A) the Secretary agrees to—

''(i) provide the individual with a scholarship in each school year, not to exceed 3 years, in which the individual is pursuing the degree; and

''(ii) accept the individual into the program;

''(B) the individual agrees to—

''(i) accept any provision of such a scholarship;

''(ii) maintain enrollment in the accredited school of nursing until the individual completes the degree;

''(iii) while enrolled in the accredited school of nursing, maintain an acceptable level of academic standing; and

''(iv) work as a nurse at the sponsoring hospital upon completion of the degree for a period of 1 month for each month the individual was provided a scholarship under the program; and

''(C) the sponsoring hospital agrees to—

''(i) provide the option for the individual to work as a nurse while the individual is enrolled in the accredited school of nursing for any employment-shifts on which the individual and sponsoring hospital jointly agree (such work will not count towards the requirements of the individual to work at the sponsoring hospital under subparagraph (B)(iv)); and

''(ii) if the sponsoring hospital terminates the employment of the individual while the individual is working at the sponsoring hospital pursuant to subparagraph (B)(iv), submit to the Secretary a written explanation as to why the individual was terminated.

''(3) LIMITATION.—The contract described in paragraph (1) shall contain a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual and the sponsoring hospital which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section.

''(e) PAYMENT.—

''(1) IN GENERAL.—A scholarship provided to an individual under the program shall consist of payment to, or (in accordance with paragraph (2)) on behalf of, the individual of the amount of the tuition of the individual in such school year.

''(2) CONTRACT.—The Secretary may contract with an accredited school of nursing, in which an individual in the program is enrolled, for the payment to the accredited school of nursing of the amount of tuition described in paragraph (1).

''(f) BREACH OF AGREEMENT.—

''(1) INDIVIDUAL.—Subject to paragraph (3), if an individual participates in the program under this section and agrees to work as a nurse at the sponsoring hospital for a period of time in consideration for receipt of a scholarship to pursue a degree, the individual is liable to the Federal Government for the amount of such scholarship, and for interest on such amount at the maximum legal prevailing rate, if the individual—

''(A) fails to work as a nurse in accordance with subsection (d)(2)(B)(iv);

''(B) fails to maintain an acceptable level of academic standing in the degree program (as indicated by the accredited school of nursing in accordance with requirements established by the Secretary);

''(C) is dismissed from the degree program for disciplinary reasons; or

''(D) voluntarily terminates the degree program.

''(2) SPONSORING HOSPITAL.—If the sponsoring hospital fails to comply with subsection (d)(2)(C)(ii), the sponsoring hospital is liable to the Federal Government for the amount of the scholarship, and for interest on such amount at the maximum legal prevailing rate, of the individual whose employment was terminated.

''(3) WAIVER OR SUSPENSION OF LIABILITY.—The Secretary shall waive liability—

''(A) under paragraph (1) if compliance by the individual with the agreement involved is impossible due to a catastrophic life event of the individual; or

''(B) under paragraph (1)(A) if the sponsoring hospital terminates the employment of the individual.

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the first scholarship is awarded under this section, the Division shall submit to Congress a report evaluating the success of the program.

''(2) INFORMATION.—In order to prepare the report under paragraph (1), the Division shall maintain information about the scholarship recipients under this section, including—

''(A) grade reports from the accredited schools of nursing;

''(B) the degree graduation rate; and

''(C) the default rate on the contracts under the program.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2003 through 2005 and such sums as are necessary for each of fiscal years 2006 and 2007.''.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, October 8, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: The American Hospital Association (AHA) commends your efforts to address the nursing workforce shortage in your bill, The Hospital-Based Nursing Initiative Act of 2001, and is pleased to endorse your legislation. We believe your bill is an important component in the overall strategy of addressing the national nursing shortage.

The AHA represents nearly 5,000 hospitals, health systems, networks and other health care provider members.

Hospitals and health care facilities across America are experiencing a critical shortage of nurses. A recent AHA survey of the workforce shows that there are currently up to 126,000 Registered Nurses (RNs) needed by hospitals today. Over the past five years, enrollments in nursing programs have declined and this trend is expected to continue for the foreseeable future. The average age of a working RN is now over 43 years old, and is expected to continue to increase before peaking at age 45.5 in 2010, when many RNs will

begin to retire. And, the need for nurses will be further compounded by the potential health care demands of the looming 78 million aging ''baby boomers'' who will begin to retire over the next 10 years.

The current nursing shortage is creating an environment with the potential to jeopardize hospitals' ability to provide timely access to non-emergency, as well as emergency, services. An inadequate number and mix of personnel has caused some facilities to close beds, put emergency rooms on ''divert'' status, delay elective surgeries, and pare down hospital services.

Hospitals have enlisted many strategies and creative approaches to address the nursing shortage, but this is a complex problem that cannot be solved by hospitals alone. The role of the federal government is critical in the support and funding of an adequate nursing workforce.

''The Hospital-Based Nursing Initiative Act of 2001'' provides significant incentives for hospitals to examine and revise management principles to improve the quality of their work environment, and to foster effective RN retention programs. It establishes incentives for hospitals to develop and implement aggressive recruitment programs to attract nurses into the hospital setting. The legislation also creates bridge programs for RNs currently employed in hospitals to move up the career ladder, a significant recruitment and retention tool.

Helping alleviate the critical shortage of nurses is a priority for health care providers. As we debate this and other measures to address the nursing shortage, we hope Congress will recognize the important of investing in this critical area of need. We applaud your effort and pledge to work with you to address this very important issue.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMERICAN ORGANIZATION OF NURSE EXECUTIVES,
Washington, DC, September 14, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of more than 3800 members of the American Organization of Nurse Executives (AONE) representing nurses in executive practice, I would like to express our strong support for the ''Hospital-Based Nursing Initiative Act of 2001,'' legislation that you have authored and plan to introduce to address the critical nurse shortage.

During the past year, AONE has played a pivotal role in addressing the nursing shortage. In October 2000 we published the first comprehensive monograph on this critical issue entitled Perspectives on the Nursing Shortage: A Blueprint for Action and have continued to provide both education and advocacy for the nursing profession on a number of different fronts. Your bill will provide important management incentives for hospitals to revise their management of nursing services in order to foster retention and promote recruitment of nurses back into the inpatient delivery system.

The majority of AONE's membership are leaders in the day-to-day management and delivery of direct patient care services, as a result, we understand firsthand the impacts and consequences of the growing nursing shortage both in this country and internationally. Our support of the ''Hospital-Based Nursing Initiative Act of 2001'' is based on the positive contributions that this legislation will make to nurse-directed efforts to foster retention and promote recruitment of nurses within the inpatient settings of our federal, community, and private hospitals. This legislation will also establish important bridge programs for registered nurses currently employed in hospitals to move from diploma and Associate Degree levels of education on to a Bachelor of Science degree within three years.

AONE applauds your efforts to address the nursing shortage through this innovative grant and scholarship program. We look forward to working with you to solve this critical health manpower problem.

Sincerely,

PAMELA A. THOMPSON, MSN, RN,
Executive Director.
DIANNE ANDERSON, MS, RN,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, September 19, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing you on behalf of the American Nurses Association (ANA) to express support for the Hospital-Based Nursing Initiative Act. We applaud your hard work on this important issue. ANA is the only full-service association representing the nation's registered nurses (RNs) through its 54 state and territorial member nurse associations. With more than 160,000 members, the ANA represents RNs in all practice settings throughout our nation.

ANA understands that a major contributing factor to the current and emerging nursing shortage is dissatisfaction with the work environment. The Congressional Research Service, General Accounting Office, academic research, and recent ANA surveys of American nurses have all revealed startling levels of frustration with working conditions. This dissatisfaction is leading experienced nurses to leave the bedside, and hindering recruitment efforts.

Fortunately, we know what can be done to address this growing problem. There are proven best practices for nursing that improve patient outcomes, and enhance nurse recruitment and retention. The American Nurses Credentialing Center, an ANA affiliate, recognizes facilities that have met these best practices by granting the 'Magnet' designation. Magnet facilities have consistently outperformed their peers in nursing services, even in times of national nursing shortages. In fact, average nurse retention in Magnet facilities is twice as long as that of non-Magnet institutions.

ANA is pleased to endorse your efforts to further the implementation of these best practices through the Hospital-Based Nursing Initiative Act. The quality of work environment and nurse retention grant program, and the continuing education scholarships contained in your bill will greatly aide in the adoption of Magnet criteria. ANA looks forward to working with you and your staff to support this legislation.

Sincerely,

ROSE GONZALEZ, MPS, RN,
Director, Government Affairs.

AMERICAN COLLEGE OF HEALTHCARE EXECUTIVES,
Chicago, IL, September 18, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR LIEBERMAN: Thank you for inviting the American College of Healthcare Executives to review and provide comments on the ''Hospital-Based Nursing Initiative Act of 2001.''

Upon reviewing the bill, ACHE wishes to endorse it. This legislation offers a comprehensive approach to the crisis facing our nation's healthcare system—a shortage of nurses. The bill attempts to address this important issue by supporting hospitals in a number of ways, including: retaining nurses; improving the work environment for nursing staff; fostering nursing leadership; providing continuing education programs for nurses; creating recognition and reward programs for nurses who obtain nursing-related certification; and finally, offering educational assistance for nurses to earn their Bachelor of Science Degree in Nursing. We believe this bill encompasses the various elements to make a genuine difference and increase the nursing population.

Thank you for your work in developing this legislation. If there is anything ACHE can do to assist further in this endeavor, please contact Susan M. Oster, CAE, Vice President, Administration at (312) 424–9340.

Sincerely,

THOMAS C. DOLAN, Ph.D., FACHE, CAE,
President and Chief Executive Officer.

PENNSYLVANIA STATE NURSES ASSOCIATION,
Harrisburg, PA, September 17, 2001.

Hon. JOSEPH LIEBERMAN,
U.S. Congress, Washington, DC.

DEAR SENATOR LIEBERMAN: The Pennsylvania State Nurses Association (PSNA) would like to commend you for the excellent legislation you plan to introduce, which is meant to establish grant and scholarship programs enabling hospitals to retain and further educate their nursing staffs. The bill contains excellent ideas and creative solutions to entice nurses to join or remain a member of a hospital nursing staff.

The focus on nurses having opportunities to participate in decision-making regarding nursing care and maintaining autonomy in the delivery of care are especially important attractants for nurses. Also, the emphasis on having a system for measuring outcomes is imperative for quality patient care.

The organization welcomes the opportunity to work with you in ensuring the passage of the legislation that will greatly benefit the profession of nursing and the quality of care provided to consumers.

Sincerely,

JESSIE F. ROHNER, DrPH, RN,
Interim Executive Administrator.

By Mr. KERRY (for himself, Mr. BREAUX, and Mr. HOLLINGS):

S. 1587. A bill to provide improved port and maritime security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Madam President, along with Mr. KERRY, Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, and Mr. HOLLINGS, Chairman of the Commerce Committee, I rise today in support of the Port Threat and Security Act of 2001. I believe this legislation will help United States' authorities identify and counteract maritime threats from terrorist actions. Importantly, these provisions are designed in part to protect U.S. citizens and property from terrorist attacks before they reach our shores.

As Chairman of the Surface Transportation and Merchant Marine Subcommittee, I held several oversight hearings on transportation security, including one on maritime security three weeks after the terrible attacks of September 11. The maritime security hearing solidified an opinion that I, and others on the Commerce Committee, had long held, the need for increased maritime security was important before September 11, and is absolutely crucial following the terrorist

attacks on New York city and Washington, D.C. The Oceans, Atmosphere and Fisheries Subcommittee, of which I am a member, followed with another hearing that underscored this message. Luckily, because of the foresight of Chairman HOLLINGS, we had a head start on improving maritime security. S. 1214, the Maritime and Port Security Improvement Act, of which I am a proud cosponsor, was introduced in July and was reported out of the Committee in August. S. 1214 establishes a regime that will go a long way towards creating a safe and secure maritime transportation system. However, since much of it was crafted before September 11, it is only natural that additional measures are needed to ensure that our maritime system is as safe as possible.

The bill we are introducing today is based on the testimony that was presented at the hearings before the Commerce Committee in the first two weeks of October. Administration and industry witnesses testified on the need to improve certain areas of S. 1214. This bill intends to fill the gaps identified by our witnesses. We will work with Committee members to ensure these provisions are included in S. 1214 before the Senate sends it to the House.

A constant theme following the September 11 attacks has been the need for better information. Testimony at our hearings confirmed this theme in the maritime realm, we need to increase our information collection capabilities immediately and we need to hold our trading partners to the same standards to which we hold our maritime industry. This legislation requires the identification of nations that have inherently insecure or unsafe vessel registration procedures that can pose threats to our national security. It requires the Secretary of Transportation and Secretary of State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found don't play by our rules. For example, investigations by the Department of Transportation reveal that it is common practice for vessels to possess false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. This legislation will allow us to get a handle on these practices by identifying the most egregious violators of maritime law. However, the additional information collection required by this bill is just a start; the bill also requires the Administration to recommend to this Committee additional actions that can be taken, either domestically or through international organizations such as the International Maritime Organization, that will increase the transparency of vessel registration procedures.

One of the responses following the highjackings has been to dramatically expand the air marshal program on air carriers, a step which I fully support. However, there is no similar program for maritime vessels in U.S. waters. The Coast Guard recently established a sea marshal program in the port of San Francisco where armed personnel accompany maritime pilots aboard vessels that cause security concerns. This legislation expands that small project into a national sea marshal program to help prevent terrorists from using maritime vessels as weapons of mass destruction. This legislation directs the Secretary to analyze vulnerability of ports and place sea marshals in ports that handle materials or vessels that make them potential targets of attack.

Expansion of the sea marshal program is strongly supported by our Nation's sea pilots. Many people do not know that almost all maritime vessels that enter U.S. ports are accompanied by a U.S. sea pilot that has intimate knowledge of port and navigational channels, a living nautical chart, so to speak. They are an integral part of our maritime system that help to keep our ports and waterways safe. Pilots are often the first U.S. citizen to board inbound foreign vessels and may be the only U.S. citizens on vessels bound for U.S. ports; thus, they can be a valuable source of information. This legislation requires the Secretary of Transportation to use them more effectively in the war on terror. The Secretary is directed to investigate secure and reliable methods in which sea pilots can aid the Coast Guard and other U.S. authorities in an expanded maritime domain awareness program. The pilots themselves came forward to this Committee suggesting this idea, and I think it is critical that these pilots be provided with methods and equipment that will allow them to safely provide the authorities with information on illegal or terrorist activities while there is still time to prevent a catastrophe. One such example is the Vessel Traffic System, VTS, in the Port of New Orleans and the excellent partnership between the Coast Guard and the Crescent River Pilots Association. Under this partnership, vessels entering port are boarded by pilots carrying transponders. As the vessel transits the Mississippi River, inbound and outbound, the operations center manned by Coast Guard and pilots know the exact position of the vessel, as well as the course, speed and other important information. While already considered a model VTS program, once additional transponders are acquired, this program will continue to serve as a template for other ports.

This legislation also greatly improves the information collected on the safety and security of foreign ports. With regards to foreign seaport assessments, the bill aligns the authority of the Secretary of Transportation with authorities that currently exist for foreign airports. The Secretary of Transportation is required to conduct 25 foreign port vulnerability assessments each year and to ensure that U.S. citizens are informed about the results of these assessments in advance of embarking on their travel plans. Testimony before the Commerce Committee emphasized that in order to ensure that our shores are as safe as possible, we must view foreign ports as the outer boundary of our ''maritime domain.'' Much as the first provision in our bill provides for the collection of better information on vessels and countries that do not follow international standards, this provision provides for the collection of information on foreign ports that present potential security threats to the United States. By requiring the Secretary to conduct annual assessments of 25 ports, we not only gain a valuable source of information, but we also put foreign ports on notice that they will be held responsible for actions to secure their ports.

If the assessments reveal that foreign ports do not have or maintain adequate security measures, the President is authorized to prohibit any vessel, U.S. flagged or foreign, from entering the United States from that port. Vessels that transit unsafe and insecure ports should not be allowed unrestricted access to United States ports. I would like to remind everyone that similar security protections were enacted for foreign airports, and I see no reason why the President should not have the same powers with respect to foreign maritime ports.

We must begin to think of a maritime security program that begins well before a ship enters U.S. waters and certainly before they enter U.S. ports. I believe that the measures in this bill along with the port security program of S. 1214 will provide much better tools to guard against maritime threats to our Nation and our citizens.

Mr. KERRY. Madam President, As Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to introduce legislation to identify and reduce maritime threats from criminal or terrorist action, particularly those originating from foreign ports and vessels. I am particularly pleased to be joined by the Chairman of the Commerce Committee Mr. HOLLINGS of South Carolina and the Chairman of the Surface Transportation and Merchant Marine Subcommittee Mr. BREAUX of Louisiana.

Senator BREAUX and I recently held oversight hearings before our respective Subcommittees on the Coast Guard and its role in improving maritime security after the terrible attacks of September 11. As Senators HOLLINGS and BREAUX well know, even before September 11 our maritime and port security was in sorry shape. Senator HOLLINGS had already recognized the need to rectify these deficiencies and authored S. 1214, the Maritime and Port Security Improvement Act, which was reported out of the Committee in August, and which I am proud to cosponsor. However, the attacks on New York and Washington made it clear we need to go farther afield to guard against terrorism and other crimes.

Today's legislation is intended to supplement the security provisions of

S. 1214 by improving our ability to detect and prevent maritime terrorism and crime before it has the chance to sail into U.S. ports. We intend to work with Committee members to ensure these provisions are included in the final bill the Senate sends to the House.

At our October 11 oversight hearing, Coast Guard Commandant James Loy and other witnesses gave some thoughtful testimony that is the backbone of this legislation. The hearing also brought to light the challenges presented to the Coast Guard in securing our maritime border from such threats. In addition to introducing this legislation, we also will address glaring Coast Guard resource shortfalls through increased authorizations in our FY 2002 Coast Guard authorization bill, which we will bring to the floor shortly. The Port Threat and Security Act is focused on giving the Coast Guard the tools and the information they need to do the job right.

First, we need to improve our base of information to identify bad actors throughout the maritime realm. This legislation would help us identify those nations whose vessels and vessel registration procedures pose potential threats to our national security. It would require the Secretaries of Transportation and State to prepare an annual report for the Congress that would list those nations whose vessels the Coast Guard has found would pose a risk to our ports, or that have presented our government with false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. In addition the report would identify nations that do not exercise adequate control over their vessel registration and ownership procedures, particularly with respect to security issues. We need hard information like this if we are to force ''flag of convenience'' nations from providing cover to criminals and terrorists. Mr. President, this is very important as Osama bin Laden has used flags of convenience to hide his ownership in various international shipping interests. In 1998 one of bin Laden's cargo freighters unloaded supplies in Kenya for the suicide bombers who later destroyed the embassies in Kenya and Tanzania. To that end, the bill requires the Administration to report on actions they have taken, or would recommend, to close these loopholes and improve transparency and registration procedures, either through domestic or international action—including action at the International Maritime Organization.

My legislation would also establish a national Sea Marshal program to protect our ports from the potential use of vessels as weapons of terror. A Sea Marshal program was recently established in San Francisco, and is supported strongly by the maritime pilots who, like airline pilots, are on the front lines in bringing vessels into U.S. ports. Sea Marshals would be used in ports that handle materials that are hazardous or flammable in quantities that make them potential targets of attack. The Coast Guard took a number of steps including using armed Coast Guard personnel to escort a Liquid Natural Gas, LNG, tanker into Boston last evening. This was the first delivery of LNG to Boston since September 11 and a number of people were concerned about the safety of bringing LNG into the port. Prior to September 11 these vessels were escorted by Coast Guard vessels into the port but no armed guards were present on the vessel. I strongly believe that having armed personnel, such as Sea Marshals, on these high interest vessels is very important and will considerably increase security in our nation's ports, including Boston. The ability of terrorists to board a vessel and cause a deliberate release of LNG or gasoline for that matter is very real. Sea Marshals will make it much more difficult for this to happen. The Secretary of Transportation would be responsible for establishing qualifications and standards for Sea Marshals which could be comprised of Federal, State or local law enforcement officials.

This legislation also aims to make use of unarmed pilots as yet another way to combat terrorism in our ports. Nearly every vessel that enters a U.S. port is first boarded by a sea pilot to assist the crew in navigating the harbor. Many times these pilots are the first set of U.S. eyes on vessels that may be headed to our ports bearing criminals or contraband from overseas. They are our eyes and ears, but cannot be expected to be a line of physical defense, that is the job of the Sea Marshals. This legislation would require the Secretary of Transportation to use these ''eyes and ears'' effectively in the war on terror. The Secretary is directed to investigate discrete ways in which sea pilots can provide information to warn of a possible terrorist attack or other crime. It is important that we explore secure mechanisms to allow these pilots to contribute to our maritime domain awareness, including notifying law enforcement officials of suspicious activity on a vessel. I am convinced there are a number of ways that these pilots could safely provide the authorities with information that can thwart illegal activities without alerting the vessel's captain or crew, or potential terrorists.

This legislation would also require the Secretary of Transportation to conduct 25 foreign port vulnerability assessments each year, and places on foreign ports the same reporting and assessment requirements we use for foreign airports. This is essential to ensure that U.S. citizens are protected from harm in foreign ports, and are informed about any risks before leaving U.S. soil. It is also absolutely necessary to use foreign ports as our first defense against threats to U.S. ports. We cannot expect to protect U.S. borders by erecting a fence only at our own ports. As one of our witnesses said, ''the leading edge of our boundary for homeland defense is, in fact, foreign ports.'' In many instances, such defenses would be fruitless because of the sheer volume of cargo that passes through our ports daily. We need advance warning long before these vessels appear at our harbor entrances. Critical information that can help the Coast Guard identify these risks can only be collected at foreign ports where cargo and persons are first placed aboard the vessel. Despite this obvious need, we have fallen behind on our assessments of foreign ports. I firmly believe that the only way we can make U.S. ports and harbors safe is by going to the source and ensuring appropriate measures and facilities are in place to guarantee the safety of U.S. citizens visiting foreign ports as well as the safety of cargo bound for the United States.

In order to pay for these inspections this legislation authorizes the Secretary of Transportation to collect a 50 cent user fee on all cruise passengers that depart the United States for a foreign port. Quite frankly, 50 cents is a small price to pay for the peace of mind that comes with knowing that a port vulnerability assessment has been completed prior to a cruise ship with as many as 5,000 U.S. citizens as passengers, docks in a particular country. U.S. citizens should not be disembarking in ports that have not been scrutinized for security violations. One witness pointed out that in many circumstances U.S. cruise ship passengers are passing through ports that could not be assessed because they were deemed too dangerous for military personnel! This is ludicrous. I am sure those passengers had no idea of this potential danger, and we need to make sure that they are both safe and informed.

Lastly, this legislation would allow the President to prohibit any vessel, U.S. flagged or foreign, from entering the United States if the vessel has embarked passengers or cargo from foreign ports that do not have adequate security measures as determined by the Secretary of Transportation. Recently inspectors in Italy checking a container bound for Canada discovered a member of the al-Qaida terrorist organization hiding in a shipping container equipped with a bed and makeshift bathroom. The suspect, an Egyptian in a business suit, had with him a Canadian passport, a laptop computer, two cell phones, airport maps, security passes for airports in three countries and a certificate proclaiming him an airplane mechanic. We cannot allow any country to have such poor security such that terrorists can stow away in a shipping container. I would like to remind everyone that a similar provision exists in the airline industry and I see no reason why the President should not have the power to suspend commerce from a port with inadequate security, just like he can now do with international airports.

I believe that these provisions, when combined with the strong port security program of S. 1214, will ensure that the United States has the tools, the information, and the personnel to guard against waterborne threats to our nation and our citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1587

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 ''Port Threat and Security Act''.

SEC. 2. IMPROVED REPORTING ON FOREIGN-FLAG VESSELS ENTERING UNITED STATES PORTS.

Within 6 months after the date of enactment of this Act and every year thereafter, the Secretary of Transportation, in consultation with the Secretary of State, shall provide a report to the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate, and the Committees on Transportation and Infrastructure and International Relations of the House of Representatives that lists the following information:

(1) A list of all nations whose flag vessels have entered United States ports in the previous year.

(2) Of the nations on that list, a separate list of those nations—

(A) whose registered flag vessels appear as Priority III or higher on the Boarding Priority Matrix maintained by the Coast Guard;

(B) that have presented, or whose flag vessels have presented, false, intentionally incomplete, or fraudulent information to the United States concerning passenger or cargo manifests, crew identity or qualifications, or registration or classification of their flag vessels;

(C) whose vessel registration or classification procedures have been found by the Secretary to be insufficient or do not exercise adequate control over safety and security concerns; or

(D) whose laws or regulations are not sufficient to allow tracking of ownership and registration histories of registered flag vessels.

(3) Actions taken by the United States, whether through domestic action or international negotiation, including agreements at the International Maritime Organization under section 902 of the International Maritime and Port Security Act (46 U.S.C. App. 1801), to improve transparency and security of vessel registration procedures in nations on the list under paragraph (2).

(4) Recommendations for legislative or other actions needed to improve security of United States ports against potential threats posed by flag vessels of nations named in paragraph (2).

SEC. 3. SEA MARSHAL PROGRAM.

(a) ESTABLISHMENT.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a program to place sea marshals on vessels entering United States Ports identified in subsection (c).

(b) CONSULTATION.—In establishing this program, the Secretary shall consult with representatives from the port security task force and local port security committees.

(c) SEA MARSHAL PORTS.—The Secretary shall identify United States ports for inclusion in the sea marshal program based on criteria that include the following:

(1) The presence of port facilities that handle materials that are hazardous or flammable in quantities that make them potential targets of attack.

(2) The proximity of these facilities to residential or other densely populated areas.

(3) The proximity of sea lanes or navigational channels to hazardous areas that would pose a danger to citizens in the event of a loss of navigational control by the ship's master.

(4) Any other criterion deemed necessary by the Secretary.

(d) SEA MARSHAL QUALIFICATIONS.—The Secretary shall establish appropriate qualifications or standards for sea marshals. The Secretary may use, or require use of, Federal, State, or local personnel as sea marshals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out the requirements of this section for each of the fiscal years 2002 through 2006.

(f) REPORT.—Within 3 years after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the success of the program in protecting the ports listed under (c), and submit any recommendations.

SEC. 4. SEA PILOT COMMUNICATION AND WARNING SYSTEM.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall provide a secure report to the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Transportation and Infrastructure of the House of Representatives on the potential for increasing the capabilities of sea pilots to provide information on maritime domain awareness. The report should specifically address necessary improvements to both reporting procedures and equipment that could allow pilots to be integrated more effectively in an maritime domain awareness program.

SEC. 5. SECURITY STANDARDS AT FOREIGN SEAPORTS.

(a) ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall assess the effectiveness of the security measures maintained at—

(A) each foreign seaport—

(i) served by United States vessels;

(ii) from which foreign vessels serve the United States; or

(iii) that poses a high risk of introducing danger to international sea travel; and

(B) other foreign seaports the Secretary considers appropriate.

(2) INTERNATIONAL COOPERATION AND STANDARDS.—The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate port authorities of the government of a foreign country concerned and United States vessel operators serving the foreign seaport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign seaport effectively maintains and carries out security measures; and

(C) by using a standard that will result in an analysis of the security measures at the seaport based at least on the standards and recommended practices of the International Maritime Organization in effect on the date of the assessment.

(3) REPORT.—Each report to Congress required under section 2 shall contain a summary of the assessments conducted under this subsection.

(b) INTERVAL.—The Secretary of Transportation shall conduct assessments under subsection (a) of this section of at least 25 foreign seaports annually until all seaports identified in subsection (a)(1) are completed. The first 25 of these assessments shall be conducted within 18 months after the date of enactment of this Act.

(c) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign seaports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international sea travel.

(d) QUALIFIED ASSESSMENT ENTITIES.—In carrying out subsection (a) of this section, the Secretary of Transportation may utilize entities determined by the Secretary of Transportation and the Secretary of State to be qualified to conduct such assessments.

(e) NOTIFYING FOREIGN AUTHORITIES.—If the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, determines that a seaport does not maintain and carry out effective security measures, the Secretary, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the seaport up to the standard used by the Secretary in making the assessment.

(f) ACTIONS WHEN SEAPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—

(1) IN GENERAL.—If the Secretary of Transportation makes a determination under subsection (e) that a seaport does not maintain and carry out effective security measures, the Secretary—

(A) shall publish the identity of the seaport in the Federal Register;

(B) shall require the identity of the seaport to be posted and displayed prominently at all United States seaports at which scheduled passenger carriage is provided regularly;

(C) shall notify the news media of the identity of the seaport;

(D) shall require each United States and foreign vessel providing transportation between the United States and the seaport to provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the seaport; and

(E) may, after consulting with the appropriate port authorities of the foreign country concerned and United States and foreign vessel operators serving the seaport and with the approval of the Secretary of State, withhold, revoke, or prescribe conditions on the operating authority of a United States or foreign vessel that uses that seaport to provide foreign sea transportation.

(2) PRESIDENTIAL ACTION.—If the Secretary makes such a determination under subsection (e) about a seaport, the President may prohibit a United States or foreign vessel from providing transportation between the United States and any other foreign seaport that is served by vessels navigating to or from the seaport with respect to which a decision is made under this section.

(3) WHEN ACTION TO BE TAKEN.—

(A) IN GENERAL.—The provisions of paragraphs (1) and (2) shall apply with respect to a foreign seaport—

(i) 90 days after the government of a foreign country is notified of the Secretary's determination under subsection (e) of this section unless the Secretary of Transportation finds that the government has

brought the security measures at the seaport up to the standard the Secretary used in making an assessment under subsection (a) of this section before the end of that 90-day period; or

(ii) on the date on which the Secretary makes that determination if the Secretary of Transportation determines, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the seaport.

(B) TRAVEL ADVISORY NOTIFICATION.—The Secretary of Transportation immediately shall notify the Secretary of State of a determination under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 908 of the International Maritime and Port Security Act (46 U.S.C. App. 1804).

(4) CONGRESSIONAL NOTIFICATION.—The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the seaport under subsection (a) of this section.

(5) CANCELLATION OF PUBLICATION REQUIREMENTS.—If the Secretary of Transportation, in consultation with the Secretary of State, determines that effective security measures are maintained and carried out at the seaport against which the Secretary took action under paragraph (1), then the Secretary shall—

(A) terminate action under paragraph (1) against that seaport; and

(B) notify the Congress of the Secretary's determination.

(g) SUSPENSIONS.—The Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of any United States vessel to provide foreign sea transportation, and the right of a person to operate vessels in foreign sea commerce, to or from a foreign seaport if the Secretary of Transportation determines that—

(1) a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from that seaport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that seaport.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for fiscal year 2002 and each fiscal year thereafter to carry out this section.

SEC. 6. FOREIGN PORT ASSESSMENT FEES.

(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from cruise vessel lines upon the arrival of a cruise vessel at a United States port from a foreign port. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing foreign port vulnerability assessments under section 5.

(b) AMOUNT OF FEE.—Cruise vessel lines shall remit $0.50 for each passenger embarkment on a cruise that includes at least one United States port and one foreign port.

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing foreign port vulnerability assessments and may be used only to the extent provided in advance in an appropriation law.

(d) EFFECTIVE DATE.—The requirements of this section apply with respect to travel beginning more than 179 days after the date of enactment of this Act.

By Mr. CRAIG (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. CRAPO, Mr. BAYH, Mr. BENNETT, Mr. CARPER, Ms. COLLINS, Mr. ENSIGN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. KYL, Mrs. LINCOLN, Mr. MURKOWSKI, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1588. A bill to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

Mr. CRAIG. Mr. President, I am happy to join Senator DORGAN in reintroducing legislation regarding the administrative simplification provision of the Health Insurance Portability and Accountability Act. We originally introduced legislation five months ago and have worked since then with members from both the Finance and HELP committees to negotiate a compromise. The bill we are introducing today is the product of those discussions. It provides for one additional much-needed year for providers, State health programs, health plans and others to implement the transactions and code set provision of administrative simplification. Importantly, this new version also includes language to clearly differentiate between this provision and the privacy provision of HIPAA. It was our intention all along that the medical privacy regulations not be affected by our legislation, and we believe this bill accomplishes that goal. My colleague and I have the benefit of being joined on this bill by many of the cosponsors of the original bill, and we are happy to have their support.

Mr. DORGAN. Mr. President, Like Senator CRAIG, I appreciate the cooperation of our colleagues in helping us to work through this issue. We have arrived at a solution that is agreeable to the majority of parties involved, while at the same time reaching our goal of providing relief to small providers and plans and public health programs that are struggling to prepare their systems for this cost. Senator CRAIG and I would have preferred that this bill go further in providing more time and coordination for affected entities. On the other hand, we acknowledge that others would prefer no action in this area. Since we are just one year from the scheduled compliance date, however, we recognize that all those affected need some certainty as they move forward with complying with the transactions and code sets regulation. Given that this bill does provide needed relief for our states and given the time constraints we are facing, we believe this compromise is appropriate and do not feel an additional extension can be acquired.

By Mr. ROCKEFELLER (for himself, Mr. WELLSTONE, and Mr. BAUCUS):

S. 1589. A bill to amend title XVIII of the Social Security Act to expand medicare benefits to prevent, delay, and minimize the progression of chronic conditions, establish payment incentives for furnishing quality services to people with serious and disabling chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I join several colleagues today to introduce the Medicare Chronic Care Improvement Act of 2001. Although we in Congress are focused on helping the Nation recover from the horrific attacks of September 11, we must also stand tall against the terrorists who wish to sabotage our domestic policy agenda and continue to work on the issues that affect the everyday health and well being of American citizens. With this conviction, I believe it is time to address the leading health care problem of the 21st century, chronic conditions.

Chronic conditions account for an astounding 90 percent of morbidity, 80 percent of deaths, and over 75 percent of direct medical expenditures in the United States. Nearly 125 million Americans have chronic conditions, and this number is expected to increase to 157 million, approximately half the population, by 2020.

Chronic conditions encompass an array of health conditions that are persistent, recurring, and cannot be cured. They include severely impairing conditions like Alzheimer's disease, congestive heart failure, chronic obstructive pulmonary disease, diabetes, depression, hypertension, and arthritis. Certainly in West Virginia, many of our workers, especially coal miners and steelworkers, suffer from chronic conditions.

Treating serious and disabling chronic conditions is the highest cost and fastest growing segment of health care. Direct medical costs for chronic conditions reached $510 billion in 2000 and are projected to reach $1.07 trillion by 2020.

An estimated 80 percent of Medicare beneficiaries suffer from at least one chronic condition and those beneficiaries account for an astounding 95 percent of Medicare spending. But Medicare does not provide many of the health care services that people with chronic conditions need. For example, current Medicare data show that, on average, people with chronic conditions see eight different physicians. Medicare does not compensate these physicians for communicating with one another, nor are they paid for care coordination, monitoring medications, early detection, or for educating or counseling patients and caregivers. As a result, few of these services, which are critical to people with chronic conditions, are provided.

To meet the needs of these individuals, our health care system must embrace a person-centered, system-oriented approach to care. Payers and providers who serve the same person

must be empowered to work together to help people with chronic conditions prevent, delay, or minimize disease and disability progression and maximize their health and well being.

Over 10 years ago, I served as Chairman of the Pepper Commission. Our final report recognized that people with chronic conditions have special needs requiring multidisciplinary health care or social services to compliment or augment their health care. The Commission further recognized that medical care cannot be fully accessible or effective for this segment of the population unless it is accompanied by education, outreach, and systems to coordinate a broad range of services. The Commission identified these needed changes over ten years ago. And, as I stand before you today, not a single one of these recommendations has been made.

I am here to propose a long overdue and much needed solution, The Medicare Chronic Care Improvement Act of 2001. This bill establishes a comprehensive plan to update and streamline the Medicare healthcare delivery system to better meet the needs of people with chronic health conditions.

First, the Medicare Chronic Care Improvement Act of 2001 helps prevent, delay, and minimize the progression of chronic conditions by authorizing the Secretary of Health and Human Services to expand coverage of preventive health benefits. The bill permits providers to waive deductibles and co-payments for preventive and wellness services and streamlines the process of approving preventive benefits.

Second, this bill provides a person-centered, system-oriented approach to care for this extremely vulnerable segment of our population by expanding Medicare coverage to include assessment, care-coordination, self-management services, and patient and family caregiver education and counseling.

Third, this legislation improves Medicare fee-for-service and managed care financing for plans that serve beneficiaries with multiple, complex chronic conditions. The Secretary is directed to develop a plan to refine payment incentives to ensure appropriate payment for serving these high-cost individuals.

And finally, the Medicare Chronic Care Improvement Act of 2001 requires the Secretary of HHS to report to Congress on chronic condition trends and costs as a foundation for establishing national chronic care policies.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers including:

Chronic Care Coalition, comprising the American Association of Homes and Services for the Aging, American Geriatrics Society, Catholic Health Association of the United States, Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, and National Family Caregivers Association;

National Depressive and Manic-Depressive Association;

Association for Ambulatory Behavioral Healthcare; American Lung Association; American Academy of Neurology; American Neurological Association; and United Seniors Health Cooperative.

The Medicare Chronic Care Improvement Act of 2001 provides a comprehensive solution to improving the quality of life and health for millions of Americans who are struggling with serious and disabling chronic conditions. It improves benefits for people with chronic conditions, it empowers providers to better care for these people, and it provides us with the research we need to better address chronic conditions in the future.

And last, but not least, this legislation has the potential to save the Medicare program money, by better managing and treating chronic conditions before costly complications result. That is good for seniors and good for Medicare, a win-win situation. It is time to step up to the plate and fulfill our obligation to our Nation's most vulnerable citizens. This bill should stimulate the debate, and when Congress returns to business not related to the September 11th attacks, I intend to advance this legislation in the Finance Committee.

I ask unanimous consent that the text of the bill and the summary be printed in the RECORD.

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

S. 1589

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Chronic Care Improvement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.
Subtitle A—Improving Access to Preventive Services
Sec. 101. Definitions.
Sec. 102. Elimination of deductibles and coinsurance for existing preventive health benefits.
Sec. 103. Institute of Medicine medicare prevention benefit study and report.
Sec. 104. Authority to administratively provide for coverage of additional preventive benefits.
Sec. 105. Fast-track consideration of prevention benefit legislation.
Subtitle B—Expansion of Access to Health Promotion Services
Sec. 111. Disease self-management demonstration projects.
Sec. 112. Medicare health education and risk appraisal program.
Subtitle C—Medicare Coverage for Care Coordination and Assessment Services
Sec. 121. Care coordination and assessment services.
TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS
Sec. 201. Adjustments to fee-for-service payment systems.
Sec. 202. Medicare+Choice.
TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE
Sec. 301. Study and report on effective chronic condition care.
Sec. 302. Institute of Medicine medicare chronic condition care improvement study and report.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—Unless otherwise specifically provided, the term ''Secretary'' means the Secretary of Health and Human Services.

(2) SERIOUS AND DISABLING CHRONIC CONDITION.—The term ''serious and disabling chronic condition'' means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

(i) at least 2 activities of daily living; or

(ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

(3) ACTIVITIES OF DAILY LIVING.—The term ''activities of daily living'' means each of the following:

(A) Eating.
(B) Toileting.
(C) Transferring.
(D) Bathing.
(E) Dressing.
(F) Continence.

(4) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term ''instrumental activities of daily living'' means each of the following:

(A) Medication management.
(B) Meal preparation.
(C) Shopping.
(D) Housekeeping.
(E) Laundry.
(F) Money management.
(G) Telephone use.
(H) Transportation use.

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS.

Subtitle A—Improving Access to Preventive Services

SEC. 101. DEFINITIONS.

In this title:

(1) COST-EFFECTIVE BENEFIT.—The term ''cost-effective benefit'' means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) demonstrated value as measured by unit costs relative to health outcomes achieved.

(2) COST-SAVING BENEFIT.—The term ''cost-saving benefit'' means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) caused a net reduction in health care costs for medicare beneficiaries.

(3) MEDICALLY EFFECTIVE.—The term ''medically effective'' means, with respect to a benefit or technique, that the benefit or technique has been—

(A) subject to peer review;

(B) described in scientific journals; and

(C) determined to achieve an intended goal under normal programmatic conditions.

(4) MEDICALLY EFFICACIOUS.—The term ''medically efficacious'' means, with respect to a benefit or technique, that the benefit or technique has been—

(A) subject to peer review;

(B) described in scientific journals; and

(C) determined to achieve an intended goal under controlled conditions.

SEC. 102. ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR EXISTING PREVENTIVE HEALTH BENEFITS.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

''(p) DEDUCTIBLES AND COINSURANCE WAIVED FOR PREVENTIVE HEALTH ITEMS AND SERVICES.—The Secretary shall not require the payment of any deductible or coinsurance under subsection (a) or (b), respectively, of any individual enrolled for coverage under this part for any of the following preventive health items and services:

''(1) Blood-testing strips, lancets, and blood glucose monitors for individuals with diabetes described in section 1861(n).

''(2) Diabetes outpatient self-management training services (as defined in section 1861(qq)(1)).

''(3) Pneumococcal, influenza, and hepatitis B vaccines and administration described in section 1861(s)(10).

''(4) Screening mammography (as defined in section 1861(jj)).

''(5) Screening pap smear and screening pelvic exam (as defined in paragraphs (1) and (2) of section 1861(nn), respectively).

''(6) Bone mass measurement (as defined in section 1861(rr)(1)).

''(7) Prostate cancer screening test (as defined in section 1861(oo)(1)).

''(8) Colorectal cancer screening test (as defined in section 1861(pp)(1)).

''(9) Screening for glaucoma (as defined in section 1861(uu)).

''(10) Medical nutrition therapy services (as defined in section 1861(vv)(1)).''.

(b) WAIVER OF COINSURANCE.—

(1) IN GENERAL.—Section 1833(a)(1)(B) of the Social Security Act (42 U.S.C. 1395l(a)(1)(B)) is amended to read as follows: ''(B) with respect to preventive health items and services described in subsection (p), the amounts paid shall be 100 percent of the fee schedule or other basis of payment under this title for the particular item or service,''.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting after ''1861(s)(10)(A)'' the following: '', preventive health items and services described in section 1833(p),''.

(c) WAIVER OF APPLICATION OF DEDUCTIBLE.—Section 1833(b)(1) of the Social Security Act (42 U.S.C. 1395l(b)(1)) is amended to read as follows: ''(1) such deductible shall not apply with respect to preventive health items and services described in subsection (p),''.

(d) ADDING ''LANCET'' TO DEFINITION OF DME.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by striking ''blood-testing strips and blood glucose monitors'' and inserting ''blood-testing strips, lancets, and blood glucose monitors''.

(e) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF COINSURANCE FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–481), as enacted into law by section 1(a)(6) of Public Law 106–554, are each amended by inserting ''or which are described in subsection (p)'' after ''assignment-related basis''.

(2) ELIMINATION OF COINSURANCE FOR CERTAIN DME.—Section 1834(a)(1)(A) of the Social Security Act (42 U.S.C. 1395m(a)(1)(A)) is amended by inserting ''(or 100 percent, in the case of such an item described in section 1833(p))'' after ''80 percent''.

(3) ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR COLORECTAL CANCER SCREENING TESTS.—Section 1834(d) of the Social Security Act (42 U.S.C. 1395m(d)) is amended—

(A) in paragraph (2)(C)—

(i) by striking ''(C) FACILITY PAYMENT LIMIT.—'' and all that follows through ''Notwithstanding subsections'' and inserting the following:

''(C) FACILITY PAYMENT LIMIT.—Notwithstanding subsections'';

(ii) by striking ''(I) in accordance'' and inserting the following:

''(i) in accordance'';

(iii) by striking ''(II) are performed'' and all that follows through ''payment under'' and inserting the following:

''(ii) are performed in an ambulatory surgical center or hospital outpatient department,

payment under''; and

(iv) by striking clause (ii); and

(B) in paragraph (3)(C)—

(i) by striking ''(C) FACILITY PAYMENT LIMIT.—'' and all that follows through ''Notwithstanding subsections'' and inserting the following:

''(C) FACILITY PAYMENT LIMIT.—Notwithstanding subsections''; and

(ii) by striking clause (ii).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the day that is 1 year after the date of enactment of this Act.

SEC. 103. INSTITUTE OF MEDICINE MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries, including the issues described in paragraph (2); and

(B) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall include an assessment of—

(A) whether each health promotion and disease prevention benefit covered under the medicare program is—

(i) medically effective (as defined in section 101(3)); or

(ii) a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2));

(B) utilization by medicare beneficiaries of such benefits (including any barriers to or incentives to increase utilization);

(C) quality of life issues associated with such benefits; and

(D) whether health promotion and disease prevention benefits that are not covered under the medicare program that would affect all medicare beneficiaries are—

(i) likely to be medically effective (as defined in section 101(3)); or

(ii) likely to be a cost-effective benefit (as defined in section 101(1)) or a cost-saving benefit (as defined in section 101(2));

(b) REPORTS.—

(1) THREE-YEAR REPORT.—On the date that is 3 years after the date of enactment of this Act, and each successive 3-year anniversary thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains—

(A) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(B) the recommendations for legislation described in paragraph (3).

(2) INTERIM REPORT BASED ON NEW GUIDELINES.—If the United States Preventive Services Task Force or the Task Force on Community Preventive Services establishes new guidelines regarding preventive health benefits for medicare beneficiaries more than 1 year prior to the date that a report described in paragraph (1) is due to be submitted to the President, then not later than 6 months after the date such new guidelines are established, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed description of such new guidelines. Such report may also contain recommendations for legislation described in paragraph (3).

(3) RECOMMENDATIONS FOR LEGISLATION.—The Institute of Medicine of the National Academy of Sciences, in consultation with the United States Preventive Services Task Force and the Task Force on Community Preventive Services, shall develop recommendations in legislative form that—

(A) prioritize the preventive health benefits under the medicare program; and

(B) modify such benefits, including adding new benefits under such program, based on the study conducted under subsection (a).

(c) TRANSMISSION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), on the day that is 6 months after the date on which the report described in paragraph (1) of subsection (b) (or paragraph (2) of such subsection if the report contains recommendations in legislative form described in subsection (b)(3)) is submitted to the President, the President shall transmit the report and recommendations to Congress.

(2) REGULATORY ACTION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—If the Secretary of Health and Human Services has exercised the authority under section 104(a) to adopt by regulation one or more of the recommendations under subsection (b)(3), the President shall only submit to Congress those recommendations under subsection (b)(3) that have not been adopted by the Secretary.

(3) DELIVERY.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

SEC. 104. AUTHORITY TO ADMINISTRATIVELY PROVIDE FOR COVERAGE OF ADDITIONAL PREVENTIVE BENEFITS.

(a) IN GENERAL.—The Secretary of Health and Human Services may by regulation adopt any or all of the legislative recommendations developed by the Institute of Medicine of the National Academy of Sciences, in consultation with the United

States Preventive Services Task Force and the Task Force on Community Preventive Services in a report under section 103(b)(3) (relating to prioritizing and modifying preventive health benefits under the medicare program and the addition of new preventive benefits), consistent with subsection (b).

(b) ELIMINATION OF COST-SHARING.—With respect to items and services furnished under the medicare program that the Secretary has incorporated by regulation under subsection (a), the provisions of section 1833(p) of the Social Security Act (relating to elimination of cost-sharing for preventive benefits), as added by section 102(a), shall apply to those items and services in the same manner as such section applies to the items and services described in paragraphs (1) through (10) of such section.

(c) DEADLINE.—The Secretary must publish a notice of rulemaking with respect to the adoption by regulation under subsection (a) of any such recommendation within 6 months of the date on which a report described in section 103(b) is submitted to the President.

SEC. 105. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION.—

(A) IN GENERAL.—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 103(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) SENATE.—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) SPECIAL RULE.—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) REFERRAL.—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) CONSIDERATION.—After the recommendations in legislative form have been introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) IMPLEMENTING BILL DEFINED.—In this section, the term ''implementing bill'' means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 103(b)(3), transmitted by the President to the House of Representatives and the Senate under subsection 103(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) COUNTING OF DAYS.—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

Subtitle B—Expansion of Access to Health Promotion Services

SEC. 111. DISEASE SELF-MANAGEMENT DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall conduct demonstration projects for the purpose of promoting disease self-management for conditions identified, and appropriately prioritized, by the Secretary for target individuals (as defined in paragraph (2)).

(2) TARGET INDIVIDUAL DEFINED.—In this section, the term ''target individual'' means an individual who—

(A) is at risk for, or has, 1 or more of the conditions identified by the Secretary as being appropriate for disease self-management; and

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), or enrolled under part B of such title (42 U.S.C. 1395j et seq.) or is enrolled under the Medicare+Choice program under part C of such title (42 U.S.C. 1395w–21 et seq.).

(b) NUMBER; PROJECT AREAS; DURATION.—

(1) NUMBER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a series of demonstration projects to carry out the purpose described in subsection (a)(1).

(2) PROJECT AREAS.—The Secretary shall implement the demonstration projects described in paragraph (1) in urban, suburban, and rural areas.

(3) DURATION.—The demonstration projects under this section shall be conducted during the 3-year period beginning on the date on which the initial demonstration project is implemented.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the conclusion of the demonstration projects under this section, the Secretary shall submit a report to Congress on such projects.

(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) whether each benefit provided under the demonstration projects is—

(I) medically effective;

(II) medically efficacious;

(III) cost-effective; or

(IV) cost-saving;

(ii) the level of the disease self-management attained by target individuals under the demonstration projects; and

(iii) the satisfaction of target individuals under the demonstration projects.

(C) Recommendations of the Secretary regarding whether to conduct the demonstration projects on a permanent basis.

(D) Such recommendations for legislation and administrative action as the Secretary determines to be appropriate.

(E) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) FUNDING.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount not to exceed $30,000,000 for the costs of carrying out this section.

SEC. 112. MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE HEALTH EDUCATION AND RISK APPRAISAL PROGRAM

''SEC. 1897. (a) ESTABLISHMENT.—Not later than 18 months after the date of the conclusion of the demonstration projects conducted under subsection (b)(1), the Secretary shall establish a comprehensive and systematic model for delivering health promotion and disease prevention services that—

''(1) through self-assessment identifies—

''(A) behavioral risk factors, such as tobacco use, physical inactivity, alcohol use, depression, lack of proper nutrition, and risk of falling, among target individuals;

''(B) needed medicare clinical preventive and screening health benefits among target individuals; and

''(C) functional and self-management information the Secretary determines to be appropriate;

''(2) provides ongoing followup to reduce risk factors and promote the appropriate use of preventive and screening health benefits;

''(3) improves clinical outcomes, satisfaction, quality of life, and appropriate use by target individuals of items and services covered under the medicare program; and

''(4) provides target individuals with information regarding the adoption of healthy behaviors.

''(b) DEMONSTRATION PROJECTS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, shall conduct demonstration projects for the purpose of developing a comprehensive and systematic model for delivering health promotion and disease prevention services described in subsection (a).

''(2) SELF-ASSESSMENT AND PROVISION OF INFORMATION.—The Secretary shall conduct the demonstration projects established under paragraph (1) in the following manner:

''(A) SELF-ASSESSMENT.—

''(i) IN GENERAL.—The Secretary shall test different—

''(I) methods of making self-assessments available to each target individual;

''(II) methods of encouraging each target individual to participate in the self-assessment; and

''(III) methods for processing responses to the self-assessment.

''(ii) CONTENTS.—A self-assessment made available under clause (i) shall include—

''(I) questions regarding behavioral risk factors;

''(II) questions regarding needed preventive screening health services;

''(III) questions regarding the target individual's preferences for receiving follow-up information; and

''(IV) other information that the Secretary determines appropriate.

''(B) PROVISION OF INFORMATION.—After each target individual completes the self-assessment, the Secretary shall ensure that the target individual is provided with such information as the Secretary determines appropriate, which may include—

''(i) information regarding the results of the self-assessment;

''(ii) recommendations regarding any appropriate behavior modification based on the self-assessment;

''(iii) information regarding how to access behavior modification assistance that promotes healthy behavior, including information on nurse hotlines, counseling services, provider services, and case-management services;

''(iv) information, feedback, support, and recommendations regarding any need for clinical preventive and screening health services or treatment; and

''(v) referrals to available community resources in order to assist the target individual in reducing health risks.

''(3) PROJECT AREAS AND DURATION.—

''(A) PROJECT AREAS.—The Secretary shall implement the demonstration projects in geographic areas that include urban, suburban, and rural areas.

''(B) DURATION.—The Secretary shall conduct the demonstration projects during the 3-year period beginning on the date on which the first demonstration project is implemented.

''(c) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the demonstration projects conclude, the Secretary shall submit to Congress a report on such projects.

''(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall—

''(A) describe the demonstration projects conducted under this section;

''(B) identify the demonstration project that is the most effective; and

''(C) contain such other information regarding the demonstration projects as the Secretary determines appropriate.

''(3) MEASUREMENT OF EFFECTIVENESS.—For purposes of paragraph (2)(B), in identifying the demonstration project that is the most effective, the Secretary shall consider—

''(A) how successful the project was at—

''(i) reaching target individuals and engaging them in an assessment of the risk factors of such individuals;

''(ii) educating target individuals on healthy behaviors and getting such individuals to modify their behaviors in order to diminish the risk of chronic disease; and

''(iii) ensuring that target individuals were provided with necessary information;

''(B) the cost-effectiveness of the demonstration project; and

''(C) the degree of beneficiary satisfaction under the demonstration projects.

''(d) WAIVER AUTHORITY.—The Secretary may waive such requirements under this title as the Secretary determines necessary to carry out the demonstration projects under this section.

''(e) FUNDING.—There are authorized to be appropriated $25,000,000 to the Secretary for carrying out the demonstration projects under this section.

''(f) DEFINITION OF TARGET INDIVIDUAL.—The term 'target individual' means each individual who is—

''(1) entitled to benefits under part A or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C; or

''(2) between the ages of 50 and 64 and who is not described in paragraph (1).''.

Subtitle C—Medicare Coverage for Care Coordination and Assessment Services

SEC. 121. CARE COORDINATION AND ASSESSMENT SERVICES.

(a) SERVICES AUTHORIZED.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 112, is further amended by adding at the end the following new section:

''CARE COORDINATION AND ASSESSMENT SERVICES

''SEC. 1898. (a) PURPOSE.—The purpose of this section is to provide assistance to a beneficiary with a serious and disabling chronic condition (as defined in subsection (f)(1)) to obtain the appropriate level and mix of follow-up care.

''(b) ELECTION OF CARE COORDINATION AND ASSESSMENT SERVICES.—

''(1) IN GENERAL.—On or after January 1, 2003, a beneficiary with a serious and disabling chronic condition may elect to receive care coordination services in accordance with the provisions of this section under which, in appropriate circumstances, the eligible beneficiary has health care services covered under this title managed and coordinated by a care coordinator who is qualified under subsection (e) to furnish care coordination services under this section.

''(2) REVOCATION OF ELECTION.—An eligible beneficiary who has made an election under paragraph (1) may revoke that election at any time.

''(c) OUTREACH.—The Secretary shall provide for the wide dissemination of information to beneficiaries and providers of services, physicians, practitioners, and suppliers with respect to the availability of and requirements for care coordination services under this section.

''(d) CARE COORDINATION AND ASSESSMENT SERVICES DESCRIBED.—Care coordination services under this section shall include the following:

''(1) BASIC CARE COORDINATION AND ASSESSMENT SERVICES.—

''(A) IN GENERAL.—Except as otherwise provided in this section, eligible beneficiaries who have made an election under this section shall receive the following services:

''(i)(I) An initial assessment of an individual's medical condition, functional and cognitive capacity, and environmental and psychosocial needs.

''(II) Annual assessments after the initial assessment performed under subclause (I), unless the physician or care coordinator of the individual determines that additional assessments are required due to sentinel health events or changes in the health status of the individual that may require changes in plans of care developed for the individual.

''(ii) The development of an initial plan of care, and subsequent appropriate revisions to that plan of care.

''(iii) The management of, and referral for, medical and other health services, including multidisciplinary care conferences and coordination with other providers.

''(iv) The monitoring and management of medications.

''(v) Patient education and counseling services.

''(vi) Family caregiver education and counseling services.

''(vii) Self-management services, including health education and risk appraisal to identify behavioral risk factors through self-assessment.

''(viii) Providing access for consultations by telephone with physicians and other appropriate health care professionals, including 24-hour availability of such professionals for emergency consultations.

''(ix) Coordination with the principal nonprofessional caregiver in the home.

''(x) Managing and facilitating transitions among health care professionals and across settings of care, including the following:

''(I) Pursuing the treatment option elected by the individual.

''(II) Including any advance directive executed by the individual in the medical file of the individual.

''(xi) Activities that facilitate continuity of care and patient adherence to plans of care.

''(xii) Information about, and referral to, hospice services, including patient and family caregiver education and counseling about hospice, and facilitating transition to hospice when elected.

''(xiii) Such other medical and health care services for which payment would not otherwise be made under this title as the Secretary determines to be appropriate for effective care coordination, including the additional items and services as described in subparagraph (B).

''(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to eligible beneficiaries who have made an election under this section (subject to an assessment by the care coordinator of an individual beneficiary's circumstances and need for such benefits) in order to encourage the receipt of, or to improve the effectiveness of, care coordination services.

''(2) CARE COORDINATION AND ASSESSMENT REQUIREMENT.—Notwithstanding any other provision of this title, with respect to items and services for which payment is made under this title furnished to a beneficiary for the diagnosis and treatment of the beneficiary's serious and disabling chronic condition, if the beneficiary has made an election to receive care coordination and assessment services under this section, the Secretary may require that payment may only be made under this title for such items and services relating to such condition if the items and services have been furnished by or coordinated through the care coordinator. Under such provision, the Secretary shall prescribe exceptions for emergency medical services (as described in section 1852(d)(3), but without regard to enrollment with a Medicare+Choice organization), and other exceptions determined by the Secretary for the delivery of timely and needed care.

''(e) CARE COORDINATORS.—

''(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination and assessment services under this section, an individual or entity shall—

''(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

''(B) enter into a care coordination agreement under paragraph (2); and

''(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

''(2) AGREEMENT TERM; PAYMENT.—

''(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall—

''(i) be entered into for a period of 1 year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1);

''(ii) assure the compliance of the care coordinator with such data collection and reporting requirements as the Secretary determines necessary to assess the effect of care coordination on health outcomes; and

''(iii) contain such other terms and conditions as the Secretary may require.

''(B) PAYMENT FOR SERVICES.—The Secretary shall establish payment terms and conditions and payment rates for basic care coordination and assessment services described in subsection (d)(1). The Secretary may establish new billing codes to carry out the provisions of this subparagraph.

''(f) DEFINITIONS.—In this section:

''(1) SERIOUS AND DISABLING CHRONIC CONDITION.—The term 'serious and disabling chronic condition' means, with respect to an individual, that the individual has at least one physical or mental condition and a licensed health care practitioner has certified within the preceding 12-month period that—

''(A) the individual has a level of disability such that the individual is unable to perform (without substantial assistance from another individual) for a period of at least 90 days due to a loss of functional capacity—

''(i) at least 2 activities of daily living; or

''(ii) such number of instrumental activities of daily living that is equivalent (as determined by the Secretary) to the level of disability described in clause (i);

''(B) the individual has a level of disability equivalent (as determined by the Secretary) to the level of disability described in subparagraph (A); or

''(C) the individual requires substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

''(2) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' means each of the following:

''(A) Eating.

''(B) Toileting.

''(C) Transferring.

''(D) Bathing.

''(E) Dressing.

''(F) Continence.

''(3) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' means each of the following:

''(A) Medication management.

''(B) Meal preparation.

''(C) Shopping.

''(D) Housekeeping.

''(E) Laundry.

''(F) Money management.

''(G) Telephone use.

''(H) Transportation use.

''(4) BENEFICIARY.—The term 'beneficiary' means an individual entitled to benefits under part A, or enrolled under part B, including an individual enrolled under the Medicare+Choice program under part C.''.

(b) COVERAGE OF CARE COORDINATION AND ASSESSMENT SERVICES AS A PART B MEDICAL SERVICE.—

(1) IN GENERAL.—Section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended—

(A) in the second sentence, by redesignating paragraphs (16) and (17) as clauses (i) and (ii); and

(B) in the first sentence—

(i) by striking ''and'' at the end of paragraph (14);

(ii) by striking the period at the end of paragraph (15) and inserting ''; and''; and

(iii) by adding after paragraph (15) the following new paragraph:

''(16) care coordination and assessment services furnished by a care coordinator in accordance with section 1866C.''.

(2) CONFORMING AMENDMENTS.—Sections 1864(a) 1902(a)(9)(C), and 1915(a)(1)(B)(ii)(I) of such Act (42 U.S.C. 1395aa(a), 1396a(a)(9)(C), and 1396n(a)(1)(B)(ii)(I)) are each amended by striking ''paragraphs (16) and (17)'' each place it appears and inserting ''clauses (i) and (ii) of the second sentence''.

(3) PART B COINSURANCE AND DEDUCTIBLE NOT APPLICABLE TO CARE COORDINATION AND ASSESSMENT SERVICES.—

(A) COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by sections 105 and 223 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(i) by striking ''and'' at the end of subparagraph (T); and

(ii) by inserting before the final semicolon '', and (V) with respect to care coordination and assessment services described in section 1861(s)(16) that are furnished by, or coordinated through, a care coordinator, the amounts paid shall be 100 percent of the payment amount established under section 1866C''.

(B) DEDUCTIBLE.—Section 1833(b) of such Act (42 U.S.C. 1395l(b)) is amended—

(i) by striking ''and'' at the end of paragraph (5); and

(ii) by inserting before the final period '', and (7) such deductible shall not apply with respect to care coordination and assessment services (as described in section 1861(s)(16))''.

(C) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—The third sentence of section 1866(a)(2)(A) of such Act (42 U.S.C. 1395cc(a)(2)(A)), as amended by section 102(b)(2), is further amended by inserting after ''section 1833(p),'' the following: ''with respect to care coordination and assessment services (as described in section 1861(s)(16)),''.

TITLE II—PAYMENT INCENTIVES FOR QUALITY CARE FOR INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

SEC. 201. ADJUSTMENTS TO FEE-FOR-SERVICE PAYMENT SYSTEMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide for appropriate adjustments to each of the payment systems described in subsection (b) to take into account the additional costs incurred in providing items and services under the medicare program to medicare beneficiaries who suffer from serious and disabling chronic conditions, including the consideration of the patient classification system (or other methodology) under subsection (d). The Secretary shall implement such adjustments for items and services furnished on or after October 1, 2005.

(b) PAYMENT SYSTEMS DESCRIBED.—The payment systems referred to in subsection (a) are the following:

(1) The prospective payment system for covered skilled nursing facility services under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(2) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

(3) The prospective payment system for outpatient hospital services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(4) The physician fee schedule under section 1848 of such Act (42 U.S.C. 1395w–4).

(5) The composite rate of payment for dialysis services under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)).

(6) The payment rate for outpatient therapy services and comprehensive outpatient rehabilitation services under section 1834(k) of such Act (42 U.S.C. 1395m(k)).

(7) The payment rate for partial hospitalization services established by the Secretary in regulations under title XVIII of such Act.

(8) The payment rate for hospice services under section 1814(i) of such Act (42 U.S.C. 1395f(i)).

(c) INTERIM REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the proposed adjustments required under subsection (a) to the payment systems described in subsection (b), the methodology employed by the Secretary in providing for such proposed adjustments, and an assessment of the impact of such adjustments on access to effective care for medicare beneficiaries.

(d) PATIENT CLASSIFICATION SYSTEM.—The Secretary shall develop a patient classification system or other methodology to predict costs within and across postacute care settings attributable to furnishing items and services to medicare beneficiaries who suffer from serious and disabling chronic conditions. The Secretary shall develop such system by not later than October 1, 2004, and shall consult with representatives of providers of services and individuals with expertise in health care financing and risk adjustment methodology in developing such system.

SEC. 202. MEDICARE+CHOICE.

(a) REVISIONS TO RISK ADJUSTMENT METHODOLOGY.—

(1) IN GENERAL.—The Secretary shall revise the risk adjustment methodology under section 1853(a)(3) of the Social Security Act (42 U.S.C. 1395w–23(a)(3)) applicable to payments to Medicare+Choice organizations offering specialized programs for frail elderly and at-risk beneficiaries to take into account variations in costs incurred by such organizations.

(2) METHODS CONSIDERED.—In revising the risk adjustment methodology under paragraph (1), the Secretary shall consider—

(A) hybrid risk adjustment payment systems, such as partial capitation;

(B) new diagnostic and service markers that more accurately predict high risk;

(C) improving the structural components of the applicable method of payment, such as reducing payment lag, using multiple site diagnostic data, and using several years of data;

(D) providing for adjustments to payment amounts for beneficiaries with comorbidities;

(E) testing concurrent risk adjustment methodologies; and

(F) testing payment methods using data from specialized programs for frail elderly and at-risk beneficiaries.

(3) IMPLEMENTATION.—The Secretary shall implement such revisions to the risk adjustment methodology for items and services furnished on or after January 1, 2005.

(4) INTERIM REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report on revision of the risk adjustment methodology required under paragraph (1), including a description of the methods considered and employed by the Secretary in providing for such revision and an assessment of the impacts of such methods on access to effective care for medicare beneficiaries.

(b) INTERIM CONTINUATION OF BLENDED RATE FOR SPECIALIZED PROGRAMS FOR FRAIL ELDERLY AND AT-RISK MEDICARE BENEFICIARIES RESIDING IN INSTITUTIONS.—

(1) IN GENERAL.—In the case of a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that provides for a specialized program for frail elderly and at-risk beneficiaries that exclusively serves beneficiaries in institutions or beneficiaries that are entitled to medical assistance under a State plan under title XIX, notwithstanding section 1853(a)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–23(a)(3)(C)(ii)), such organization shall be paid according to the method described in section 1853(a)(3)(C)(ii)(I) until such time as

the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for the payment methodology under paragraph (1) unless the organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(c) INTERIM CONTINUATION OF PAYMENT METHODOLOGIES FOR DEMONSTRATION PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, payment methodologies for medicare demonstration programs for specialized programs for frail elderly and at-risk beneficiaries that comply with the requirements under paragraph (2) shall continue under the terms and conditions of the demonstration authority, including the risk adjustment factors and formula used for paying such demonstration programs, until such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(2) REQUIREMENTS.—A medicare demonstration program may not qualify for the payment methodology under paragraph (1) unless the program collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(d) INTERIM DEMONSTRATION PROGRAM FOR ADDITIONAL PAYMENTS FOR SPECIALIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program under which additional payments (in such manner and amount as the Secretary determines appropriate) may be made to a Medicare+Choice organization that complies with the requirements under paragraph (2) and that offers a Medicare+Choice plan that—

(A) provides, directly or through contract, for a specialized program of care for enrollees with serious and disabling chronic conditions; and

(B) exclusively serves enrollees with serious and disabling chronic conditions or serves a disproportionate share of such enrollees.

(2) REQUIREMENTS.—A Medicare+Choice organization may not qualify for additional payments under paragraph (1) unless the organization and the specialized program of care meet the following requirements:

(A) Under the specialized program of care, a clinical delivery system is established that meets the needs of such enrollees, including—

(i) methods to prevent, delay, or minimize the progression of disabilities;

(ii) disease management protocols, such as high risk screening to identify risk of hospitalization, nursing home placement, functional decline, death, and other factors that increase the costs of care provided;

(iii) appropriate specially trained health care staff, such as nurse practitioners, geriatric care managers, or mental health professionals; and

(iv) methods for promoting integration of care, financing, and administrative functions across health care settings.

(B) The organization collects such data (and in such format) as the Secretary requires to monitor quality of services provided, outcomes, and costs, including functional and diagnostic data and information collected through the Health Outcomes Survey.

(C) The organization employs quality standards and tracks quality indicators specified by the Secretary that are relevant to the special needs of enrollees with serious and disabling chronic conditions.

(D) The organization does not receive payments, or adjustment to payments, with respect to any enrollee by reason of subsection (b) or (c).

(3) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out this demonstration program.

(4) TERMINATION.—The demonstration program under this subsection shall terminate 1 year after such time as the Secretary has implemented the revised risk adjustment methodology required in subsection (a).

(5) FUNDING.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out the demonstration program under this subsection.

(e) DEFINITION.—In this section, the term ''specialized programs for frail elderly and at-risk beneficiaries'' means—

(1) demonstrations approved by the Secretary for purposes of testing the integration of acute and expanded care services under prepaid financing which include prescription drugs and other noncovered ancillary services, care coordination, and home and community-based services, such as the social health maintenance organization demonstration project authorized under section 2355 of the Deficit Reduction Act of 1984 and expanded under section 4207(b)(4)(B)(i) of the Omnibus Reconciliation Act of 1990;

(2) demonstrations approved by the Secretary for purposes of improving quality of care and preventing hospitalizations for nursing home residents, such as the EverCare demonstration project;

(3) demonstrations approved by the Secretary for purposes of testing methods for integrating medicare and medicaid benefits for the dually eligible, such as the Minnesota Senior Health Options program, the Wisconsin Partnership program, the Massachusetts Senior Care Organization program, and the Rochester Community Care Network program;

(4) demonstrations approved by the Secretary under subsection (d); and

(5) such other demonstrations or programs approved by the Secretary for similar purposes, as determined by the Secretary.

TITLE III—DEVELOPMENT OF NATIONAL POLICIES ON EFFECTIVE CHRONIC CONDITION CARE

SEC. 301. STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE.

(a) STUDY.—For purposes of improving chronic condition care furnished to medicare beneficiaries under the medicare program, the Secretary of Health and Human Services shall conduct a comprehensive study of chronic condition trends of medicare beneficiaries and associated service utilization, quality indicators, and cumulative costs.

(b) SPECIFIC MATTERS STUDIED.—The study conducted under subsection (a) shall include an assessment of the following:

(1) Chronic condition prevalence rates.

(2) Demographic, medical, and functional information about medicare beneficiaries with chronic conditions.

(3) Utilization, cost, and quality data across settings, including—

(A) expenditures under a State plan under title XIX of the Social Security Act for individuals dually eligible for benefits under the medicare and medicaid programs,

(B) data on out-of-pocket expenses paid by medicare beneficiaries,

(C) data on payments made by non-Federal health insurance programs,

(D) amounts and percentages of overall payments made to medicare providers of services and suppliers for medicare beneficiaries with chronic conditions, and

(E) current and future cost-shifting for treatment of such beneficiaries between the medicare and medicaid programs.

(c) INFORMATION.—

(1) IN GENERAL.—The Secretary may collect such data from providers of services, suppliers, fiscal intermediaries, and carriers. Such providers, suppliers, fiscal intermediaries, and carriers shall furnish to the Secretary the data the Secretary requires to conduct the study under subsection (a).

(2) REQUIREMENT TO CONSIDER DATA PREVIOUSLY COLLECTED.—To the maximum extent practicable, in conducting the study, the Secretary shall analyze existing data and utilize existing data collection methodologies.

(3) CONSULTATION.—The Secretary shall consult with representatives of providers of services, suppliers, fiscal intermediaries, and carriers with respect to data collection requirements to conduct the study with respect to the specific matters described in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, and triennially thereafter, the Secretary shall submit to Congress a report on the study conducted under subsection (a) and the specific matters studied under subsection (b).

(2) RECOMMENDATIONS.—Each report shall also include specific recommendations with respect to appropriate care for medicare beneficiaries with chronic conditions, including the establishment, and refinement, of goals for reducing chronic condition prevalence rates and related medical expenses.

(e) DEFINITION.—In this section, the term ''chronic condition'' means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living, instrumental activities of daily living, or both.

(f) REDUCTION OF PAPERWORK; ASSISTANCE WITH DEVELOPMENT OF COMPUTER-ASSISTED PAPERWORK REDUCTION TECHNOLOGY.—

(1) REDUCTION OF PAPERWORK.—Not later than one year after the date of enactment of this Act, the Secretary shall, in consultation with providers of services and suppliers under the medicare program, patient advocacy groups, and State and local health care administration experts, implement a program to eliminate or simplify those paperwork requirements that are not required by law, and do not contribute to the quality of care furnished to medicare beneficiaries or the integrity of the medicare program.

(2) DEVELOPMENT OF BEST PRACTICES SOFTWARE.—

(A) IN GENERAL.—The Secretary, through the Office of Research and Development of the Center for Medicare and Medicaid Services, shall develop and disseminate to providers of services and suppliers participating in the medicare program best practices electronic software and medical technology information systems designed to reduce the duplicative recording of information, to reduce the need for handwritten entries, and to reduce the risk of medical and pharmaceutical errors in data entry.

(B) TECHNICAL ASSISTANCE.—The Secretary shall provide for technical assistance in the use of the electronic software developed under subparagraph (A).

(C) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2002, 2003, and 2004, there are authorized to be appropriated to the Secretary $10,000,000 to carry out this paragraph.

SEC. 302. INSTITUTE OF MEDICINE MEDICARE CHRONIC CONDITION CARE IMPROVEMENT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to—

(A) conduct a comprehensive study of the medicare program to identify—

(i) factors that facilitate access to effective care (including, where appropriate, hospice care) for medicare beneficiaries with chronic conditions; and

(ii) factors that impede access to such care for such beneficiaries,

including the issues studied under paragraph (2); and

(B) submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall—

(A) identify inconsistent clinical, financial, or administrative requirements across provider and supplier settings or professional services with respect to medicare beneficiaries;

(B) identify requirements under the program imposed by law or regulation that—

(i) promote costshifting across providers and suppliers;

(ii) impede access to effective chronic condition care by requiring the demonstration of continuing clinical improvement of the condition as a prerequisite to coverage of certain benefits;

(iii) impose unnecessary burdens on such beneficiaries and their family caregivers;

(iv) impede coverage for services that prevent, delay, or minimize the progression of chronic conditions;

(v) impede the establishment of administrative information systems to track health status, utilization, cost, and quality data across providers and suppliers and provider settings;

(vi) impede the establishment of clinical information systems that support continuity of care across settings and over time;

(vii) impede the alignment of financial incentives among the medicare program, the medicaid program, and group health plans and providers and suppliers that furnish services to the same beneficiary; or

(viii) impede payment methods that encourage the enrollment of high-risk populations, support innovation, or encourage providers and suppliers to maintain or improve health status for such medicare beneficiaries.

(b) REPORT.—On the date that is 18 months after the date of enactment of this Act, the Institute of Medicine of the National Academy of Sciences shall submit to Congress and the Secretary of Health and Human Services a report that contains—

(1) a detailed statement of the findings and conclusions of the study conducted under subsection (a); and

(2) recommendations to improve access to effective care for medicare beneficiaries with chronic conditions.

SUMMARY OF THE MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS

Improve access to preventive services

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

Expand access to health promotion services

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

Expand coverage for care coordination and assessment services

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses.

Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

Improve medicare financing methods

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refund risk adjustment methodology is implemented.

TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

Evaluate Medicare policies regarding chronic condition care

Direct the Secretary to study chronic condition trends and associated service utilization, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

Identify improvements in Medicare to ensure effective chronic condition care

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

Definitions

''Chronic condition'' means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

''Serious and disabling chronic condition(s)'' means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual, for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

By Mr. NELSON of Florida:

S. 1592. A bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership or any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or services to the patient; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to introduce the Medicare Equal Access to Care Act. I am jointed by my colleagues Senators DURBIN and EDWARDS. This legislation is designed to address a disturbing development which may make it harder for some seniors to have access to Medicare.

I have recently become aware of a practice, an early example if which took place in Florida, in which doctors assess their existing patients a $1,500 membership fee in order to receive continued care. In some States, these fees have been as high as $20,000. By charging these extraneous and unwarranted dues, the doctors can shrink their practice, yet maintain their profits. Another version of this arrangement is to require that patients seek and pay for non-Medicare covered services from their doctors as a condition for joining or remaining in the practice. Tragically, the patients who can't afford these large sums for the privilege of medical care or who choose not to purchase non-Medicare covered services are simply told to find another doctor. In areas where there is already a shortage of doctors, this practice could severely hamper Medicare beneficiaries' access to health care.

Then, in addition to membership fees the doctors bill Medicare for the cost of the covered services they provide.

Were Medicare a private insurance company, this practice would not be allowed. Private health insurance companies do not permit their providers to charge an ''access fee'' as a condition to being accepted as a patient. The Federal Government, the American taxpayers, should not hold its providers to a looser standard, thereby supporting a distasteful division of Medicare beneficiaries into haves and have-nots. This situation is unacceptable.

The Medicare Equal Access to Care Act bill will put a damper on such agreements. This legislation is simple: it will prevent any federal health program, like Medicare, from reimbursing doctors who charge their patients membership fees, as defined by the Secretary of Health and Human Services, or who require that their patients purchase non-Medicare.

I want to emphasize that this legislation does not interfere with the right of the doctor and patient to enter into private arrangements. A doctor may forego Medicare reimbursement and charge patients a membership fee of any amount, and patients have the choice of whether to accept that condition. Likewise, a doctor is free to charge a patient for any service that is not reimbursed under Medicare.

Though they present a carefully crafted loophole, these arrangements violate the intent and spirit of the Balanced Billing Act.

Clearly, our health care system is not working for patients. Additionally it's not working for doctors, if they must resort to these types of practices. Also, hundreds of thousands of our nation's seniors have been informed that their managed care company will be withdrawing from the Membership program. We need to adequately reimburse doctors, to provide the incentive to continue to participate in the Medicare+Choice program. Just as we don't want Medicare beneficiaries to be told their HMO is unavailable, we don't want them to be told their doctor is unavailable, unless they pay a fee. These are among these reasons that Congress needs to complete and pass a Patient's Bill of Rights and send it to the President. But in the meantime, we must protect our seniors and ensure that their access to Medicare is not subject to hurdles and conditions.

I look forward to working with my colleagues to pass the Medicare Equal Access to Care Act.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

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

S. 1592

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 ''Equal Access to Care Act''.

SEC. 2. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128F the following new section:

''SEC. 1128G. LIMITATION ON PAYMENTS TO PROVIDERS UNDER A FEDERAL HEALTH CARE PROGRAM.

''(a) IN GENERAL.—No Federal funds shall be used to provide payments under a Federal health care program to any physician (as defined in section 1861(r)), practitioner (as described in section 1842(b)(18)(C)), or other individual who charges a membership fee or any other extraneous or incidental fee to a patient, or requires a patient to purchase an item or service, as a prerequisite for the provision of an item or service to the patient.

''(b) FEDERAL HEALTH CARE PROGRAM DEFINED.—In this section, the term 'Federal health care program' has the meaning given that term under section 1128B(f) except that, for purposes of this section, such term includes the health insurance program under chapter 89 of title 5, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to payments made on or after the date of enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Mr. CRAPO):

S. 1593. A bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, Members of the Senate, I rise before you today to introduce the Water Infrastructure Security and Research Development Act. This legislation authorizes the U.S. Environmental Protection Agency to provide funding to support research projects on critical infrastructure protection for water supply systems.

Our Nation's water supply system is truly unique. It uses a decentralized, community-based approach to provide superior water services to all citizens of the United States. Here, we turn on the tap in our homes and receive clean, fresh water without giving it much thought. This not the way water systems operate throughout the world.

A 1997 United Nations report on the state of water resources worldwide states that at least one-fifth of all people do not have access to safe drinking water, and more than one-half lack adequate sanitation. Quoting from the report:

> The World Health Organization estimates that a total of more than five million people die each year just from diseases caused by unsafe drinking water, and a lack of sanitation and water for hygiene. Provision of safe drinking water and sanitation could reduce the amount of illness and death by as much as three-quarters, depending on the disease.

In this country, we often take our water system for granted. When considered in the international context, the true value of our water system becomes more apparent. We truly have something to protect.

During my tenure as Chairman of the Environment and Public Works Committee, we have been evaluating the state of our Nation's water infrastructure, both drinking water and wastewater. It is clear that we have work to do to modernize our existing systems and ensure that we continue to provide clean, safe water to our citizens into the future. Our discussions in the Committee tend to focus on infrastructure replacement needs, the funds that will be required, and the extent of the federal role. I am committed to this process, and I look forward to continuing to work with my colleagues on legislation that we plan to introduce early next year.

However, today, I rise to speak to you about another aspect of our Nation's water infrastructure—security. Since the events of September 11, I have worked with the members of the Environment and Public Works Committee and the Environmental Protection Agency to ensure that we are taking the steps necessary to protect our nation's water infrastructure system during these times. There are many short term actions that have already been taken.

Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, have established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the nation.

Through this partnership, the Environmental Protection Agency and the Association of Metropolitan Water Agencies are working to develop generic assessment tools that individual water utilities can use to assess their facilities for potential physical and cyber threats. I believe that the rapid completion of both these tools and the individual assessments is imperative. In early October, I sent a letter to the President with Senators SMITH, GRAHAM, and CRAPO and Representatives TAUZIN, DINGELL, GILLMOR, and PALLONE requesting that he use a portion of the $20 billion of discretionary funds provided to the Administration by Congress this year to provide assistance for these assessments to water utilities.

The legislation I am introducing today with Senator SMITH will take us one step further by authorizing support of both ongoing efforts under Presidential Decision Directive 63 and new research to assess potential threats to our water supply system and develop solutions.

This legislation authorizes twelve million dollars per year from 2002 to 2007 for the Environmental Protection Agency to use for grants to or cooperative agreements with research institutions. Projects conducted under these agreements will be used to conduct research addressing physical and cyber threats at water supply systems, improvements in information sharing and analysis efforts, and technical assistance and training. These projects will address both drinking water and wastewater systems that make up our nation's water supply infrastructure.

Eligible research institutions will include public and private entities, including national laboratories that perform research that will improve the security of water supply systems. Our legislation includes a provision to ensure that those entities conducting this research have the ability to effectively safeguard sensitive information.

Individual projects will fall into a series of categories designed to develop the information we need to protect our water supply system nationwide.

First, projects will assess the security issues for water supply systems by conducting assessments and developing and refining vulnerability assessment tools.

Second, projects will protect water supply systems from potential threats by developing technologies, processes, guidelines, standards, and procedures for the purpose of protecting water supply systems. Projects will also develop real-time monitoring systems to protect against chemical, biological, or radiological attack.

Third, projects will develop technologies and processes for addressing the mitigation, response and recovery of biological, chemical and radiological contamination of water supply systems.

Fourth, projects will implement requirements of Presidential Decision Directive 63 by refining and operating the Information Sharing and Analysis Center to capture and share threats, events and best practices.

Finally, projects will test and evaluate new technologies and processes by developing regional ''pilot facilities'' to demonstrate upgraded security systems, assess new technologies, and to determine operational and cost impacts due to enhanced security.

Individual awards may not exceed one million dollars. Test and evaluation projects will be cost-shared on a 50–50 basis.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect; clean, safe, fresh water is worth our investment.

By Mrs. CLINTON (for herself, Mr. SMITH of Oregon, Mr. KENNEDY, and Mrs. MURRAY):

S. 1594. A bill to amend the Public Health Service Act to provide programs to improve nurse retention, the nursing workplace, and the quality of care; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce today the Nurse Retention and Quality Care Act of 2001 and to speak about the importance of nurses and the work they do. On September 11, nurses were among those who were on the front lines of the battle against terrorism. With courage, skill and determination, they were on the job, treating the injured, helping to save lives.

To this day, nurses are defending America. In clinics, hospitals and offices around the country, they are working to detect and treat actual or suspected cases of anthrax. Should our Nation face other biological threats or terrorist attacks, nurses will be there for us.

Today's news that a woman who works in the Manhattan Eye, Ear and Throat Hospital is in critical condition with possible inhalation anthrax is a reminder of the hazards faced by health care workers. And it is a reminder of how important it is that our public health system be fully staffed with trained health care professionals.

Sadly, America is facing a nursing shortage at a time when the need for more nurses is so clear. Our nurses are facing an emergency of their own and they need our help. The nursing shortage imposes increasing hardship on hospitals and nurses alike, and threatens the ability of our health care system to provide basic patient care, much less respond to health crises and terrorism.

Not only is the number of individuals entering the nursing profession falling, but hospitals are also facing difficulty retaining the nurses already on staff. Fifty percent of nurses say they have recently considered leaving their jobs for reasons other than retirement, and approximately half a million licensed nurses are not currently practicing nursing. Many of the nurses who have considered leaving the profession cite their low level of overall job satisfaction.

While we must do more to improve the number of nurses in training, we must also take steps to enhance the workplace to retain current nurses, and that is what the bill that Senator GORDON SMITH and I will be introducing today would address.

One way to retain nurses is to follow the example of those hospitals that have become nursing ''magnets.'' They are successful because they involve nurses in decision-making, encourage collaboration among health professionals, give nurses the opportunity to pursue continuing education and advancement, and they organize care to improve patient outcome.

Our bill is designed to encourage more hospitals to follow these leads. And I am pleased that hospitals and nurses support this bill. It has been endorsed by the American Nurses Association and the American Hospitals Association.

It is also a good bill for patients and their quality of care as well. Research has shown that magnet hospitals have lower mortality rates, shorter lengths of stay, higher patient satisfaction and cost-efficiency.

As our Nation faces increasing threats of terrorist and biological attack, our health system must be stronger than ever before. One of the best ways we can do this is by taking steps to reverse the nursing shortage, and ensure that nurses on the front lines are well-prepared to respond to emergencies.

Our bill does both. First, it creates demonstration programs to encourage states to adopt magnet hospital practices, which will help attract and retain the nursing staff our hospitals need so they can cope with surges in patient volume.

And, second, our bill encourages nurses to pursue continued education. That is so important today, when we need more health care professionals who can detect the early signs of a bioterrorist attack. This legislation will promote the kind of training that the New York State Nurses Association, Bellevue Hospital and New York College provide for nurses in my state.

Mr. SMITH of Oregon. Mr. President, I rise today to join my colleague from New York, Senator CLINTON, in introducing the Nurse Retention and Quality of Care Act of 2001. As most of my colleagues already know, our Nation is facing an unprecedented nursing shortage. A Northwest Health Foundation study released this year found that Oregon alone will have 3,200 nursing vacancies in 2010. It is critical that we act immediately to address this shortage, and we must start by retaining the highly skilled nurses that already constitute the foundation of our health care system.

Our Nation's nursing shortage is not merely the result of poor nurse recruitment, this shortage exists in large part because nurses are leaving the profession altogether. Half a million licensed nurses are not currently practicing. These nurses represent some of our Nation's most compassionate and experienced health care professionals, but they feel compelled to look elsewhere for work, and we must do something to change this disturbing trend.

The Nurse Retention and Quality of Care Act will give hospitals incentives to develop and implement model practices for retaining nurses, such as the methods used by ''magnet hospitals''. Magnet hospitals have been in existence for a number of years, and share certain characteristics designed to make these hospitals attractive workplaces for nurses. These hospitals promote nurse participation in decision-making, collaboration and communication among health care professionals, opportunities for nurses to pursue education and career advancement, and a balanced and accommodating work environment for nurses.

Nurses in magnet hospitals stay twice as long on average as those in non-magnet hospitals, and consistently report greater job satisfaction. Patients also express higher satisfaction in magnet hospitals. There is one such hospital in my home state of Oregon, Providence St. Vincent Medical Center in Portland, OR, and I am not alone in hoping this legislation will lead to additional magnet facilities. Our legislation will authorize $40 million in demonstration grants for health care facilities to implement the model practices

utilized by magnet hospitals, and I believe that this will be an important step toward fixing our Nation's impending nursing shortage.

Nurses are the human face of medicine, but the demands on them are increasingly difficult to bear. The Nurse Retention and Quality of Care Act paves the way for hospitals to implement practices that will improve the morale of nurses and encourage them to stay in the nursing profession. Now, more than ever, with the current health and safety concerns facing our Nation, we must let nurses know that they are important to us and that we value their expertise and compassion. By passing this bill, we can do just that, and take important steps to ensure an adequate supply of highly qualified nurses for years to come.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 80—EXPRESSING THE SENSE OF CONGRESS REGARDING THE 30TH ANNIVERSARY OF THE ENACTMENT OF THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. BOND (for himself, Mr. GRAHAM, Mr. VOINOVICH, Mr. JEFFORDS, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 80

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for protecting and enhancing the quality of the rivers, streams, lakes, wetland, and marine water of the United States;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and to ensuring abundant opportunities for public recreation and economic development;

Whereas it is a national responsibility to provide clean water for future generations;

Whereas substantial progress has been made in protecting and enhancing water quality since the date of enactment, in 1972, of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) due to concerted efforts by Federal, State, and local governments, the private sector, and the public;

Whereas serious water pollution problems persist throughout the United States and significant challenges lie ahead in the effort to protect water resources from point sources and nonpoint sources of pollution;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas October 2002 is the 30th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.): Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That, as the United States marks the 30th anniversary, in October 2002, of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), Congress encourages the people of the United States and all levels of government to recognize and celebrate the accomplishments of the United States under, and to recommit to achieving the goals of, that Act.

Mr. BOND. Mr. President, it is a pleasure for me to submit a concurrent resolution with the House of Representatives to commemorate the 30th anniversary of the Clean Water Act next October 2002. Representative SHERRY BOEHLERT is introducing the House version and joining me in the Senate are Senators CRAPO, GRAHAM, and VOINOVICH.

Every time we look out onto a river, swim in a lake, or cast a line in search of a fish, we have the Clean Water Act to thank. Streams that were once devoid of fish and other aquatic life now support numerous and varied aquatic populations. Lakes that were once choked by pollution are now vastly improved. Wastewater discharges from municipal and industrial sources are being controlled.

One of the first and most successful national environmental laws to be passed by the Federal Government, the Federal Water Pollution Control Act, commonly known as the Clean Water Act, was enacted in 1972 and set the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. In the nearly three decades since its enactment, Clean Water Act programs have yielded measurable improvements in water quality.

We have come a long way, yet much remains to be done to achieve the Acts' goals of ''fishable'' and ''swimmable'' waters. Nonpoint sources of pollution from urban, suburban and rural areas are remain a significant threat to the nation's water resources. Science has given us the ability to detect pollutants in ever decreasing amounts. Technological advances, while providing solutions to pollution problems, also pose new pollution concerns.

Therefore, while commemorating a successful 30 years in clean water, we must also recommit ourselves to solving remaining clean water problems. The time until the 30th anniversary on October 18, 2002, will provide us a year to renew our commitment to clean our waters. As it did in 1992, America's Clean Water Foundation, ACWF, will coordinate the Year of Clean Water with activities: 1. highlighting the need to enhance collective appreciation for the importance of our water resources, 2. educating our nation's youth 3. building a better understanding of remaining challenges and solutions, and 4. rekindling the stewardship ethic begun in the 1970's.

The Year of Clean Water activities, scheduled throughout 2002, will provide the opportunity for citizens and governments to come together in support of clean water and water resource protection programs. For example, program planning is under way for a World Watershed Summit, a Youth Watershed Summit, a National Stormwater Conference, a Legal and Economic Issues Forum, and a national water quality monitoring effort to gather water quality data from around the country. Please join me in support this legislation.

SENATE RESOLUTION 174—EXPRESSING APPRECIATION TO THE UNITED KINGDOM FOR ITS SOLIDARITY AND LEADERSHIP AS AN ALLY OF THE UNITED STATES AND REAFFIRMING THE SPECIAL RELATIONSHIP BETWEEN THE TWO COUNTRIES

Mr. MILLER (for himself and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 174

Whereas the United Kingdom has been a stalwart and loyal ally to the United States;

Whereas in response to the September 11, 2001 terrorist attacks on the United States the Prime Minister of the United Kingdom, Tony Blair, declared that ''America is our closest ally and friend. The links between our two peoples are many and close and have been further strengthened over the last few days. We believe in Britain that you stand by your friends in times of trial just as America stood by us'';

Whereas the United Kingdom has worked with the United States to build and consolidate an international coalition of countries determined to defeat the scourge of terrorism;

Whereas Prime Minister Tony Blair and other senior officials of the Government of the United Kingdom have personally traveled to foreign capitals, including Moscow, Islamabad, and New Delhi, as part of the effort to build this international coalition; and

Whereas British military forces participated in the initial strikes against the Taliban and the Al Qaeda terrorist network and continue to fight side by side with United States forces in this war against terrorism: Now, therefore, be it

Resolved, That the Senate—

(1) extends its most heartfelt appreciation to the United Kingdom for its unwavering solidarity and leadership as an ally of the United States; and

(2) reaffirms the special relationship of history, shared values, and common strategic interests that the United States enjoys with the United Kingdom.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2017. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to 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.

SA 2018. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2019. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2020. Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms.

CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON, of Florida, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. STEVENS) proposed an amendment to the bill H.R. 3061, supra.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2022. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2023. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2024. Mr. DORGAN (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra.

SA 2025. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2026. Ms. COLLINS (for herself, Mr. CHAFEE, Mr. KERRY, and Mr. WELLSTONE) submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2027. Mr. GRAHAM (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2035. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2020 submitted by Mr. DOMENICI and intended to be proposed to the bill (H.R. 3061) supra.

SA 2036. Mr. SMITH, of New Hampshire (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table.

SA 2037. Mr. REID (for Mr. KOHL (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table.

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3061, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2017. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to 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; as follows:

Strike all after the enacting clause and insert: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $3,070,281,000 plus reimbursements, of which $1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which $1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including $1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further,* That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $402,000,000 under section 132(a)(2)(B) of the Act, and $87,000,000 under section 132(a)(2)(A) of the Act: *Provided further,* That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,751,000 for formula grants, $5,000,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: *Provided further,* That funding provided herein under section 166 of the Workforce Investment Act shall include $1,711,000 for use under section 166(j)(1) of the Act: *Provided further,* That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further,* That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which $100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $880,800,000 under section 132(a)(2)(B) of the Act, and $179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $191,452,000, together with not to exceed $3,238,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $191,452,000, together with not to exceed $773,283,000 of the amount which may be

expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87: *Provided further,* That notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,571,000, including $5,903,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $112,418,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: *Provided,* That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $375,164,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: *Provided,* That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: *Provided further,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $31,558,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $22,590,000 for transfer to Departmental Management, ''Salaries and Expenses''; $328,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $450,262,000, including not to exceed $92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $256,093,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $396,588,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $361,524,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided,* That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further,* That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further,* That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further,* That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $43,263,000, of which not to exceed $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,800,000, of which $7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the ''Department of Labor Appropriations Act, 2002''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security

Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,488,843,000, of which $10,000,000 shall be available for construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided,* That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further,* That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further,* That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program,'' authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further,* That $610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: *Provided,* That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further,* That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further,* That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further,* That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,418,910,000, of which $250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which $154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: *Provided,* That $126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further,* That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further,* That the Congress is to be notified promptly of any such transfer: *Provided further,* That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $348,767,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,014,044,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $281,584,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $236,408,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further,* That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further,* That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further,* That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further,* That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $306,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center and of which $53,000,000 shall be for the animal vivarium: *Provided,* That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,073,456,000.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, $291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

CENTER FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided,* That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: *Provided,* That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That these funds shall be made available only after submission to the Congress of an official budget request by the

President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $435,224,000 to remain available through September 30, 2004: *Provided*, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care: *Provided further*, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.9 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 100–485, $8,592,496,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,600,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: *Provided further*, That $105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $33,000,000 is for Maternity Group Homes: *Provided further*, That $89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,200,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,209,756,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $416,361,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; $50,000,000 is for minority AIDS prevention and treatment activities; and $15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with

funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''1997, 1998, 1999, 2000, 2001, and 2002''; and

(B) in subsection (e), by striking ''October 1, 2001'' each place it appears and inserting ''October 1, 2002''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: from National Institutes of Health, ''National Institute of Allergy and Infectious Diseases'', $25,000,000; from National Institutes of Health, ''Buildings and Facilities'', $70,000,000; and from Departmental Management, ''General Departmental Management'', $5,000,000.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2002''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 (''ESEA''); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $11,879,900,000, of which $4,104,200,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $8,568,000,000 shall be available for basic grants under section 1124: *Provided further*, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,632,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority for fiscal year 2001 or the amount each State and local educational agency would receive if $8,568,000,000 for basic grants and $1,632,000,000 for concentration grants were allocated in accordance with section 1122(c)(3) of title I of the Elementary and Secondary Education Act of 1965 as in effect prior to the Senate passage of H.R. 1: *Provided further*, That notwithstanding any other provision of law, grant awards under 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $1,130,500,000, of which $954,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $68,000,000 shall be for formula grants for construction under section 8007(a), $50,500,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (''ESEA''); and the Civil Rights Act of 1964; $8,717,014,000, of which $1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided,* That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current Comprehensive Regional Assistance Centers: *Provided further,* That of the amount made available for subpart 4 of part B of title V of the ESEA, $925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: *Provided further,* That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: *Provided further,* That of the funds appropriated for part F of title XI, $10,000,000 shall be available for dropout prevention programs under part H of title I and $100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $516,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,439,643,000, of which $3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided,* That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further,* That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further,* That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,932,617,000, of which $60,000,000 shall remain available through September 30, 2003: *Provided,* That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further,* That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: *Provided further,* That each State shall be provided a minimum of $500,000 and each outlying area $150,000 for activities under section 101 of the AT Act and each State shall be provided a minimum of $100,000 and each outlying area $50,000 for activities under section 102 of the Act: *Provided further,* That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: *Provided further,* That $26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,976,000, of which $5,376,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $97,000,000: *Provided,* That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,818,060,000, of which $1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: *Provided,* That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further,* That $10,000,000 shall be for carrying out section 118 of such Act: *Provided further,* That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: *Provided further,* That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further,* That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: *Provided further,* That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: *Provided,* That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,764,223,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That $18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which $6,000,000 shall be used for construction and renovation: *Provided further*, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: *Provided further*, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $232,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), $431,567,000: *Provided*, That $53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: *Provided further*, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: *Provided further*, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, $1,500,000 shall be used to conduct a violence prevention demonstration program and $500,000 to conduct a native American civic education initiative: *Provided further*, That $12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants under the heading ''School Improvement Programs'' in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities (hereinafter in this section referred to as the ''State entity''), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

(A) relative percentage of children from low-income families;

(B) need for school repairs and renovations;

(C) fiscal capacity; and

(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available:

If the percentage is:	Then the Federal share shall be:
40 percent or greater	100 percent
30–39.99 percent	90 percent
20–29.99 percent	80 percent
10–19.99 percent	70 percent
less than 10 percent	60 percent.

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible

in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

This title may be cited as the ''Department of Education Appropriations Act, 2002''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $321,276,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $395,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, $25,000,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $226,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*,

That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further,* That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,277,412,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

(c) Subject to the provisions in section 510 (a) and (b), Federal dollars are permitted, at the discretion of the President, solely for the purpose of stem cell research, on embryos that have been created in excess of clinical need and will be discarded, and donated with the written consent of the progenitors.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling $500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: *Provided,* That no notification shall involve funds that are not available for obligation.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Mark-to-Market Extension Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.
Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal
Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.
Subtitle B—Office of Multifamily Housing Assistance Restructuring
Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.
Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.
Subtitle C—Miscellaneous Housing Program Amendments
Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as ''that Act'');

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

''(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.''.

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the

Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking ''Secretary may provide not more than $10,000,000 annually in funding'' and inserting ''Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,''; and

(2) by striking ''entities), and for tenant services,'' and inserting ''entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),''.

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''restructured mortgages in any fiscal year'' and inserting ''portfolio restructuring agreements''.

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Subject to'' and inserting the following:

''(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

''(2) ASSISTANCE AND MOVING EXPENSES.—Subject to''.

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

''(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.''; and

(2) in the last sentence of section 512(2), by inserting '', but does include a project described in section 524(e)(3)'' after ''section 524(e)''.

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking ''(7)'' and inserting ''(1)''; and

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

''(2) ADDITION OF SIGNIFICANT FEATURES.—

''(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

''(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

''(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

''(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.''; and

(3) by inserting after paragraph (6) of subsection (b) the following:

''(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—''.

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: ''Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.''.

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking ''no more than the'' and inserting the following: ''not more than the greater of—

''(i) the full or partial payment of claim made under this subtitle; or

''(ii) the''; and

(2) in paragraph (5), by inserting ''of the second mortgage, assign the second mortgage to the acquiring organization or agency,'' after ''terms''.

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: '', or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)''.

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

''SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

''(a) IN GENERAL.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

''(b) RENT STANDARDS.—The rent standards described in this subsection are as follows:

''(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

''(2) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

''(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.''.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: ''Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).''.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking ''under this Act: *Provided,* That the principal'' and inserting the following: ''under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

''(A) the principal'';

(2) by striking ''except that (A)'' and inserting ''except that (i)'';

(3) by striking ''(B)'' and inserting ''(ii)'';

(4) by striking ''(C)'' and inserting ''(iii)'';

(5) by striking ''(D)'' and inserting ''(iv)'';

(6) by striking '': *Provided further,* That a mortgage'' and inserting the following ''; and

''(B) a mortgage'';

(7) by striking ''or'' at the end; and

(8) by adding at the end the following new subparagraph:

''(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or''.

SEC. 616. TECHNICAL CORRECTIONS.

(a) EXEMPTIONS FROM RESTRUCTURING.—

(1) IN GENERAL.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to ''Section 514(h)(1)'' instead of ''Section 514(h)''.

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) OTHER.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking ''this Act'' and inserting ''this title'';

(2) in section 513, by striking ''this Act'' each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting ''this title'';

(3) in section 514(f)(3)(B), by inserting ''Housing'' after ''Multifamily'';

(4) in section 515(c)(1)(B), by inserting ''or'' after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking ''; and'' at the end and inserting a period;

(6) in section 520(b), by striking ''Banking and''; and

(7) in section 573(d)(2), by striking ''Banking and''.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) REPEALS.—

''(1) MARK-TO-MARKET PROGRAM.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

''(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.'';

(2) in subsection (b), by striking ''October 1, 2001'' and inserting ''October 1, 2006'';

(3) in subsection (c), by striking ''upon September 30, 2001'' and inserting ''at the end of September 30, 2004''; and

(4) by striking subsection (d) and inserting the following new subsection:

''(d) TRANSFER OF AUTHORITY.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.''.

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

''(a) APPOINTMENT.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

''(b) VACANCY.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) IN GENERAL.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

''SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

''All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.''.

(b) REPORT.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Secretary'' and inserting ''Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner''.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''2-year period'' and inserting ''1-year period''.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 2001'' and inserting ''through 2003''.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after ''insurance contract for the mortgage for such housing project'' the following: ''(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)''.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 101(a) of Public Law 100–77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106–400 (114 Stat. 1675) were made to ''Section 101'' instead of ''Section 1''.

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106–400 (114 Stat. 1675).

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002''.

SA 2018. Mr. CHAFEE submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 56, strike lines 5 through 17, and insert the following:

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SA 2019. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 44, line 19, insert before the period the following: '': *Provided further*, That of this amount, $7,500,000 shall be transferred to the Rural Health Outreach Office of the Health Resources and Services Administration so that a total of $12,500,000 will be available to such Office to improve access to automated external defibrillators in rural communities.''.

SA 2020. Mr. DOMENICI (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. REID, Ms. STABENOW, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. TORRICELLI, Mr. WARNER, Mr.

WYDEN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—MENTAL HEALTH EQUITY

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Mental Health Equitable Treatment Act of 2001''.

SEC. ___02. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

''SEC. 712. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. ___03. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended to read as follows:

''SEC. 2705. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant,

beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. ___04. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. ___05. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. ___06. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SA 2021. Ms. COLLINS submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

On page 34, line 13, insert before the period the following: '': *Provided*, That from amounts made available under this title for the Center for Substance Abuse Treatment (discretionary account), $16,000,000 shall be used to provide grants to local non-profit private and public entities to enable such entities to develop and expand activities to provide substance abuse services to homeless individuals''.

SA 2022. Mr. BROWNBACK submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—BAN ON HUMAN CLONING

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Human Cloning Prohibition Act of 2001''.

SEC. ___02. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

''Sec.
''301. Definitions.
''302. Prohibition on human cloning.

"§ 301. Definitions

''In this chapter:

''(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

''(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

''(1) to perform or attempt to perform human cloning;

''(2) to participate in an attempt to perform human cloning; or

''(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

''(c) PENALTIES.—

''(1) CRIMINAL PENALTY.—Any person or entity that violates this section shall be fined under this title or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(d) SCIENTIFIC RESEARCH.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning ..... 301".

SEC. ___03. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this title, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section ___02 of this title.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate.

SA 2023. Mr. BROWNBACK submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15 the following:

"CHAPTER 16—HUMAN EMBRYO CREATION

''Sec.
''301. Definition.
''302. Prohibition on the creation of human embryos for research purposes.

"§ 301. Definition

''In this chapter the term 'human embryo' includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gamates or human diploid cells.

"§ 302. Prohibition on the creation of human embryos for research purposes

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Embryo Creation ..... 311".

SA 2024. Mr. DORGAN (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to 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; as follows:

At the end of the bill, insert the following:

TITLE ____—INFORMATION ON PASSENGERS AND CARGO

SEC. ____01. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

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

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2025. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. ELECTION OF ANNUITY FOR A QUALIFIED MAGISTRATE JUDGE.

(a) DEFINITION.—In this section the term ''qualified magistrate judge'' means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SA 2026. Ms. COLLINS (for herself, Mr. CHAFEE, Mr. KERRY, and Mr. WELLSTONE) submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SENSE OF THE SENATE.

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

(1) The Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills from November 2000 through February 2001 (referred to in this section as the ''winter of 2000'').

(3) Congress directed that half of the emergency funding would be made available for

targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000.

(4) In the winter of 2000 there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000, heating oil prices were 36 percent higher than from November 1999 through February 2000 (referred to in this section as the ''winter of 1999''), and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999 even though the weather was 10 percent colder than the winter of 1999.

(7) In the winter of 2000, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2001 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SA 2027. Mr. GRAHAM (for himself, Mr. BIDEN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 34, line 13, strike ''$3,073,456,000'' and insert ''$3,083,456,000: *Provided*, That 10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle)''.

On page 54, between lines 15 and 16, insert the following:

SEC. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on pro rata basis by $10,000,000, except that nothing in this section shall be construed to apply to amounts made available for the Food and Drug Administration or the Indian Health Service.

SA 2028. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 43, line 23, strike ''$305,000,000'' and insert ''$375,000,000, except that the amounts appropriated in this Act for administrative expenditures shall be reduced on a pro rata basis by $70,000,000''.

SA 2029. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in New Jersey that have tested and treated, and continue to test and treat, New Jersey residents that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SA 2030. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. ___. (a) Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the semicolon and inserting '', and''; and

(3) by adding at the end the following new clause:

''(v) the number of children who are under the age of 3 and enrolled in the State plan under this title and the number of those children who have received a blood lead screening test;''.

(b) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking ''and'' at the end;

(2) in paragraph (65), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (65) the following new paragraph:

''(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

''(A) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

''(B) coverage of qualified lead treatment services described in section 1905(x) including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.''.

(c) Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking ''and'' at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following new paragraph:

''(27) qualified lead treatment services (as defined in subsection (x)); and''; and

(2) by adding at the end the following new subsection:

''(x)(1) In this subsection:

''(A) The term 'qualified lead treatment services' means the following:

''(i) Lead-related medical management, as defined in subparagraph (B).

''(ii) Lead-related case management, as defined in subparagraph (C), for a child described in paragraph (2).

''(iii) Lead-related anticipatory guidance, as defined in subparagraph (D), provided as part of—

''(I) prenatal services;

''(II) early and periodic screening, diagnostic, and treatment services (EPSDT) described in subsection (r) and available under subsection (a)(4)(B) (including as described and available under implementing regulations and guidelines) to individuals enrolled in the State plan under this title who have not attained age 21; and

''(III) routine pediatric preventive services.

''(B) The term 'lead-related medical management' means the provision and coordination of the diagnostic, treatment, and follow-up services provided for a child diagnosed with an elevated blood lead level (EBLL) that includes—

''(i) a clinical assessment, including a physical examination and medically indicated tests (in addition to diagnostic blood lead level tests) and other diagnostic procedures to determine the child's developmental, neurological, nutritional, and hearing status, and the extent, duration, and possible source of the child's exposure to lead;

''(ii) repeat blood lead level tests furnished when medically indicated for purposes of monitoring the blood lead concentrations in the child;

''(iii) pharmaceutical services, including chelation agents and other drugs, vitamins, and minerals prescribed for treatment of an EBLL;

''(iv) medically indicated inpatient services including pediatric intensive care and emergency services;

''(v) medical nutrition therapy when medically indicated by a nutritional assessment, that shall be furnished by a dietitian or other nutrition specialist who is authorized to provide such services under State law;

''(vi) referral—

''(I) when indicated by a nutritional assessment, to the State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and coordination of clinical management with that program; and

''(II) when indicated by a clinical or developmental assessment, to the State agency responsible for early intervention and special education programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

''(vii) environmental investigation, as defined in subparagraph (E).

''(C) The term 'lead-related case management' means the coordination, provision, and oversight of the nonmedical services for

a child with an EBLL necessary to achieve reductions in the child's blood lead levels, improve the child's nutrition, and secure needed resources and services to protect the child by a case manager trained to develop and oversee a multi-disciplinary plan for a child with an EBLL or by a childhood lead poisoning prevention program, as defined by the Secretary. Such services include—

''(i) assessing the child's environmental, nutritional, housing, family, and insurance status and identifying the family's immediate needs to reduce lead exposure through an initial home visit;

''(ii) developing a multidisciplinary case management plan of action that addresses the provision and coordination of each of the following items as appropriate—

''(I) determination of whether or not such services are covered under the State plan under this title;

''(II) lead-related medical management of an EBLL (including environmental investigation);

''(III) nutrition services;

''(IV) family lead education;

''(V) housing;

''(VI) early intervention services;

''(VII) social services; and

''(VIII) other services or programs that are indicated by the child's clinical status and environmental, social, educational, housing, and other needs;

''(iii) assisting the child (and the child's family) in gaining access to covered and non-covered services in the case management plan developed under clause (ii);

''(iv) providing technical assistance to the provider that is furnishing lead-related medical management for the child; and

''(v) implementation and coordination of the case management plan developed under clause (ii) through home visits, family lead education, and referrals.

''(D) The term 'lead-related anticipatory guidance' means education and information for families of children and pregnant women enrolled in the State plan under this title about prevention of childhood lead poisoning that addresses the following topics:

''(i) The importance of lead screening tests and where and how to obtain such tests.

''(ii) Identifying lead hazards in the home.

''(iii) Specialized cleaning, home maintenance, nutritional, and other measures to minimize the risk of childhood lead poisoning.

''(iv) The rights of families under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

''(E) The term 'environmental investigation' means the process of determining the source of a child's exposure to lead by an individual that is certified or registered to perform such investigations under State or local law, including the collection and analysis of information and environmental samples from a child's living environment. For purposes of this subparagraph, a child's living environment includes the child's residence or residences, residences of frequently visited caretakers, relatives, and playmates, and the child's day care site. Such investigations shall be conducted in accordance with the standards of the Department of Housing and Urban Development for the evaluation and control of lead-based paint hazards in housing and in compliance with State and local health agency standards for environmental investigation and reporting.

''(2) For purposes of paragraph (1)(A)(ii), a child described in this paragraph is a child who—

''(A) has attained 6 months but has not attained 6 years of age; and

''(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or after 2 consecutive tests, equals or exceeds 15 micrograms per deciliter, or the applicable number of micrograms designated for such tests under prevailing guidelines of the Centers for Disease Control and Prevention).''.

SA 2031. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. . It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SA 2032. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 54, between lines 15 and 16, insert the following:

SEC. ____. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount determined as follows:

(1) $25 per each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention, if the State rate for such screenings exceeds 65 but does not exceed 75 percent of all 2 year-old children in the State.

(2) $50 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 75 but does not exceed 85 percent of all 2 year-old children in the State.

(3) $75 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 85 percent of all 2 year-old children in the State.

SA 2033. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: ''*:Provided further,* That $10,000,000 shall be used to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment''.

SA 2034. Mr. TORRICELLI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 4, line 2, insert before the period the following: '': *Provided further,* That $6,400,000 shall be used to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center''.

SA 2035. Mr. BYRD (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2020 submitted by Mr. DOMENICI and intended to be proposed to 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; as follows:

At the end of the amendment add:

(a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this amendment that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

SA 2036. Mr. SMITH of New Hampshire (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . PAYMENT OF ANTI-TERRORISM JUDGMENTS.

Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1542)), is amended by inserting ''June 6, 2000,'' after ''March 15, 2000,''.

SA 2037. Mr. REID (for Mr. KOHL (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike ''$542,580,000'' and insert ''$542,842,000''.

On page 13, line 15, strike ''$85,040,000'' and insert ''$84,850,000''.

On page 13, line 25, strike ''$134,262,000'' and insert ''$134,452,000''.

On page 15, line 24, strike ''$434,038,000'' and insert ''$433,546,000''.

On page 39, line 23, after ''depression'' insert the following: ''(P.L. 106–387), with five percent for administration and capacity building in the state rural development offices''.

On page 81, line 1, after ''sistance'' insert ''relating''.

On page 88, line 3, strike ''(e)'' and insert ''(c)''.

On page 89, strike Section 757 on lines 1 through 8 and insert:

''SEC. . In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: Provided, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.''.

On page 89, after line 8, insert the following:

''SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.''.

On page 89, after line 8, insert the following:

''SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

'The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.' ''.

On page 89, after line 8, insert the following:

''SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

'(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

'(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

'(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.'; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'.''.

On page 89, after line 8, insert the following:

''SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.''.

On page 89, after line 8, insert the following:

''SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.''.

SA 2038. Mrs. CLINTON submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

On page 57, line 24, insert before the period the following: '':*Provided further,* That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather''.

SA 2039. Mrs. CLINTON submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

On page 34, line 13, before the period insert: '':*Provided,* That of the funds made available to carry out programs of regional and national significance in the Center for Mental Health Services under title V of the Public Health Service Act, $5,000,000 shall be made available for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2000''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, October 30, 2002, at 2:30 p.m., on the future of insuring terrorism risks.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS, AND THE SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs and the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, October 30, 2001, at 9:30 a.m., to hold a joint hearing entitled ''Terrorism Through the Mail: Protecting Postal Workers and the Public.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Low Income Home Energy Assistance Program during the session of the Senate on Tuesday, October 30, 2001, at 9:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Lisa Bernhardt of my staff, Sudip Parikh and Emma Ashburn of Senator SPECTER's staff be granted the privilege of the floor for the duration of the consideration of H.R. 3061.

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

Mr. DURBIN. Madam President, I ask unanimous consent that privileges of the floor be granted to Kelly O'Brien, a detailee on my staff, during the pendency of H.R. 3061, the Fiscal Year 2002 Departments of Health and Human Services, and Education and Related Agencies Appropriations Act.

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

Mr. KENNEDY. Madam President, I ask unanimous consent that Debra Whitman and Mahdu Chagra, two fellows in my office, be given privileges of the floor during the debate of this amendment.

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

Mr. WELLSTONE. Madam President, I ask unanimous consent that Ellen Gerrity and Cindy Conolly of my staff be allowed floor privileges for the duration of H.R. 3061.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On October 25, 2001, the Senate amended and passed H.R. 2330, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2330) entitled ''An Act making appropriations for Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,992,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,648,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,766,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,978,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,261,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $59,369,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,335,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $647,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $187,581,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., $15,665,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $37,079,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,684,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,894,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $70,839,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $32,627,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $573,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $67,200,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $113,786,000, of which up to $25,350,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $999,438,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2002, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $99,625,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $542,842,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $34,604,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $84,850,000, of which $500,000 shall be for a grant for Oklahoma State University and its industrial partners to develop chemical and biological sensors, including chemical food safety sensors based on micro-optoelectronic devices and techniques (such as laser diode absorption and cavity-ring-down spectroscopy with active laser illumination), and of which $500,000 is for the Environmental Biotechnology Initiative at the University of Rhode Island; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,691,000; for competitive research grants (7 U.S.C. 450i(b)), $134,452,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $898,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), $800,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), $998,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $2,993,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,340,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,492,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (Section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $9,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,549,000; and for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109, $20,568,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $433,546,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $275,940,000, of which $3,600,000 may be used to carry out Public Law 107–19; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $4,700,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $13,500,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $1,000,000; payments for youth-at-risk programs under section 3(d) of the Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $5,000,000; payments for Indian reservation agents under section 3(d) of the Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,500,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $31,181,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $11,529,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $42,350,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the national agriculture pesticide impact assessment program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $2,495,000; and payments for the organic transition program, $1,000,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs

under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $654,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329–1331) (7 U.S.C. 426–426c); and to protect the environment, as authorized by law, $602,754,000, of which $4,096,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $79,157,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2002, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2002, $84,813,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,189,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $71,430,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,596,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,874,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $34,000,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $476,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $715,747,000, of which no less than $608,730,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $606,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $939,030,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,993,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or

(2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,146,996,000, of which $1,000,000,000 shall be for guaranteed loans; operating loans, $2,616,729,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $505,531,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $8,366,000, of which $4,500,000 shall be for guaranteed loans; operating loans, $175,780,000, of which $52,650,000 shall be for unsubsidized guaranteed loans and $68,550,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $118,400; and for emergency insured loans, $3,362,500 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $280,595,000, of which $272,595,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $73,752,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2002, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2002, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $730,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $807,454,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $8,515,000 is for snow survey and water forecasting, and not less than $9,849,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2): Provided further, That $5,000,000 shall be available to carry out a pilot program in cooperation with the Fish and Wildlife Service of the Department of the Interior to determine migratory bird harvest, including population monitoring, harvest information, and field operations.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,960,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,413,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001 et seq.), as amended by section 313 of Public Law 106–472, November 9, 2000 (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $10,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $48,048,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $7,811,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $623,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act, $1,004,125,000, to remain available until expended, of which $83,903,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $842,254,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $77,968,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)); $4,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)); $16,000,000 shall be available for grants for drinking water and waste disposal systems pursuant to section 306C of such Act (7 U.S.C. 1926(c)) to benefit Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program; and $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)), of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $24,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination may be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''; not to exceed $17,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones, of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (P.L. 106–387), with five percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated $30,000,000 shall be to provide grants in rural communities with extremely high energy costs: Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants'' account: Provided further, That of the funds appropriated by this Act to the Rural Community Advancement Program for guaranteed business and industry loans, funds may be transferred to direct business and industry loans as deemed necessary by the Secretary and with prior approval of the Committees on Appropriations of both Houses of Congress.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $133,722,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,233,014,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,137,968,000 shall be for unsubsidized guaranteed loans; $32,324,000 for section 504 housing repair loans; $99,770,000 for section 538 guaranteed multi-family housing loans; $114,068,000 for section 515 rental housing; $5,090,000 for section 524 site loans; $11,778,000 for credit sales of acquired property, of which up to $1,778,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,274,000 of which $40,166,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,386,000; section 538 multi-family housing guaranteed loans, $3,921,000; section 515 rental housing, $48,274,000; section 524 site loans, $28,000; multi-family credit sales of acquired property, $750,000; and section 523 self-help housing land development loans, $254,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $422,241,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $708,504,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2002 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $38,914,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2002, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486,

$28,431,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $16,494,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be for Federally Recognized Native American Tribes and of which $3,449,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,171,000: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2002, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,733,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,966,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,616,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2002, as authorized by section 313 of the Rural Electrification Act of 1936, $3,616,000 shall not be obligated and $3,616,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $8,000,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,497,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,107,000; 5 percent rural telecommunications loans, $74,827,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, rural electric, $2,700,000,000 and rural telecommunications, $120,000,000; and $750,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $3,689,000, and the cost of telecommunication loans, $2,036,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $36,000,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2002 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $3,737,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $51,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That, $25,000,000 may be available for the continuation of a pilot project for a loan and grant program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of ''rural area'' used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

LOCAL TELEVISION LOAN GUARANTEE PROGRAM ACCOUNT

For gross obligations for the principal amount of guaranteed loans, as authorized by Title X of Public Law 106–553 for the purpose of facilitating access to signals of local television stations for households located in nonserved areas and underserved areas, $322,580,000.

For the cost of guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $25,000,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $2,000,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $587,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,087,246,000, to remain available through September 30, 2003, of which $4,746,538,000 is hereby appropriated and $5,340,708,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to $4,507,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,247,086,000, to remain available through September 30, 2003: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $20,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program upon a determination by the Secretary that funds are available to meet caseload requirements: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That once the amount for fiscal year 2001 carryover funds has been determined by the Secretary, any funds in excess of $110,000,000 may be transferred by the Secretary of Agriculture to the Rural Community Advancement Program and shall remain available until expended.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $22,991,986,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from producer-owned cooperative organizations: Provided further, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare

requirements as may be required by law: Provided further, That of funds that may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs, not more than $145,000,000 made available in previous years may be obligated in fiscal year 2002: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds provided under this heading may be used to procure food coupons necessary for program operations in this or subsequent fiscal years until electronic benefit transfer implementation is complete.

COMMODITY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $139,991,000, to remain available through September 30, 2003: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That $5,300,000 of unobligated balances available at the beginning of fiscal year 2002 are hereby rescinded.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $150,749,000, to remain available through September 30, 2003.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $127,546,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $6,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $121,563,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $130,218,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,005,000, of which $1,033,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $972,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,277,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $850,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,014,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $790,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,345,386,000, of which not to exceed $161,716,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379(h), including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2002 shall be subject to the fiscal year 2002 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $311,926,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $350,578,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $14,207,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee), and of which not less than $500,000 shall be available for a generic drug public education campaign; (3) $155,431,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $81,182,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $178,761,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $36,984,000 shall be for the National Center for Toxicological Research; (7) $31,798,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration, of which $6,000,000 for costs related to occupancy of new facilities at White Oak, Maryland shall remain available until September 30, 2003; (8) $105,116,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $93,610,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That $1,000,000 to the Center for Food Safety and Nutrition to enhance enforcement of requirements under the Dietary Supplement Health and Education Act of 1994 related to the accuracy of product labeling, and the truthfulness and substantiation of claims: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $70,400,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation)

shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the local television loan guarantee program; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both

Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 722. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2002 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 724. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 725. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 726. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 727. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 728. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 729. In addition to amounts otherwise appropriated or made available by this Act, $1,996,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 730. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 731. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 732. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $5,000,000 for administrative costs associated with the distribution of commodities.

SEC. 733. Notwithstanding any other provision of law, the Secretary may transfer up to $26,000,000 in funds provided for the Environmental Quality Incentives Program authorized by Chapter 4, Subtitle D, Title XII of the Food Security Act of 1985, for technical assistance to implement the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, with funds to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary may elect to enroll no more than 340,000 acres for continuous signup, conservation reserve enhancement, or wetland pilot purposes and no acres for regular enrollment into the Conservation Reserve Program authorized by subchapter B, Chapter 1, Title XII of the Food Security Act of 1985, during fiscal year 2002 and any savings derived from such action may be transferred, not to exceed $18,000,000, for technical assistance to implement the Conservation Reserve Program, with funds to remain available until expended.

SEC. 734. Notwithstanding any other provision of law, the City of St. Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission area of the Department of Agriculture relating to an application submitted to the Department by a farmer-owned cooperative, a majority of whose members reside in a rural area, as determined by the Secretary, and for the purchase and operation of a facility beneficial to the purpose of the cooperative.

SEC. 735. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking ''2001'' and inserting ''2002''.

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance in the amount of $150,000 to the Mallard Pointe project in Madison County, Mississippi.

SEC. 737. Notwithstanding any other provision of law, the Secretary of Agriculture shall, in cooperation with the State of Illinois, develop and implement a pilot project utilizing conservation programs of the Department of Agriculture for soil, water, wetlands, and wildlife habitat enhancement in the Illinois River Basin: Provided, That no funds shall be made available to carry out this section unless they are expressly provided for a program in this Act or any other Act for obligation in fiscal year 2002: Provided further, That any conservation reserve program enrollments made pursuant to this section shall be subject to section 734 of this Act.

SEC. 738. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide $450,000 for a wetlands restoration and water conservation project in the vicinity of Jamestown, Rhode Island.

SEC. 739. Notwithstanding any other provision of law, $3,000,000 shall be made available from funds under the rural business and cooperative development programs of the Rural Community Advancement Program for a grant for an integrated ethanol plant, feedlot, and animal waste digestion unit, to the extent matching funds from the Department of Energy are provided if a commitment for such matching funds is made prior to July 1, 2002: Provided, That such funds shall be released to the project after the farmer-owned cooperative equity is in place, and a formally executed commitment from a qualified lender based upon receipt of necessary permits, contract, and other appropriate documentation has been secured by the project.

SEC. 740. Hereafter, notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 741. Notwithstanding subsection (f) of section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272(f)), any assessment imposed under that subsection for marketings of raw cane sugar or beet sugar for the 2002 fiscal year shall not be required to be remitted to the Commodity Credit Corporation before September 2, 2002.

SEC. 742. Notwithstanding any other provision of law, the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide financial assistance from available funds from the Emergency Watershed Protection Program in Arkansas, in an amount not to exceed $400,000 for completion of the current construction phase of the Kuhn Bayou (Point Remove) Project.

SEC. 743. (a) TEMPORARY USE OF EXISTING PAYMENTS TO STATES TABLE.—Notwithstanding section 101(a)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), for the purpose of making the first fiscal year's payments under section 102 of such Act to eligible States and eligible counties, the full payment amount for each eligible State and eligible county shall be deemed to be equal to the full payment amount calculated for that eligible State or eligible county in the Forest Service document entitled ''P.L. 106–393, Secure Rural Schools and Community Self-Determination Act'', dated July 31, 2001.

(b) REVISION OF TABLE.—For the purpose of making payments under section 102 of such Act to eligible States and eligible counties of subsequent fiscal years, the Secretary of Agriculture shall provide for the revision of the table referred to in subsection (a) to accurately reflect the average of the three highest 25-percent payments and safety net payments made to eligible States for the fiscal years of the eligibility period, as required by section 101(a)(1) of such Act. If the revisions are not completed by the time payments under section 102 of such Act are due to be made for a subsequent fiscal year, the

table referred to in subsection (a) shall again be used for the purpose of making the payments for that fiscal year. The Forest Service shall provide the Senate Energy and Natural Resources Committee and the House of Representatives Agriculture Committee with a report on the progress of the correction by March 1, 2002.

(c) ADDITIONAL OPT-OUT OPTION.—Notwithstanding section 102(b)(2) of Public Law 106–393, if the revision of the table referred to in subsection (a) results in a lower full payment amount to a county that has elected under section 102(a)(2) the full payment amount, then that county may revisit their election under section 102(b)(1).

(d) DEFINITIONS.—In this section, the terms ''eligible State'', ''eligible county'', ''eligibility period'', ''25-period payment'', and ''safety net payments'' have the meanings given such terms in section 3 of such Act.

(e) TREATMENT OF CERTAIN MINERAL LEASING RECEIPTS.—An eligible county that elects under section 102(b) to receive its share of an eligible State's full payment amount shall continue to receive its share of any payments made to that State from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading ''FOREST SERVICE'' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).

(f) MINERAL PAYMENTS.—Section 6(b) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(b)) is amended by inserting after the first sentence, the following new sentence: ''The preceeding sentence shall also apply to any payment to a State derived from a lease for mineral resources issued by the Secretary of the Interior under the last paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1917 (Chapter 179; 16 U.S.C. 520).''.

SEC. 744. ALASKA PERMANENT FUND. Section 501(b) of the Housing Act of 1949 (42 U.S.C. 1471) is amended in paragraph (5)—

(1) by striking ''(5)'' and inserting ''(5)(A)''; and

(2) by adding at the end the following:

''(B) For purposes of this title, for fiscal years 2002 and 2003, the term 'income' does not include dividends received from the Alaska Permanent Fund by a person who was under the age of 18 years when that person qualified for the dividend.''.

SEC. 745. Hereafter, any provision of any Act of Congress relating to colleges and universities eligible to receive funds under the Act of August 30, 1890, including Tuskegee University, shall apply to West Virginia State College at Institute, West Virginia: Provided, That the Secretary may waive the matching funds' requirement under section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) for fiscal year 2002 for West Virginia State College if the Secretary determines the State of West Virginia will be unlikely to satisfy the matching requirement.

SEC. 746. Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, shall provide financial and technical assistance relating to the Tanana River bordering the Big Delta State Historical Park.

SEC. 747. None of the funds appropriated or otherwise made available by this Act to the Food and Drug Administration shall be used to allow admission of fish or fish products labeled wholly or in part as ''catfish'' unless the products are taxonomically from the family Ictaluridae.

SEC. 748. The Secretary of Agriculture is authorized to accept any unused funds transferred to the Alaska Railroad Corporation for avalanche control and retransfer up to $499,000 of such funds as a direct lump sum payment to the City of Valdez to construct an avalanche control wall to protect a public school.

SEC. 749. Of funds previously appropriated to the Bureau of Land Management under the heading ''Wildland Fire Management'', up to $5,000,000 is transferred to the Department of Agriculture, Farm Service Agency, for reimbursement for crop damage resulting from the Bureau's use of herbicides in the State of Idaho: Provided, That nothing in this section shall be construed to constitute an admission of liability in any subsequent litigation with respect to the Bureau's use of such herbicides.

SEC. 750. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE. (a) IN GENERAL.—Section 1231(h)(4)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(h)(4)(B)) is amended by inserting ''(which may include emerging vegetation in water)'' after ''vegetative cover''.

(b) CONFORMING AMENDMENT.—Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended by inserting ''(which may include emerging vegetation in water)'' after ''vegetative cover''.

SEC. 751. SPECIALTY CROPS. (a) GRADING OF PRICE-SUPPORT TOBACCO.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of Agriculture (referred to in this section as the ''Secretary'') shall conduct a referendum among producers of each kind of tobacco that is eligible for price support under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) to determine whether the producers favor the mandatory grading of the tobacco by the Secretary.

(2) MANDATORY GRADING.—If the Secretary determines that mandatory grading of each kind of tobacco described in paragraph (1) is favored by a majority of the producers voting in the referendum, effective for the 2002 and subsequent marketing years, the Secretary shall ensure that all kinds of the tobacco are graded at the time of sale.

(3) JUDICIAL REVIEW.—A determination by the Secretary under this subsection shall not be subject to judicial review.

(b) QUOTA REDUCTION FOR CONSERVATION RESERVE ACREAGE.—

(1) IN GENERAL.—Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (b) (as so redesignated), by striking ''subsection (b)'' and inserting ''subsection (a)''; and

(D) in subsection (c) (as so redesignated), by striking ''subsection (c)'' and inserting ''subsection (b)''.

(2) CONFORMING AMENDMENT.—Section 1232(a)(5) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(5)) is amended by striking ''section 1236(d)'' and inserting ''section 1236(c)''.

(3) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2002 crop.

(c) HORSE BREEDER LOANS.—

(1) DEFINITION OF HORSE BREEDER.—In this subsection, the term ''horse breeder'' means a person that, as of the date of enactment of this Act, derives more than 70 percent of the income of the person from the business of breeding, boarding, raising, training, or selling horses, during the shorter of—

(A) the 5-year period ending on January 1, 2001; or

(B) the period the person has been engaged in such business.

(2) LOAN AUTHORIZATION.—The Secretary shall make loans to eligible horse breeders to assist the horse breeders for losses suffered as a result of mare reproductive loss syndrome.

(3) ELIGIBILITY.—A horse breeder shall be eligible for a loan under this subsection if the Secretary determines that, as a result of mare reproductive loss syndrome—

(A) during the period beginning January 1 and ending October 1 of any of calendar years 2000, 2001, or 2002—

(i) 30 percent or more of the mares owned by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal; or

(ii) 30 percent or more of the mares boarded on a farm owned, operated, or leased by the horse breeder failed to conceive, miscarried, aborted, or otherwise failed to produce a live healthy foal;

(B) the horse breeder is unable to meet the financial obligations, or pay the ordinary and necessary expenses, of the horse breeder incurred in connection with breeding, boarding, raising, training, or selling horses; and

(C) the horse breeder is not able to obtain sufficient credit elsewhere, in accordance with subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(4) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a loan made to a horse breeder under this subsection shall be determined by the Secretary on the basis of the amount of losses suffered by the horse breeder, and the financial needs of the horse breeder, as a result of mare reproductive loss syndrome.

(B) MAXIMUM AMOUNT.—The amount of a loan made to a horse breeder under this subsection shall not exceed the maximum amount of an emergency loan under section 324(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(a)).

(5) TERM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term for repayment of a loan made to a horse breeder under this subsection shall be determined by the Secretary based on the ability of the horse breeder to repay the loan.

(B) MAXIMUM TERM.—The term of a loan made to a horse breeder under this subsection shall not exceed 20 years.

(6) INTEREST RATE.—The interest rate for a loan made to a horse breeder under this subsection shall be the interest rate for emergency loans prescribed under section 324(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(b)(1)).

(7) SECURITY.—A loan to a horse breeder under this subsection shall be made on the security required for emergency loans under section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)).

(8) APPLICATION.—To be eligible to obtain a loan under this subsection, a horse breeder shall submit an application for the loan to the Secretary not later than September 30, 2002.

(9) FUNDING.—The Secretary shall carry out this subsection using funds made available to make emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

(10) TERMINATION.—The authority provided by this subsection to make a loan terminates effective September 30, 2003.

SEC. 752. During fiscal year 2002, subsection (a)(2) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) shall be applied as though the term ''and potatoes'' read as follows: '', potatoes, and sweet potatoes''.

SEC. 753. Within 30 days of the date of enactment of this Act, the Secretary of Agriculture shall submit a reprogramming request to the House and Senate Appropriations Committees to address the $21,700,000 in tornado damages incurred at the Henry A. Wallace Beltsville Agricultural Research Center.

SEC. 754. CITRUS CANKER ERADICATION. (a) IN GENERAL.—Section 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549A–52) is amended—

(1) in subsection (a) by striking ''The'' and inserting ''Subject to subsection (e), the''; and

(2) in subsection (c), by striking ''2001'' and inserting ''2002''.

(b) EFFECTIVE DATE.—The amendments in subsection (a) shall take effect as if enacted on September 30, 2001.

SEC. 755. From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided to monitor and prevent Mare Reproductive Loss Syndrome in cooperation with the University of Kentucky.

SEC. 756. Section 306(a)(20) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)) is amended by adding at the end the following new subparagraph:

''(D) RURAL BROADBAND.—The Secretary may make grants to regulatory commissions in States with communities without dial-up internet access to establish a competitively neutral grant program to telecommunications carriers that establish facilities and services which, in the commission's determination, will result in the long-term availability to rural communities in such States of affordable broadband telecommunications services which can be used for the provision of high speed internet access.''.

SEC. 757. In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor Counties, Kentucky: Provided, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.

SEC. 758. Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

SEC. 759. Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

''The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.''.

SEC. 760. Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by—

(1) in paragraph (1)(E), by striking ''2001'' and inserting ''2003''; and

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

''(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.''; and

(B) in subparagraph (B), by striking ''report'' and inserting ''reports''.

SEC. 761. From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.

SEC. 762. Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 490 through 503; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

J. Edward Fox, of Ohio, to be an Assistant Administrator of the United States Agency for International Development.

E. Anne Peterson, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Joseph M. DeThomas, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

Brian E. Carlson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

John N. Palmer, of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

John Malcolm Ordway, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.

Bonnie McElveen-Hunter, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

Robert V. Royall, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Margaret K. McMillion, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Madagascar.

Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PASSAGE OF S. 1510 VITIATED AND INDEFINITELY POSTPONED

Mr. REID. Madam President, I ask unanimous consent that Senate passage of S. 1510 be vitiated and that the measure then be indefinitely postponed.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

Mr. REID. Madam President, I ask unanimous consent that the Kohl amendment, which is at the desk, to H.R. 2330, be in order, notwithstanding passage of the bill, and that the amendment be considered and agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 2037) was agreed to, as follows:

AMENDMENT NO. 2037

(Purpose: to amend H.R. 2330)

H.R. 2330, as passed by the Senate on October 25, 2001, is amended as follows:

On page 13, line 6, strike ''$542,580,000'' and insert ''$542,842,000''.

On page 13, line 15, strike ''$84,040,000'' and insert ''$84,850,000''.

On page 13, line 25, strike ''$134,262,000'' and insert ''$134,452,000''.

On page 15, line 24, strike ''$434,038,000'' and insert ''$433,546,000''.

On page 39, line 23, after ''depression'' insert the following: ''(P.L. 106–387), with five percent for administration and capacity building in the state rural development offices''.

On page 81, line 1, after ''sistance'' insert ''relating''.

On page 88, line 3, strike ''(e)'' and insert ''(c)''.

On page 89, strike Section 757 on line 1 through 8 and insert:

''SEC. . In accordance with the Farmland Protection Program, a total of $720,000 shall be made available to purchase conservation easements or other interests in land, not to exceed 235 acres, in Adair, Green, and Taylor counties, Kentucky: Provided, That $490,000 of this amount shall be from funds made available to the Conservation Reserve Enhancement Program for the State of Kentucky.''.

On page 89, after line 8, insert the following:

''SEC. . Notwithstanding any other provision of law, the City of Caldwell, Idaho, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.''.

On page 89, after line 8, insert the following:

''SEC. . Section 8c(1) of the Agricultural Marketing Agreement Act of 1937 is amended by adding the following provision at the end of the penultimate sentence:

'The Secretary is authorized to implement a producer allotment program and a handler withholding program under the cranberry marketing order in the same crop year through informal rulemaking based on a recommendation and supporting economic analysis submitted by the Cranberry Marketing Committee. Such recommendation and analysis shall be submitted by the Committee no later than March 1 of each year.' ''.

On page 89, after line 8, insert the following:

''SEC. . Section 11(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(f)) is amended by:

(1) in paragraph (1)(E), by striking '2001' and inserting '2003'; and

(2) in paragraph (2):

(A) by striking subparagraph (A) and inserting the following:

'(A) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

'(i) not later than January 1, 2003, an interim report on the activities of the State agencies receiving grants under this subsection; and

'(ii) not later than January 1, 2004, a final report on the activities of the State agencies receiving grants under this subsection.'; and

(B) in subparagraph (B), by striking 'report' and inserting 'reports'.''.

On page 89, after line 8, insert the following:

''SEC. . From the amount appropriated to the Animal and Plant Health Inspection Service, $300,000 shall be provided for activities regarding West Nile Virus, in cooperation with the University of Illinois.''.

On page 89, after line 8, insert the following:

''SEC. . Notwithstanding any other provision of law, the City of Mt. Vernon, Washington, shall be eligible for grants and loans administered by the Rural Housing Service of the United States Department of Agriculture for a period not to exceed one year from the date of enactment of this Act.''.

AMENDING THE RECLAMATION RECREATION MANAGEMENT ACT OF 1992

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2925, just received from the House, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 2925) to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with the above occurring with no intervening action or debate.

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

The bill (H.R. 2925) was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 31, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator STEVENS, 20 minutes; Senator REID of Nevada or designee, 10 minutes; and further, at 10:30 a.m., the Senate resume consideration of the Labor-HHS Appropriations Act.

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

PROGRAM

Mr. REID. Madam President, the Senate, even though we had a number of matters that took a lot of time on and off the floor, did make progress. We have a finite list of amendments that has now been placed in the RECORD. We have paper to work from, in effect. Beginning tomorrow, at 10:30, we are going to start working our way through these amendments. It would be possible to complete the bill by tomorrow evening or maybe late afternoon. But regardless of when we are going to complete it, we are going to complete it, and it is going to be done at the earliest possible date.

All Senators should understand that there could be some late nights the next couple of nights. The majority leader has told me I should relay this to all Senators: that if we are going to complete the business we have prior to the Thanksgiving recess, which I think is the 16th—I am not sure of that date—we have a lot of work to do. We have this appropriations bill to do, and two others, one of which is a very big Defense appropriations bill. We have bioterrorism. We have a stimulus package. We have a number of bills that are going to take some time. So everyone should understand there could be some votes into the evening.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, October 31, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 2001:

DEPARTMENT OF DEFENSE

R. L. BROWNLEE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY, VICE GREGORY ROBERT DAHLBERG, RESIGNED.

PETER B. TEETS, OF MARYLAND, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE CAROL DIBATTISTE.

DEPARTMENT OF STATE

CHRISTOPHER BANCROFT BURNHAM, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE (RESOURCE MANAGEMENT). (NEW POSITION)

DARRYL NORMAN JOHNSON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

DREW A RAMBO, 0000
JOHN L STURTZ, 0000
STEPHEN G NURRE, 0000
STEVEN G WOOD, 0000
JUNE E RYAN, 0000
SCOTT E WILLIAMS, 0000
DEAN C BRUCKNER, 0000
TODD P SEAMAN, 0000
GEORGE E BUTLER, 0000
BRYAN R EMOND, 0000
STEPHEN S SCARDEFIELD, 0000
KEITH J TURRO, 0000
ADOLPH L KEYES, 0000
MARK R DIX, 0000
WESLEY S TRULL, 0000
CARL B HANSEN, 0000
LINN M CARPER, 0000
JOHN R CAPLIS, 0000
MICHAEL R HICKS, 0000
ROBERT S BURCHELL, 0000
WAYNE P BROWN, 0000
ROBERT J KLAPPROTH, 0000
ARLYN R MADSEN JR., 0000
DAVID W LUNT, 0000
DOUGLAS C LOWE, 0000
THOMAS M MIELE, 0000
MATTHEW T BELL JR., 0000
DUANE R SMITH, 0000
MARC D STEGMAN, 0000
WILLIAM G HISHON, 0000
WYMAN W BRIGGS, 0000
BENJAMIN A EVANS, 0000
THOMAS C HASTINGS JR., 0000
JOHN M SHOUEY, 0000
WILLIAM H OLIVER II, 0000
DONALD A LACHANCE II, 0000
MARK E MATTA, 0000
RICHARD C JOHNSON, 0000
JAMES O FITTON, 0000
SALVATORE G PALMERI JR., 0000
MARK D RIZZO, 0000
SPENCER L WOOD, 0000
ERIC A GUSTAFSON, 0000
CHRISTOPHER E AUSTIN, 0000
RICHARD R JACKSON JR., 0000
ROBERT P MONARCH, 0000
PAUL D LANGE, 0000
EDWARD J HANSEN JR., 0000
DONALD J MARINELLO, 0000
PAUL E FRANKLIN, 0000
STEVEN A SEIBERLING, 0000
DENNIS D DICKSON, 0000
HENRY M HUDSON JR., 0000
JEFFREY W JESSEE, 0000
RICHARD A PAGLIALONGA, 0000
JOHN K LITTLE, 0000
JAMES E HAWTHORNE JR., 0000
SAMUEL WALKER VII, 0000
GORDON A LOEBL, 0000
ROBERT J HENNESSY, 0000
GARY T CROOT, 0000
THOMAS E CRABBS, 0000
SAMUEL L HART, 0000
STEVEN D STILLEKE, 0000
JOHN S KENYON, 0000
THOMAS H FARRIS JR., 0000
JOHN D GALLAGHER, 0000
CHRISTOPHER B ADAIR, 0000
GREGORY W JOHNSON, 0000
ERIC C JONES, 0000
GREGORY P HITCHEN, 0000
MELVIN W BOUBOULIS, 0000
MELISSA BERT, 0000
ANITA K ABBOTT, 0000
RAYMOND W PULVER, 0000
VERNE B GIFFORD, 0000
STUART M MERRILL, 0000
SCOTT N DECKER, 0000
PETER W GAUTIER, 0000
KEVIN E LUNDAY, 0000
MATTHEW T RUCKERT, 0000
BRIAN R BEZIO, 0000
CHRISTOPHER M SMITH, 0000
ANTHONY J VOGT, 0000
JOANNA M NUNAN, 0000

JOSEPH SEGALLA, 0000
GWEN L KEENAN, 0000
PATRICK P OSHAUGHNESSY, 0000
ANTHONY POPIEL, 0000
GRAHAM S STOWE, 0000
CHRISTOPHER P CALHOUN, 0000
JAMES M CASH, 0000
KYLE G ANDERSON, 0000
DWIGHT T MATHERS, 0000
JONATHAN P MILKEY, 0000
MATTHEW J SZIGETY, 0000
ROBERT J TARANTINO, 0000
JOHN E HARDING, 0000
ANDREW P KIMOS, 0000
CRAIG S SWIRBLISS, 0000
JOHN T DAVIS, 0000
JOHN J ARENSTAM, 0000
ANTHONY R GENTILELLA, 0000
JOHN M FITZGERALD, 0000
RAMONCITO R MARIANO, 0000
DAVID R BIRD, 0000
LEIGH A ARCHBOLD, 0000
JERRY D DOHERTY, 0000
WILLIAM G KELLY, 0000
JOHN L BRAGAW, 0000
GLENN L GEBELE, 0000
MICHAEL S SABELLICO, 0000
SUSAN K POWERS, 0000
JOHN J METCALF, 0000
STEVEN J REYNOLDS, 0000
SEAN M MAHONEY, 0000
KEVIN J MCKENNA, 0000
CHRISTOPHER E ALEXANDER, 0000
JAMES W SEBASTIAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant Commander

DEAN L FIRING, 0000
KURT W RICHTER, 0000
GARY G KUNZ, 0000
DENNIS E BRANSON, 0000
GARY L JONES, 0000
TIMOTHY D DENBY, 0000
JAMES H FINTA, 0000
STEPHEN H CHAMBERLIN, 0000
JOSEPH M CARROLL, 0000
LUIS M ROLDAN, 0000
BRIAN R WETZLER, 0000
ALBERT R AGNICH, 0000
BARBARA A ROSE, 0000
CAROLA J LIST, 0000
JEFFREY F NEUMANN, 0000
SEAN F LESTER, 0000
JOSE A SALICETI, 0000
RICKY N SORRELL, 0000
SUSAN R KLEIN, 0000
NEIL H SHOEMAKER, 0000
BRIAN P WASHBURN, 0000
MARK A EMMONS, 0000
JOSE M ZUNIGA, 0000
ANDRES V DELGADO, 0000
DAVID E HOTEN, 0000
ROBERT L SMITH, 0000
ROBERT C GAUDET, 0000
MARK J MORIN, 0000
DARNELL C BALDINELLI, 0000
MICHAEL H DAY, 0000
JOSEPH F LECATO, 0000
JEFFREY R MCCULLARS, 0000
PAUL E DITTMAN, 0000
DANIEL H MADES, 0000
PETER C NOURSE, 0000
DEAN J DARDIS, 0000
PATRICK S MCELLIGATT, 0000
EDWARD A WESTFALL, 0000
WILLIAM A BIRCH, 0000
RANDALL G WAGNER, 0000
DOUGLAS R CAMPBELL, 0000
KARL D DORNBURG, 0000
JOYCE E AIVALOTIS, 0000
CHARLES G ALCOCK, 0000
THOMAS J SALVEGGIO, 0000
STEVEN E VIGUS, 0000
LISA A RAGONE, 0000
ERIC L TYSON, 0000
WILLIAM R TIMMONS, 0000
CLAUDIA C GELZER, 0000
MARK MARCHIONE, 0000
JOHN B MILTON, 0000
KENT W EVERINGHAM, 0000
SCOTT A HINTON, 0000
ORIN E RUSH, 0000
MITCHELL A MORRISON, 0000
CHRISTOPHER B HILL, 0000
ANTHONY E WALKER, 0000
ROBERT J VOLPE, 0000
JOSEPH R SIEMIATKOWSKI, 0000
ALAN L BLUME, 0000
JEFFERY W THOMAS, 0000
LARRY L LITTRELL, 0000
CHRISTOPHER M HOLMES, 0000
THOMAS N THOMSON, 0000
RICHARD M KLEIN, 0000
JERRY J BRIGGS, 0000
DAVID A BULLOCK, 0000
BOB I FEIGENBLATT, 0000
RAMON E ORTIZVELEZ, 0000
THOMAS W HARKER, 0000
DANIEL R NORTON, 0000
BRUCE D CHENEY, 0000
KEVIN L REBROOK, 0000
WILLIAM E RUNNELS, 0000
BRADLEY J RIPKEY, 0000
CHARLOTTE B BROGA, 0000
KEVIN F BRUEN, 0000
LAWRENCE E GREENE, 0000
STEPHEN M MIDAS, 0000
JOSEPH F ROCK, 0000
CHARLES A CARUOLO, 0000
KARL I MEYER, 0000
MICHAEL A BAROODY, 0000
ROBERT I COLLER, 0000
JOSEPH PONSETI, 0000
GREGORY L CARTER, 0000
ROGER A SMITH, 0000
KEVIN N KNUTSON, 0000
RAYMOND C MILNE, 0000
DAVID J WIERENGA, 0000
VIRGINIA J KAMMER, 0000
MARK J BRUYERE, 0000
MICHAEL F TREVETT, 0000
DALE A BLUEMEL, 0000
LAWRENCE A KILEY, 0000
EDWARD W SANDLIN, 0000
SCOTT D STEWART, 0000
ISMAEL CURET, 0000
JAMES A NUSSBAUMER, 0000
ERICH M TELFER, 0000
JAMES W BARTLETT, 0000
STEPHEN E RANEY, 0000
MICHAEL P LEBSACK, 0000
JAMES D LYON, 0000
DAVID SAVATGY, 0000
JEFFREY C WESTLING, 0000
TERI L JORDAN, 0000
MITCHELL L HARVEY, 0000
RICHARD T TEUBNER, 0000
ALBERT W WYLIE, 0000
DAVID J PALAZZETTI, 0000
GREGORY S ROBERTSON, 0000
AMY L BARIBEAU, 0000
DALE K BATEMAN, 0000
COREY BONHEIM, 0000
CHARLES E FOSSE, 0000
ROBERT W WARREN, 0000
DANIEL J GOETTLE, 0000
MARYJO MEILSTRUP, 0000
LAURA H WEEMS, 0000
JOHN D REEVES, 0000
JERRY R BARNES, 0000
GEORGE L BOONE, 0000
MATTHEW T MEILSTRUP, 0000
EDWARD L BOCK, 0000
JAMES A PASSARELLI, 0000
MATTHEW R MCGLYNN, 0000
ROBERT F TAYLOR, 0000
JANIE S SMITH, 0000
MICHAEL T MCBRADY, 0000
JAMES H MORAN, 0000
MICHAEL R COCKLIN, 0000
SEAN C MACKENZIE, 0000
GREGORY S GESELE, 0000
LEE B MYNATT, 0000
MARK M MURAKAMI, 0000
JOHN S LUCE, 0000
STEVEN P WITTROCK, 0000
JAMES P SPOTTS, 0000
JASON D NEUBAUER, 0000
SAMUEL R JORDAN, 0000
THOMAS W GESELE, 0000
SCOTT K WAGNER, 0000
WILFORD R REAMS, 0000
BENJAMIN L DAVIS, 0000
JAMES B MILLICAN, 0000
TAMARA I KOERMER, 0000
WILLIAMSTUART W IRWIN, 0000
KEVIN J LOPES, 0000
MATT N JONES, 0000
GREGORY F HEROLD, 0000
JOSEPH R BUZZELLA, 0000
THOMAS H KING, 0000
CLIFFORD D TAYLOR, 0000
BRIAN E FIEDLER, 0000
BYRON D WILLEFORD, 0000
DAVID J GODFREY, 0000
MICHAEL A CLYBURN, 0000
DANIEL P BARAVIK, 0000
WAYNE R ARGUIN, 0000
JASON C COLLINS, 0000
ROSS A STROEBEL, 0000
HEATHER J WADDINGTON, 0000
JEFFREY D STEWART, 0000
DAVID L PETTY, 0000
GEOFFREY P GAGNIER, 0000
SEAN R SCHENK, 0000
TUAN L THOMSON, 0000
BENJAMIN J HAWKINS, 0000
ALDANTE VINCIGUERRA, 0000
JOHN S IMAHORI, 0000
RONALD K SCHUSTER, 0000
JOHN C VANN, 0000
MATTHEW T BECK, 0000
PATRICK T SMITH, 0000
EDWARD J GAYNOR, 0000
KEVIN D ODITT, 0000
KEVIN W RIDDLE, 0000
KEVIN E WIRTH, 0000
DAVID W RAMASSINI, 0000
CHRISTOPHER K MARCY, 0000
JOSEPH E STAIER, 0000
ERIC S GLEASON, 0000
MALCOLM R MCLELLAN, 0000
SCOTT WASHBURN, 0000
ROBERTO J MUNIZ, 0000
MICHAEL A MULLEN, 0000
NICHOLAS DELAURA, 0000
JOHN P DAILEY, 0000
KARIN E MESSENGER, 0000
THOMAS L LEVIN, 0000
CHAD L JACOBY, 0000
BRENDAN D KELLY, 0000
DIMITRI A DELGADO, 0000
MARTIN G SARCH, 0000
SUSAN POLIZZOTTO, 0000
DEREK A DORAZIO, 0000
ROSS L SARGENT, 0000
ROBERT M HENDRY, 0000
MARK S YOUNG, 0000
MICHAEL K SAMS, 0000
JONATHAN S SPANER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant General

MAJ. GEN. BRUCE A. WRIGHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD G. COOK, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

CESARIO F. FERRER JR., 0000

To be major

RAYMOND Y. HOWELL, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAMUEL CALDERON, 0000
DALE D. ELLENS, 0000
DAVID S. ELMO, 0000
GEORGE D. FORTENBERRY, 0000
BRIEN P. HORAN, 0000
JEFFREY A. JACOBS, 0000
BERT K. MIZUSAWA, 0000
DOUGLAS F. OXBORROW, 0000
WILLIAM J. SMITH, 0000
VINCENT T. TAYLOR, 0000
ERIC R. WALDKOETTER, 0000
FRANK E. WISMER III, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BRADFORD W BAKER, 0000
THAD A BIGGERS, 0000
EDWARD S BLUESTONE, 0000
MICHAEL J BOONE, 0000
ROBERT A CASPER JR., 0000
ANGEL C CRUZ, 0000
BRIAN J FINMAN, 0000
STEPHEN F FULLER, 0000
ERIC E GEORGE, 0000
JEFFREY J HOPPE, 0000
ADOLFO H IBARRA, 0000
BRIAN W JONES, 0000
ETTA C JONES, 0000
BRIAN D KIRK, 0000
MARK A LAKAMP, 0000
ANDY M LEAL, 0000
ANTHONY J LINARDI III, 0000
MICHAEL J LYDON, 0000
ANGEL M MELENDEZ JR., 0000
STEPHEN E MILLS, 0000
DAVID K NUHFER, 0000
RODNEY M PATTON, 0000
BRIAN M PETERSON, 0000
GARY PETERSON, 0000
ROLANDO RAMIREZ, 0000
ROBERT B ROBERTS, 0000
ASHLEY C ROSE, 0000
KURT J ROTHENHAUS, 0000
ROME RUIZ, 0000
JASON B SCHEFFER, 0000
MICHAEL J SCHILLER, 0000
JOHN R SCHMIDT, 0000
MARC S SCOTCHLAS, 0000
LEE P SISCO, 0000
WILLIAM A SMITH IV, 0000
NICHOLAS H TAYLOR, 0000
ROBBIE J THOMAS, 0000
RAY R WETMORE JR., 0000
DAVID J WICKERSHAM, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 30, 2001:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

J. EDWARD FOX, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

E. ANNE PETERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.

JOSEPH M. DETHOMAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

BRIAN E. CARLSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

JOHN N. PALMER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

JOHN MALCOLM ORDWAY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

BONNIE MCELVEEN-HUNTER, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

ROBERT V. ROYALL, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

MARGARET K. MCMILLION, OF THE DISTRICT OF COLUMBIA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.