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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 6, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

DESIGNING FOR SECURITY IN THE NATION'S CAPITAL

Mr. BLUMENAUER. Mr. Speaker, the atmosphere in many cities today is one of apprehension and anxiety. We can witness this right outside the doors of this Capitol by the hundreds of jersey barriers and concrete blocks that surround these buildings and the street closures around the White House and our offices. Safety is of vital importance, but we must remain aware of the effect that hasty and poorly planned actions can have on the livability of our communities.

In the wake of the events that have occurred since September 11, there has never been a more pressing need for the Federal Government and other partners in the private sector to link hands with neighbors, civic and business leaders to assure that our families are safe, healthy and economically secure. It is essential that we accomplish these objectives without unnecessarily burdening the normal everyday functions of our communities.

Here in our Nation's capital, Congress and the Federal Government have the opportunity to lead by example and be a productive partner in working with the District of Columbia, local business leaders and concerned citizens to meet our needs. We need to work together to protect our national treasures up and down the Mall, our employees' offices and the transportation routes without suffocating the city's ability to operate.

Security measures can have a devastating effect on communities. Look at the extended closure of National Airport that has resulted in the loss of hundreds of jobs, perhaps some permanently, and the displacement of thousands of others. The roads that have been closed around the Capitol and the White House have snarled traffic and frustrated commuters.

We are well aware that we will never return in our lifetime to the pre-September 11 mindset. Therefore, it is critical that we take a long-term view to make sure that our safety concerns are planned in a manner that do not make things worse. We cannot allow terrorism to destroy our sense of community or the ability of those communities to serve us.

With this in mind, the report of the Interagency Task Force of the National Planning Commission issued last week titled ''Designing for Security in the Nation's Capital'' deserves our special attention. The task force began meeting far before the recent attacks, working for months to develop a clear outline and plan for security measures that do not compromise livability.

It has been apparent of the need for this action since the closing of Pennsylvania Avenue in front of the White House after the Oklahoma City bombing. This sort of temporary action is still in place 6 years later. Security measures that may have made sense temporarily have led to a seemingly permanent closure that has created costly traffic problems and a blighted scene in front of the home of our President.

The task force outlines several steps that can be taken to ensure the safety of Federal buildings and national monuments. The report calls for a master design that achieves the same security objectives of the items that we currently see littered all over the Capitol complex, concrete barriers, bollards and steel posts, without making it look like it would be a burial ground for chunks of concrete.

The task force report also stresses transportation concerns that have developed as a result of road closings. It proposes a fascinating solution dealing with the circulator system of either buses or streetcars that would allow for safe and secure transport of people throughout the downtown, the Mall and the Capitol area. Such a circulator system could help reduce traffic congestion, allow for the removal of parking spaces in areas of security concern and improve traffic flow while all the time improving air quality, saving energy and making it a more appropriate, enjoyable experience for visitors to our Nation's capital.

The task force will have a real dollar impact if its proposals are put in place; but to put in context, the expenditure of perhaps a hundred billion dollars in the context of billions of dollars already lost and billions more that are proposed for security measures, this

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amount is a small price to pay to protect the public and our national treasures in a manner that does not hold this local community hostage.

I urge my colleagues to examine these proposals and the funding of this plan. I am not suggesting that it necessarily needs to be the final answer, but it is an important first step to keep our Nation's capital and its citizens safe, healthy and economically secure while we assure that Timothy McVeigh and Osama bin Laden are not the dominant forces in American landscape architecture, public space and transportation for the next 50 years.

STRENGTHENING IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, President Bush signed into law the antiterrorism bill. This new law contains many provisions that will increase the ability of law enforcement, intelligence and other government agencies to combat terrorism. While this legislation is an important critical piece, although some may say controversial, in eradicating terrorism and ensuring the safety and prosperity of the American way of life to continue, the war, my colleagues, cannot be won without the key component of securing our borders from those who wish to cause us harm.

The values and ideals of this Nation are built on the contribution and sacrifices of immigrants who journeyed across the oceans for a better way of life that could only be found in this land. As such, America has and always will serve as a beacon of hope for those in oppressed other lands. It is, after all, the diverse nature of our people that has made America such a great country.

However, those who violate our Nation's immigration laws do more harm than good in furthering our country's values. And it is those people we must ensure that do not enter our country. Take, for example, what happened nearly 2 years ago when a lone U.S. Customs agent working at a remote border post in Northwest Washington foiled a terrorist attack on the Los Angeles Airport. An alert Customs Service inspector stopped and arrested Ahmed Ressam, a bin-Laden associate, in December of 1999 with a car load of bomb-making material before he was allowed to enter into Washington State from Canada. Unfortunately, our luck ran out with the tragic events of September 11.

It now appears that some of the terrorists involved in September 11 may have entered the U.S. from Canada, much as Ahmed Ressam attempted when he was arrested.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered on foreign student visas and the INS has no information on the six remaining hijackers. As such, we can keep enacting legislation and, of course, spend more money; but efforts to counter terrorism will be futile unless we establish effective controls to secure our boarders and points of entry.

Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border control agents working to keep America secure on the U.S.-Mexican border, there are less than 500 agents tasked with securing our 4,000-mile border with Canada.

To make matters even worse, out of the 128 ports on the northern border, only 24 of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter into the United States without even so much as an inspection, not to mention even a question or a record of their entry.

A recent report by the nonprofit organization, the Center on Immigration Studies, indicates that there are more than 8 million people now living in the U.S. illegally. About 40 to 50 percent of these violators are people who entered the United States legally, but did not leave with the expiration of their visas.

As it now stands, our immigration system needs increased and tighter controls. Currently our Nation has an unmonitored, nonimmigrant visa system in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrive. To date, the INS does not have a reliable tracking system to determine how many of these visitors left the country when their visas expired.

Furthermore, among the 7.1 million nonimmigrants, 500,000 foreign nationals enter the United States on foreign student visas. Hani Hanjour, the person who was believed to have piloted the American Airlines Flight 77 into the Pentagon is believed to have entered the country with a foreign student visa but never actually attended classes.

Mr. Speaker, our unsecure borders, along with inadequate record-keeping, have contributed to our inability to track terrorism in our country, or to prevent them from entering in the first place. I am encouraged by legislation being drafted in the Senate which aims to strengthen our border security in the fight to counter terrorism. Additionally, I am pleased that President Bush announced that the White House wants to tighten immigration laws and requirements for student visas to deter would-be terrorists from entering this country.

I urge my colleagues to make tightening our immigration laws and securing our borders a top priority in the war against terrorism.

ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in response to the emergent threats of bioterrorism, Congress will take concrete steps in the coming weeks to strengthen our Nation's public health infrastructure. To fully prepare for the potential bioterrorist attacks, we will have to deal with a wide variety of public health issues including vaccinations and food safety and government stockpiling of antibiotics. In doing so, we must not forget to address the issue of antibiotic resistance.

The links between antibiotic resistance and bioterrorism are clear. Antibiotic resistant strains of anthrax or other bacterial agents would be extremely lethal biological weapons, and they are already a reality.

According to the Journal of the American Medical Association, during the Cold War, Russian scientists engineered an anthrax strain that was resistant to the tetracycline and penicillin classes of antibiotics. We can only assume that anthrax and other bacterial agents could also be engineered to resist antibiotics, including new valuable antibiotic therapies like Cipro.

Antibiotic resistance is also relevant to the threat of bioterrorism in other significant ways. The overuse and the misuse of antibiotics by physicians, patients, and hospitals renders bacterial agents more resistant to the antibiotic drugs that they are exposed to and could leave the Nation poorly prepared for a biological attack.

It is a vicious cycle because the threat of bioterrorism can lead to the overuse and the abuse of antibiotics, people taking Cipro when they do not need it, for example, which in turn could make these antibiotics less effective against the agents of bioterrorism.

During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. That use of antibiotics is appropriate. But the thousands more who have sought antibiotic prescriptions for Cipro without any indication of need or even a risk of infection can be a problem.

The widespread use of Cipro will kill bacteria that are susceptible to the drug, but will leave behind bacteria that are not. Those bacteria that are not killed will then have the opportunity to thrive and develop an even greater resistance to Cipro, requiring an alternative antibiotic to kill them and diminishing the overall effectiveness of Cipro.

Many pathogenic bacteria that cause severe human illnesses are already resistant to older antibiotics like penicillin, as we all know. That is one reason newer antibiotics like Cipro are used to treat dangerous infections.

With diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the death of a patient, or in the case of a larger exposure, in the deaths of thousands of individuals. If the U.S. and the rest of the world begin using Cipro haphazardly, that antibiotic could lose its effectiveness also.

□ 1245

To adequately prepare for a bioterrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax and other lethal agents.

And to ensure the continued efficacy of our antibiotic stockpile, we must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, and monitor the effectiveness of existing treatments over time.

Surveillance also provides the data needed to prioritize the research and development of new antibiotic treatments.

Drug-resistant pathogens are already a growing threat to every American. Examples of important microbes that are rapidly developing resistance to available antimicrobials include the bacteria that cause pneumonia, ear infections, meningitis, and skin, bone, lung or bloodstream infections.

That list also includes food-borne infections like salmonella, and the Nation's food supply could be a future target of bioterrorism.

Under last year's Public Health Threats and Emergencies Act, sponsored by the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that would equip State and local health departments to identify and to track antibiotic resistance.

To build upon this already authorized program, the gentleman from New York (Mr. BOEHLERT) and I have asked the Committee on Appropriations to include at least $50 million for this grant program in the Homeland Security Supplemental Appropriations bill. I urge Members on both sides of the aisle to support that request.

Let our appropriators know that this funding is critical to the viability of our main weapons against bioterrorism and other infectious diseases now and in the future.

H.R. 2887, PEDIATRIC EXCLUSIVITY BILL

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to speak of a bill that may be coming to the floor in the very near future. It is called the H.R. 2887, the Pediatric Exclusivity bill. It was passed by Congress in 1997 to encourage drug companies to do studies in how their drugs would affect young people, those people under 18. Unfortunately, before this bill, drug companies did not necessarily take into consideration a drug's effect upon children 18 and younger, so Congress granted them a pediatric exclusivity which would allow them to extend their patent for another 6 months to do a study.

Now, when they get done with this study, what happens to the study? It goes to the FDA and sits there, but yet the drug company gets the extension of the patent.

From that study, we learned certain things, such as the dosage of medicine to be given and symptoms we should look for. What we found, since 1997, is that 33 drugs have been granted pediatric exclusivity. Of the 33, 20 of them have done label changes. The other 13 have not. Why not?

The problem we are concerned about is why we would grant pediatric exclusivity prior to receiving the study. We should wait and not grant pediatric exclusivity until after we have the study, we know what the dosage recommendation should be, and then the product is labeled for pediatric use according to the study. So what we want to see is that the grant of pediatric exclusivity is tied into not only a study but also the necessary label changes.

It only makes sense. The doctors, the patients, their families should know what was found in those studies and what they need to know to make sure that they are administering the drug in a proper way to young people.

The goal of pediatric exclusivity, the FDA has been quoted as saying, is the labeling. That is why when the bill comes to the floor we would like to offer an amendment which would tie the grant of exclusivity necessarily to labeling changes. As I said, there have been 33 pediatric exclusivity drugs, but only 20 of them have changed their labels. What about the last 13?

Currently, the exclusivity period is given only for doing a study. For the safety of our children, for the health care profession, and for all families, we should change this. Under our proposed amendment, all new drugs must complete the labeling requirement before the product is marketed.

I cannot understand why we allow drug manufacturers to undertake a pediatric study, but not provide parents and doctors with the results they need to make informed decisions to properly use and dispense the drugs. As the FDA says, the goal of pediatric exclusivity is labeling, and we cannot lose sight of that.

We went on the FDA Web site and they listed the drugs with the pediatric exclusivity. As seen on this chart, the first one, Lodine, Etodolac Lodine, 9 months after the pediatric exclusivity was granted, they changed their label. The labeling says it is now appropriate for young people 6 to 16, but the dose in younger children is approximately two times lower dosage than is recommended for adults.

Now, would the doctor not want to know that before he gives Lodine, since it is used for juvenile rheumatoid arthritis, that the recommended dose is two times less than what is given for adults? The manufacturer was granted the pediatric exclusivity on December 6, 1999, yet the information did not get out to the doctors and patients and their families until August.

Let us take this one right here. BuSpar. It was approved on May 22 this year for pediatric exclusivity. Two months later the labeling change comes out. And what did it find? The safety and effectiveness were not established in patients below the age of 18. In this drug here, they got the pediatric exclusivity, and 2 months later they had to change their label to let people know there really was no advantage. In fact, the safety and effectiveness was not established. I think that would give a red light to doctors and patients that maybe this drug is not doing what it is supposed to be doing.

This one on the bottom, the Propofol Diprivan. Take a look at it. It is for anesthesia. When we take a look at it, it says it may result in serious bradycardia. Propoful is not indicated for pediatric ICU sedation, as safety has not been established. Now, if I was a medical professional, I am sure I would want to know this.

Why does it take 18 months after the grant of the pediatric exclusivity to get the information out to the health care professionals?

If we look closer at this, the incidence of mortality, it is 9 percent versus 4 percent. So there is twice as much chance of a deadly accident occurring with this drug as when it was given in the old form. Again, it takes 18 months to get this information out.

So, again, before we grant pediatric exclusivity to a pharmaceutical such as this, should we not have the labeling change so we know what it is going to do to the patient, so the doctor knows what dosage he should recommend? That is the whole idea behind the labeling amendment. That is what we want to see be a part of the exclusivity bill.

It is a good bill, with good intent, but we have to finish the job. Now that we have had it on the books for 4 years, we have seen the shortfalls. So let us change the label so everybody is informed about the value of these drugs.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

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

Lord God, designer of nature's cycles and the judge of human events, continue to guide us through all the seasons of life.

Eight weeks ago today, this Nation was viciously attacked by terrorists. Help the Members of this House and all Americans to understand what has happened to us since then. That first day knocked us into a delirium of astonishment, anger, and loss. Give us now a second wind of Your Spirit.

You, Lord of revelation, have promised to be with us. Reveal to us through prayer the true nature of this Nation. Study in us the nature of war and its destructive forces.

Make Your presence known to us by faith renewed in You, Almighty God, and faith in others and in ourselves. Give us hope by the solidarity of friends in the family of nations, and continue to surprise us with the indomitable love of freedom arising from the depths of this people. May this strength never be stymied by distracting news-clips or extinguished by fear.

Rather, we have chosen to settle in for the unpredictable season of war, as we wrestle to pray ''Thy will be done'' in us, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

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

There was no objection.

SUBSTANTIAL AMOUNTS OF NUCLEAR COMPONENTS MISSING

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

Mr. TRAFICANT. According to news reports, the Department of Energy cannot find substantial amounts of plutonium and uranium. The plutonium and uranium were, according to a Department spokesman, either loaned out to research groups or, quite simply, it was ''just the fault of sloppy bookkeeping.''

Unbelievable. It appears that these two powerful components of nuclear destruction are being regulated as well as condoms at a Vegas brothel.

Beam me up here.

I yield back the need to find these lost items, before bin Laden delivers them to our front lawn.

SUPPORT TRADE PROMOTION AUTHORITY FOR PRESIDENT

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

Mr. MANZULLO. Mr. Speaker, renewing Trade Promotion Authority for the President is vitally important for small business exporters. Many will be surprised to learn that 97 percent of all U.S. exporters are small businesses and that 69 percent of all U.S. exporters employ less than 20 workers. In addition, the number of small business exporters has increased from 66,000 in 1987 to 224,000 in 1999.

Lowering foreign trade barriers helps small business exporters more than large companies. While most large companies can either export or set up a factory overseas, most small business exporters have only one choice, and that is to export from America.

There are many complicated issues that face small business exporters, such as streamlining foreign customs practice. Let us give the President the tools he needs to negotiate away these unfair trade barriers.

WHERE IS AVIATION SECURITY BILL?

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

Mr. RODRIGUEZ. Mr. Speaker, where is the aviation security bill? I will tell you where it is. It has been hijacked. Americans are demanding that we act and that we act quickly; yet the House leadership continues to play politics.

The travel industry is also demanding that we act quickly; yet we fail to move.

It has been over 7 weeks since the September 11 date, and the American public knows that we could have already sent this bipartisan piece of legislation to the President to be signed. Yet this weekend we had the managers at the O'Hare Airport allow knives and other dangerous items to slip through. In Kentucky, we also had an occurrence.

Even Secretary of Transportation Mineta has concluded that the ''Federal Government must take direct control of the security system.''

Airport security is national security. National security should be handled by highly trained, motivated Federal workers.

We cannot afford to stand still. We must move forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2047) to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2047

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 ''Patent and Trademark Office Authorization Act of 2002''.

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for fiscal year 2002 an amount equal to the fees collected in fiscal year 2002 under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this Act referred to as the ''Director'') shall, during the 3-year period beginning October 1, 2001, develop an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure—

(A) to allow examiners and applicants to send all communications electronically; and

(B) to allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there is authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for fiscal year 2002. Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 4. STRATEGIC PLAN.

(a) DEVELOPMENT OF PLAN.—The Director shall, in close consultation with the Patent Public Advisory Committee and the Trademark Public Advisory Committee, develop a strategic plan

that sets forth the goals and methods by which the United States Patent and Trademark Office will, during the 5-year period beginning on October 1, 2002—

(1) enhance patent and trademark quality;

(2) reduce patent and trademark pendency; and

(3) develop and implement an effective electronic system for use by the Patent and Trademark Office and the public for all aspects of the patent and trademark processes, including, in addition to the elements set forth in section 3, searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

The strategic plan shall include milestones and objective and meaningful criteria for evaluating the progress and successful achievement of the plan. The Director shall consult with the Public Advisory Committees with respect to the development of each aspect of the strategic plan.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—The Director shall, not later than January 15, 2002, or 4 months after the date of the enactment of this Act, whichever is later, submit the plan developed under subsection (a) to the Committees on the Judiciary of the House of Representatives and the Senate.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2047, as amended.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 2047 and urge the House to adopt the measure. The purpose of this bill is to authorize the Patent and Trademark Office to retain all of the user fee revenue it collects in fiscal year 2002 for agency operations subject to appropriations. In addition, the PTO is to earmark a portion of this revenue to address problems relating to its computer systems and to develop a 5-year strategic plan to establish goals and methods by which the agency can enhance patent and trademark quality, while reducing application pendency.

The bill will allow us to move forward and to make the PTO a more responsive and efficient agency that will better serve the needs of inventors and trademark filers.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I hope we will pass this bill very clearly and overwhelmingly. A lot of lip service is paid to the role that innovation plays in our economy. The time has come to put our money where our mouth is. Indeed, it is not even our money.

What we are talking about here is trying to change a practice whereby patent application fees have been used to support other governmental programs, rather than devote all of that to the Patent Office.

It should be noted that we raised patent fees a few years ago. When we raised them, the assumption, the implicit promise, was these fees would go to improving the patent process. To take fees from people seeking patents and diverting them to other purposes is a grave error. We ought to be maximizing our ability to service the innovators in this economy, and we do that by allowing these fees to stay here.

Now, I do want to say, I understand what happens. It is the members of the Committee on Appropriations who, from time to time, use some of these fees. I do not wish to speak harshly of them. Some of my best friends are appropriators, and I hope they remember that at this season of conference reports. But they are themselves squeezed when they are given responsibilities to fund and inadequate revenues with which to fund them. In some cases the temptation is very strong for them to look at the revenues at the Patent Office and divert them to other purposes.

The answer, Mr. Speaker, is not to divert revenues from the Patent Office to pay for these other programs, but to stop this practice of reducing the Government's revenues by tax cuts that leave us unable to afford programs for which there is great demand and great need. In other words, this practice of raiding the patent fees to fund other programs is one of the negative consequences of reducing government revenues through irresponsible tax cuts below the level necessary to sustain important government activity.

So I look forward to passing this bill; and I hope we will be able to keep the promise once made that, patent fees having been raised, the Patent Office would get the benefit of them.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2047, the Patent and Trademark Office (PTO) Authorization Act of 2002.

The U.S. Patent and Trademark Office, located in my congressional district, is the agency most involved in the growth of innovation and commercial activity in our country.

Patents and trademark registrations help create new industries and high-wage jobs. This process is critical to our global competitiveness and technological leadership.

The PTO is entirely supported with the fees paid by patent and trademark applicants. It receives no taxpayer funds.

Since 1992, however, Congress has been withholding an increasing portion of these fees for use in other Department of Commerce agencies. More than $800 million has been withheld to date. This alarming practice is made worse by the fact that since 1992, the PTO has experienced a 75 percent increase in its workload. As a result, the PTO is in near-crisis mode and is starved for funding.

The increasing delays at the PTO—now more than two years to get a patent, and getting worse—are intolerable, not just for the companies involved but for the whole economy.

H.R. 2047 takes several important steps to combat these unsettling trends. This bill authorizes full funding for the Patent and Trademark Office. This bipartisan measure also directs the PTO to develop an electronic system for filing and processing of patent and trademark applications.

Furthermore, H.R. 2047 requires the administration to develop a 5-year strategic plan aimed at improving the quality of issued patents and trademarks, while reducing the waiting time.

In today's economic climate, we as a nation cannot afford to neglect the PTO's vital mission of fostering new technologies and protecting American inventors. It is absolutely critical that inventors get the protection they need to encourage the innovation and the creativity that makes this country prosper. Strong patents and trademarks help our economy and U.S. consumers.

This bipartisan bill offers a new approach that will provide adequate resources for the PTO to handle its huge workload and enable our country to maintain its global leadership in technology and innovation.

I thank Chairman COBLE and Congressman BERMAN for their leadership on H.R. 2047 and urge my colleagues to support it.

Mr. COBLE. Mr. Speaker, H.R. 2047 would help to correct the diversion problem at the PTO by authorizing the agency to keep all of the fee revenue it raises in fiscal year 2002, subject to appropriations. In addition, and consistent with this emphasis on oversight, the legislation sets forth two problem areas that PTO should address in the coming fiscal year, irrespective of its overall budget: First, the PTO Director is required to develop an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that will allow the Office to process and maintain electronically the contents and history of all applications. Fifty-million dollars are earmarked for this project in fiscal year 2002. Second, the Director, in consultation with the Patent and Trademark Public Advisory Committees, must develop a strategic plan that prescribes the goals and methods by which PTO will enhance patent and trademark quality, reduce pendency, and develop a 21st century electronic system for the benefit of filers, examiners, and the general public.

Mr. Speaker, H.R. 2047 will allow the patent and trademark communities to get more bang for their filing and maintenance buck, while enhancing the likelihood that the agency will receive greater appropriations in the upcoming fiscal year and in the future. It is a bill that benefits the PTO, its users, and the American economy. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, we all know that the Patent and Trademark Office is crucial to America's economy, reviewing technologies and granting patents on thousands of new inventions every year. And this year along has seen a thirteen percent rise in patent applications.

We also know the PTO is losing resources and cannot handle the increased workload.

The PTO takes no money from taxpayers; instead, it is fully funded by user fees, generating $1 billion per year. Unfortunately, appropriators and the administration treat the PTO like a savings and loan and divert its money every year for other government programs. To date, over $600 million in fees has been diverted since 1992. This coming year alone, the appropriators are taking $200 million.

Not surprisingly, this diversion is taking its toll. The PTO cannot hire or retain qualified patent examiners with advanced scientific degrees; they prefer the more lucrative salaries in the private sector. The PTO also cannot update its computer systems to thoroughly search databases of information and determine whether patent applications really disclose new and nonobvious inventions; this makes it that more likely for the PTO to issue a bad patent. Finally, just a few years ago it took the PTO 19.5 months to rule on a patent application; it now takes 26 months, and is expected to be 38.6 months by 2006. At that rate, inventions will be obsolete before they're patented.

We cannot let the PTO and American inventors continue to suffer this way. H.R. 2047—introduced by Chairman COBLE, Ranking Member BERMAN, and myself—resolves the problem by letting the PTO keep all of its fiscal year 2002 fees. It also lets the PTO use some of its money to modernize its electronic filing systems. The bill finally requires the PTO to develop a five-year strategic plan explaining what resources it needs to better serve its customers. This plan will make it easier for Congress to make future oversight decisions.

I urge my colleagues to vote "yes" on this legislation.

Mr. SMITH of Texas. Mr. Speaker, the high-tech industry plays a prominent role in our economy. That's why it's important to allow the U.S. Patent and Trade Office (USPTO) to retain its user fees. Timely and quality service provided by the PTO helps spur innovation and strengthen our economy.

H.R. 2047 is a good bill that has three basic components. It allows the patent office to retain its fees, which are normally distributed for other government operations. This extra funding will speed up the processing of patent applications that now takes an average of nearly 27 months. If these fees continue to be diverted, pendency—the time from filing to granting of a patent—may increase to 38 months by 2006.

In recent years, the number of technology and biotechnology patents has increased. Now more than ever, it's important to ensure that the PTO has adequate funding through its own fee mechanisms. The PTO must produce high quality patents on a timely basis. It is struggling to keep up with the workload and lacks new technology that is desperately needed to do its job.

The bill directs and PTO to develop and implement an electronic system for filing and processing applications. It also orders the director of the patent office to develop a 5-year strategic plan to improve and streamline patent operations.

I urge my colleagues to support this important measure so that the PTO can improve its critical role in our economy.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2047, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

SEC. 2. AMENDMENT.

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

SEC. 3. GAO STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the effect of the antitrust exemption on institutional student aid under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(2) CONSULTATION.—The Comptroller General shall have final authority to determine the content of the study under paragraph (1), but in determining the content of the study, the Comptroller General shall consult with—

(A) the institutions of higher education participating under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) (referred to in this Act as the "participating institutions");

(B) the Antitrust Division of the Department of Justice; and

(C) other persons that the Comptroller General determines are appropriate.

(3) MATTERS STUDIED.—

(A) IN GENERAL.—The study under paragraph (1) shall—

(i) examine the needs analysis methodologies used by participating institutions;

(ii) identify trends in undergraduate costs of attendance and institutional undergraduate grant aid among participating institutions, including—

(I) the percentage of first-year students receiving institutional grant aid;

(II) the mean and median grant eligibility and institutional grant aid to first-year students; and

(III) the mean and median parental and student contributions to undergraduate costs of attendance for first year students receiving institutional grant aid;

(iii) to the extent useful in determining the effect of the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note), examine—

(I) comparison data, identified in clauses (i) and (ii), from institutions of higher education that do not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note); and

(II) other baseline trend data from national benchmarks; and

(iv) examine any other issues that the Comptroller General determines are appropriate, including other types of aid affected by section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(B) ASSESSMENT.—

(i) IN GENERAL.—The study under paragraph (1) shall assess what effect the antitrust exemption on institutional student aid has had on institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance.

(ii) CHANGES OVER TIME.—The assessment under clause (i) shall consider any changes in institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance over time for institutions of higher education, including consideration of—

(I) the time period prior to adoption of the consensus methodologies at participating institutions; and

(II) the data examined pursuant to subparagraph (A)(iii).

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2006, the Comptroller General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the findings and conclusions of the Comptroller General regarding the matters studied under subsection (a).

(2) IDENTIFYING INDIVIDUAL INSTITUTIONS.—The Comptroller General shall not identify an individual institution of higher education in information submitted in the report under paragraph (1) unless the information on the institution is available to the public.

(c) RECORDKEEPING REQUIREMENT.—

(1) IN GENERAL.—For the purpose of completing the study under subsection (a)(1), a participating institution shall—

(A) collect and maintain for each academic year until the study under subsection (a)(1) is completed—

(i) student-level data that is sufficient, in the judgment of the Comptroller General, to permit the analysis of expected family contributions, identified need, and undergraduate grant aid awards; and

(ii) information on formulas used by the institution to determine need; and

(B) submit the data and information under paragraph (1) to the Comptroller General at such time as the Comptroller General may reasonably require.

(2) NON-PARTICIPATING INSTITUTIONS.—Nothing in this subsection shall be construed to require an institution of higher education that does not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) to collect and maintain data under this subsection.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on September 30, 2001.

Amend the title so as to read: "An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

within which to revise and extend their remarks and include extraneous material on H.R. 768.

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

There was no objection.

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

Mr. Speaker, today the House will send to the President for his signature H.R. 768, the Need-Based Educational Aid Act of 2001. This bill was introduced by the gentleman from Texas (Mr. SMITH) and the gentleman from Massachusetts (Mr. FRANK), and I appreciate their hard work on this issue.

Mr. Speaker, beginning in the mid-1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, that is, aid from the schools' own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assist each student's financial need and to give essentially the same financial aid award to students admitted to more than one member of the group.

From the 1950s through the late 1980s, the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engaged in this practice. After extensive litigation, the parties reached a final settlement in 1993.

In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified the settlement. It allowed agreements to provide aid on the basis of need only, to use common principles of need analysis, to use a common financial aid application form, and to allow the exchange of the students' financial information through a third party. It also prohibited agreements on award to specific students. It provided for this exemption to expire on September 30, 1997. That year, Congress extended the exemption until September 30, 2001.

Under this exemption, the affected schools have adopted a set of general principles to determine eligibility for institutional aid. These principles address issues like expected contribution from noncustodial parents, treatment of depreciation expenses that may reduce a parent's income, valuation of rental properties, and unusually high medical expenses. Common treatment of these types of issues make sense, and to my knowledge, the existing exemption has worked well.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it, the schools would be required to compete, through financial aid awards, to the very top students. Those very top students would get all the aid available, which would be more than they need. The rest would get less or none at all. Ultimately, such a system would serve to undermine the principle of need-based aid and need-blind admissions.

No student who is otherwise qualified ought to be denied the opportunity to attend one of the Nation's most prestigious schools because of the financial situation of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Mr. Speaker, unlike the original House bill, which permanently extended the 1994 exemption, the Senate amendment to H.R. 768 would extend the exemption for another 7 years, and it also directs the General Accounting Office to review the exemption. It would not make any change to the substance of the exemption. I urge my colleagues to support this bill.

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

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

Mr. Speaker, I want to express my appreciation to the chairman of the full committee for so diligently staying on this and bringing this forward. I want to express my particular appreciation to the gentleman from Texas, who has now joined us, who has been one of the leaders in making sure that we do this.

The gentleman from Wisconsin has explained this very well, and I just want to underline a few points. It seemed to me at the time a great misfortune and irony that the Justice Department was seeking to invoke the antitrust law against the universities that were engaged in this practice. It is one of the most socially responsible things that they do.

Essentially, what we have are among the most prestigious universities in the country, which people are eager to go to, saying that they believe they have an obligation in spending scholarship money to maximize the extent to which scholarship money enables poor or moderate-income young people to attend. The sole purpose of this whole enterprise is to extend the reach of scholarship aid based on need. For that to have been challenged on antitrust grounds seemed to me at the time a grave error.

I am delighted to have been able to work all this time, particularly with the gentleman from Texas, to go to the aid of universities that are trying to do the right thing. What this says is that the universities can exchange information and they can share information; not to raise prices, not to pay less to suppliers, not to do any of the things that the antitrust law is aimed at preventing, but rather, to maximize the extent to which financial aid goes to the young people who need it.

There is a great deal of controversy in our government about the extent to which, when the government is acting, we can take into account compensatory and other factors. Here we have the ideal situation. All of these institutions are wholly private institutions. They are not constrained by the various rules that government needs to follow. They have done this voluntarily, and I am very pleased that, over time, the number of institutions has expanded. I am proud to represent one of them, Wellesley College from Wellesley, Massachusetts. They have volunteered to take on extra work among themselves so as not to diminish the pool of scholarship funds available to those who are needy, and I think that is something well worth doing.

Now, I know an amendment has come back from the Senate calling for a GAO study. We are not in the process of amendment here; we are in suspension. If we were in a situation where amendments were in order, I think I would be tempted in this case to offer the amendment that I once offered in the Committee on Financial Services; namely, that any Member of Congress who offers an amendment requiring a study be required to read that study when it is completed and take a public exam on its contents, because we have this tendency to burden people with compiling studies that no one, including us, ever reads. I myself do not think in this case the study is necessary, and I think it burdens universities, who are trying to do a good thing, with excess work. But that is the price of getting this bill passed. It is a fairly small price to pay for an important piece of legislation that does advance an important social goal.

I salute the universities and, again, I want to express my gratitude to the two gentlemen from the majority side for the work they have done in bringing this forward.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let it be clear that this exemption expired on October 1, and if the exemption is not reinstated and continued, well-endowed private colleges and universities, the gentleman from Massachusetts has several in his State, and I am a graduate of one of them, and the gentleman from Texas is also a graduate of one of them, will basically be able to use their superior financial resources to buy out the best students, generally by giving them more money than they really need for financial aid, even though the tuition at these colleges and universities is pretty steep.

By passing this bill and by reinstating the exemption, there will be more money to go around to more good students and to open the doors to these well-endowed, prestigious private colleges and universities to more people to be able to go there.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first I would like to thank the chairman of the committee for yielding me time. I would also like to thank the gentleman from Massachusetts (Mr. FRANK) for his earlier generous comments.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of the group.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engage in this practice. After extensive litigation, the parties reached a settlement in 1993.

In 1994 and again in 1997, Congress passed a temporary exemption from the antitrust laws that codified that settlement. It allowed agreements to provide aid on the basis of need only, use common criteria, use a common financial aid application form, and allow the exchange of the student's financial information through a third party. It also prohibited agreements on awards to specific students. The exemption expired, as the chairman just noted a minute ago, on September 30, 2001.

To my knowledge, there are no complaints about the exemption. H.R. 768 would extend the exemption passed in 1994 and 1997 for 7 more years.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to a private, selective university because of the limited financial means of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions.

Last April we approved a permanent extension by an overwhelming margin of 414 to zero. However, the Senate has approved only a 7-year extension. They also call for the General Accounting Office to study the effects of the exemption and to submit a report in 5 years. If the GAO chooses to examine a comparison group of schools for the study, participation in the group would be voluntary. It is this version that we vote upon today.

Mr. Speaker, I still believe that a permanent exemption from the antitrust laws is justified and warranted. However, in the interest of time, the House should accept the changes made by the Senate, and I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1408) to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1408

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 ''Financial Services Antifraud Network 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. Purposes.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

Sec. 100. Creation and operation of the network.

Subtitle B—Potential Establishment of Antifraud Subcommittee

Sec. 101. Establishment.
Sec. 102. Purposes of the Subcommittee.
Sec. 103. Chairperson; term of chairperson; meetings; officers and staff.
Sec. 104. Nonagency status.
Sec. 105. Powers of the Subcommittee.
Sec. 106. Agreement on cost structure.

Subtitle C—Regulatory Provisions

Sec. 111. Agency supervisory privilege.
Sec. 112. Confidentiality of information.
Sec. 113. Liability provisions.
Sec. 114. Authorization for identification and criminal background check.
Sec. 115. Definitions.
Sec. 116. Technical and conforming amendments to other acts.
Sec. 117. Audit of State insurance regulators.

Subtitle D—Anti-Terrorism

Sec. 121. Preventing international terrorism.

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

Sec. 201. Investment Advisers Act of 1940.
Sec. 202. Securities Exchange Act of 1934.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

Sec. 211. Securities Exchange Act of 1934.
Sec. 212. Investment Advisers Act of 1940.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to safeguard the public from fraud in the financial services industry;

(2) to streamline the antifraud coordination efforts of Federal and State regulators and prevent failure to communicate essential information;

(3) to reduce duplicative information requests and other inefficiencies of financial services regulation;

(4) to assist financial regulators in detecting patterns of fraud, particularly patterns that only become apparent when viewed across the full spectrum of the financial services industry; and

(5) to take advantage of Internet technology and other advanced data-sharing technology to modernize the fight against fraud in all of its evolving manifestations and permutations.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

SEC. 100. CREATION AND OPERATION OF THE NETWORK.

(a) SHARING OF PUBLIC INFORMATION.—The financial regulators shall, to the extent practicable and appropriate and in consultation with other relevant and appropriate agencies and parties—

(1) develop procedures to provide for a network for the sharing of antifraud information; and

(2) coordinate to further improve upon the antifraud efforts of the participants in the network as such participants deem appropriate over time.

(b) MINIMUM REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) provide for the sharing of public final disciplinary and formal enforcement actions taken by the financial regulators that are accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent, dishonest, or involves a breach of trust or relates to the failure to register with the appropriate financial regulator as required by law;

(2) include a plan for considering the sharing among the participants of other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to, and the use of, such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, appraisals, or reports filed by a regulated entity with a participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated; and

(3) provide that, if a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(c) PROVISIONS RELATING TO REQUIREMENTS.—

(1) TIME OF NOTICE.—The notice to any person, and the opportunity to respond, under subsection (b)(3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(2) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to subsection (b)(3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(d) IMPLEMENTATION.—

(1) SUBMISSION OF PLAN.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Federal financial regulators shall submit to Congress a plan detailing how the financial regulators (and any association representing financial regulators) expect to meet the requirements of subsections (a) and (b).

(2) DEADLINE FOR IMPLEMENTATION.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the financial regulators shall establish the network described in subsections (a) and (b).

(e) FINANCIAL REGULATORS DEFINED.—For the purposes of this section, the term ''financial regulators'' means the financial regulators described in subparagraphs (A) through (Q) of section 115(3).

(f) DETERMINATION OF IMPLEMENTATION OF SUBTITLE B.—

(1) IN GENERAL.—The provisions of subtitle B shall take effect only if the Secretary of the Treasury, or a designee of the Secretary, before the end of the 30-day period beginning at the end of the period referred to in—

(A) subsection (d)(1), does not determine that the Federal financial regulators have submitted a plan which substantially meets the requirements of such subsection; or

(B) subsection (d)(2), does not determine that the financial regulators have established a network that substantially complies with the requirements of subsections (a) and (b).

(2) SCOPE OF APPLICATION.—This subtitle shall cease to apply as of the date subtitle B takes effect.

(g) USE OF CENTRALIZED DATABASES.—

(1) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of subsection (b)(1) if—

(A) the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in such subsection; or

(B) the financial regulator makes the information described in such subsection available to the public over the Internet.

(2) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(h) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in subsection (b)(1), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) REGULATORY FLEXIBILITY.—Each financial regulator may develop guidelines, as the regulator determines to be appropriate, governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in subsection (b)(1).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(i) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(j) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(k) STANDARDS.—Each financial regulator shall consider developing guidelines on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(l) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

Subtitle B—Potential Establishment of Antifraud Subcommittee

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—Unless the determinations described in section 100(f) are made, after the applicable date described in such section there shall be established within the President's Working Group on Financial Markets (as established by Executive Order No. 12631) a subcommittee to be known as the ''Antifraud Subcommittee'' (hereafter in this title referred to as the ''Subcommittee'') which shall consist of the following members:

(1) The Secretary of the Treasury, or a designee of the Secretary.

(2) The Chairman of the Securities and Exchange Commission or a designee of the Chairman.

(3) A State insurance commissioner designated by the National Association of Insurance Commissioners, or a designee of such commissioner.

(4) The Chairman of the Commodity Futures Trading Commission or a designee of such Chairman.

(5) A designee of the Chairman of the Federal Financial Institutions Examination Council.

(b) FINANCIAL LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(1) A representative of each Federal banking agency appointed by the head of each such agency.

(2) A representative of the National Credit Union Administration appointed by the National Credit Union Administration Board.

(3) A representative of the Farm Credit Administration, appointed by the Farm Credit Administration Board.

(4) A representative of the Federal Housing Finance Board, appointed by such Board.

(5) A representative of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development appointed by the Director of such Office.

(6) A representative of the Appraisal Subcommittee of the Financial Institutions Examination Council designated by the Chairperson of the Appraisal Subcommittee.

(7) A representative of State bank supervisors designated by the Conference of State Bank Supervisors.

(8) A representative of State savings association supervisors designated by the American Council of State Savings Supervisors.

(9) A representative of State credit union supervisors designated by the National Association of State Credit Union Supervisors.

(10) A representative of State securities administrators designated by the North American Securities Administrators Association.

(11) A representative of the National Association of Securities Dealers appointed by the National Association of Securities Dealers.

(12) A representative of the National Futures Association appointed by the National Futures Association.

(13) Any other financial liaison as the Subcommittee may provide to represent any other financial regulator or foreign financial regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(c) OTHER LIAISONS.—

(1) LAW ENFORCEMENT LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(A) A representative of the Department of Justice appointed by the Attorney General.

(B) A representative of the Federal Bureau of Investigation appointed by the Director of such Bureau.

(C) A representative of the United States Secret Service appointed by the Director of such Service.

(D) A representative of the Financial Crimes Enforcement Network (as established by the Secretary of the Treasury) appointed by the Secretary of the Treasury.

(2) SUBCOMMITTEE APPOINTED LIAISONS.—The Subcommittee may provide for any other liaison to represent any other regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(d) VACANCY.—If, for any reason, the position of any member of or liaison to the Subcommittee is not filled within a reasonable period of time after being created or becoming vacant, the President shall appoint an individual to fill the position after consulting the agency or entity to be represented by such member or liaison, and to the extent possible, shall appoint such individual from a list of possible representatives submitted by such agency or entity.

(e) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—If the President disbands or otherwise significantly modifies the Working Group referred to in subsection (a), the President shall provide for the continuation of the Subcommittee's coordination functions.

(2) MEMBER AND LIAISON WITHDRAWAL.—If the President materially alters the structure or duties of the Subcommittee, any member of or liaison to the Subcommittee may withdraw from the Subcommittee.

SEC. 102. PURPOSES OF THE SUBCOMMITTEE.

(a) IN GENERAL.—The purposes of the Subcommittee are as follows:

(1) Coordinate access by the participants to antifraud databases of various regulators, by facilitating the establishment, maintenance, and use of a network of existing antifraud information maintained by such regulators with respect to persons engaged in the business of conducting financial activities.

(2) Coordinate access by each participant to such network in a manner that allows the participant to review, at a minimal cost, existing information in the databases of other regulators, as a part of licensure, change of control, or investigation, concerning any person engaged in the business of conducting financial activities.

(3) Coordinate information sharing, where appropriate, among State, Federal, and foreign financial regulators, and law enforcement agencies, where sufficient privacy and confidentiality safeguards exist.

(4) Consider coordinating development by participants of a networked name-relationship index for persons engaged in the business of conducting financial activities using information from the databases of regulators, to the extent such information is available.

(5) Advise participants on coordinating their antifraud databases with the network.

(6) Coordinate development of guidelines by participants for ensuring appropriate privacy, confidentiality, and security of shared information, including tracking systems or testing audits, as appropriate.

(b) CRITERIA FOR NETWORK WITH RESPECT TO ANY PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—

(1) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS.—Each financial regulator that is represented by a member of the Subcommittee under section 101(a) or by a financial liaison to the Subcommittee under section 101(b) shall allow any participant access, through the network, to any public final disciplinary or formal enforcement action by such regulator which is accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent or dishonest, involves a breach of trust, or relates to the failure to register with the appropriate financial regulator as required by law.

(2) SENSE OF THE CONGRESS ON OTHER INFORMATION.—It is the sense of the Congress that the financial regulators should consider sharing through the network other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to and the use of such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, or reports filed by a regulated entity with the participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated.

(3) NOTICE AND RESPONSE.—If a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(4) PROVISIONS RELATING TO REQUIREMENTS.—

(A) TIME OF NOTICE.—Any notice to any person, and an opportunity to respond, under paragraph (3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(B) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to paragraph (3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(5) USE OF CENTRALIZED DATABASES.—

(A) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of paragraph (1) if the Subcommittee determines that the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in paragraph (1) or if the financial regulator makes the information described in paragraph (1) available to the public over the Internet.

(B) FACTORS FOR DETERMINATION.—The Subcommittee shall make the determination under subparagraph (A) on an ongoing basis, considering both short-term costs and technological limitations, as well as the need for long-term comprehensive coverage, and other appropriate factors.

(C) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(c) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may

establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in paragraph (1) of subsection (b), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) SUBCOMMITTEE FLEXIBILITY.—The Subcommittee may prescribe such guidelines as the Subcommittee determines to be appropriate governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in paragraph (1) of subsection (b).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(d) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(e) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(C) Has a determination by the Subcommittee in effect that such State insurance department meets or exceeds the standards established by the National Association of Insurance Commissioners for accreditation.

(f) SUBCOMMITTEE STANDARDS.—The Subcommittee shall consider developing guidelines for participants on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(g) REPORTING AND FEASIBILITY REQUIREMENTS AND REVIEW OF OPTIMAL NETWORKING METHODS.—

(1) REPORT.—Before the end of the 180-day period beginning on the date this subtitle takes effect in accordance with section 101(a), and again before the end of the 2-year period beginning on such date, the Subcommittee shall submit a report to the Congress regarding the methods the regulators plan to use to network information, and a description of any impediments to (or recommended additional legislation for) facilitating the appropriate sharing of such information.

(2) TIMEFRAME FOR NETWORKING.—

(A) IN GENERAL.—The networking of information required under subsection (b)(1) shall be established before the end of the 2-year period beginning on the date this subtitle takes effect, unless the Subcommittee determines, in conjunction with the liaisons, that such a network cannot be established within such time period in a practicable and cost-effective manner.

(B) REPORTS ON EFFORTS IF TIMEFRAME IS NOT MET.—If the Subcommittee makes such a determination, the Subcommittee shall report annually to the Congress on its efforts to coordinate the sharing of appropriate information among the regulators until the networking requirements are fulfilled.

(h) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator or other member or liaison of the Subcommittee to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

(i) NO NEW DATABASES OR EXPENDITURES MANDATED.—In implementing this Act, the Subcommittee shall not have any authority to require a member or liaison to create a new database or otherwise incur significant costs in modifying existing databases for the networking of information.

SEC. 103. CHAIRPERSON; TERM OF CHAIRPERSON; MEETINGS; OFFICERS AND STAFF.

(a) CHAIRPERSON.—

(1) SELECTION.—The members of the Subcommittee shall select the Chairperson from among the members of the Subcommittee.

(2) TERM.—The term of the Chairperson shall be 2 years.

(b) MEETINGS.—The Subcommittee shall meet at the call of the Chairperson or a majority of the members when there is business to be conducted.

(c) QUORUM.—A majority of members of the Subcommittee shall constitute a quorum.

(d) MAJORITY VOTE.—Decisions of the Subcommittee shall be made by the vote of a majority of the members of the Subcommittee.

(e) OFFICERS AND STAFF.—The Chairperson of the Subcommittee may appoint such officers and staff as may be necessary to carry out the purposes of the Subcommittee.

SEC. 104. NONAGENCY STATUS.

The Subcommittee shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act or as an agency for purposes of subchapter II of chapter 5 of title 5, United States Code.

SEC. 105. POWERS OF THE SUBCOMMITTEE.

(a) IN GENERAL.—The Subcommittee shall have such powers as are necessary to carry out the purposes of the Subcommittee under this title.

(b) INFORMATION TO FACILITATE COORDINATION.—Each agency and entity represented by a member or liaison shall, to the extent permitted by law, provide the Subcommittee with a description of the types of databases maintained by the agency or entity to assist the Subcommittee in carrying out the purposes described in section 102(a).

(c) SERVICE OF MEMBERS AND LIAISONS.—Members of and liaisons to the Subcommittee shall serve without additional compensation for their work on the Subcommittee.

(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Subcommittee may request that any agency or entity represented by a member or liaison provide the Subcommittee with any administrative, technical, or other support service that the Subcommittee determines is necessary or appropriate for it to carry out the purposes described in section 102(a).

SEC. 106. AGREEMENT ON COST STRUCTURE.

(a) IN GENERAL.—The Subcommittee shall determine, after consultation with the affected participants or their representatives, the means for providing for any costs the Subcommittee may incur in carrying out the purposes of this subtitle.

(b) CONSULTATION AND AGREEMENT ON FEES AND CONTRIBUTIONS.—Notwithstanding any other provision of this subtitle, the Subcommittee may not impose any fee or assessment on, or apportion any contribution against, any member or liaison under this section unless—

(1) the Subcommittee consults with such member or liaison; and

(2) the member or liaison consents to the amounts, or to a schedule, of such fees, assessments, or contributions.

(c) REIMBURSEMENT OF PARTICIPANT COSTS.—Before allowing access by the Subcommittee or a participant to any information described in section 102, other than access described in subsection (b)(1) of such section, a member or liaison may request the reimbursement of reasonable costs for providing such access.

Subtitle C—Regulatory Provisions

SEC. 111. AGENCY SUPERVISORY PRIVILEGE.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SUPERVISORY PROCESS.—The term ''supervisory process'' means any activity engaged in by a financial regulator to carry out the official responsibilities of the financial regulator with regard to the regulation or supervision of persons engaged in the business of conducting financial activities, including examinations, inspections, visitations, investigations, consumer complaints, or any other regulatory or supervisory activities.

(2) CONFIDENTIAL SUPERVISORY INFORMATION.—Subject to paragraph (3), the term ''confidential supervisory information'' means any of the following information which is treated as, or considered to be, confidential information by a financial regulator, regardless of the form or format in which the information is created, conveyed, or maintained:

(A) Any report of examination, inspection, visitation, or investigation, and information prepared or collected by the financial regulator in connection with the supervisory process, including—

(i) any file, work paper, or similar information;

(ii) any correspondence, communication, or information exchanged, in connection with the supervisory process, between a financial regulator and a person engaged in the business of conducting financial activities; and

(iii) any information, including any report, created by or on behalf of a person engaged in the business of conducting financial activities that is required by, or is prepared at the request of, a financial regulator in connection with the supervisory process.

(B) Any record to the extent it contains information derived from any report, correspondence, communication or other information described in subparagraph (A).

(C) Any consumer complaints filed with the financial regulator by a consumer with respect to a person engaged in the business of conducting financial activities that have been identified by the financial regulator as requiring confidential treatment to protect the integrity of an investigation or the safety of an individual.

(3) EXCLUSIONS.—The term ''confidential supervisory information'' shall not include—

(A) any book, record, or other information, in the possession of, or maintained on behalf of, the person engaged in the business of conducting financial activities that—

(i) is not a report required by, or prepared at the request of, a financial regulator; and

(ii) is not, and is not derived from, confidential supervisory information that was created or prepared by a financial regulator; or

(B) any information required to be made publicly available by—

(i) any applicable Federal law or regulation; or

(ii) in the case of confidential supervisory information created by a State financial regulator or requested from a person engaged in the business of conducting financial activities by a State financial regulator, any applicable State law or regulation that specifically refers to such type of information.

(b) SHARING OF REPORTS.—

(1) IN GENERAL.—No provision of this section shall be construed as preventing—

(A) a person engaged in the business of conducting financial activities from providing a report that is required by, or prepared at the request of, a financial regulator (the originating financial regulator) to another financial regulator that has the authority to obtain the information from the person under any other provision of law;

(B) a financial regulator that obtains a report described in subparagraph (A) from a person engaged in the business of conducting financial activities from using or disclosing such report to the extent otherwise permitted by law; or

(C) a person engaged in the business of conducting financial activities from sharing confidential supervisory information with the person's attorneys, accountants, and auditors, solely for the purpose of providing legal, accounting, or auditing services, respectively, for such person, except that—

(i) such sharing shall not be considered a disclosure for any other purpose;

(ii) the attorneys, accountants, or auditors may not further disclose such information; and

(iii) such sharing shall be conducted in accordance with any other applicable governing laws and regulations.

(2) PRIVILEGE PRESERVED.—If a person provides a report referred to in paragraph (1) to a financial regulator other than the originating financial regulator, such action shall not affect the ability of the originating financial regulator to assert any privilege that such financial regulator may claim with respect to the report against any person that is not a financial regulator.

(c) FINANCIAL REGULATOR SUPERVISORY PRIVILEGE.—

(1) PRIVILEGE ESTABLISHED.—

(A) IN GENERAL.—All confidential supervisory information shall be privileged from disclosure to any person except as provided in this section.

(B) PROHIBITION ON UNAUTHORIZED DISCLOSURES.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, without the prior authorization of the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities, except for a disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any person or other personally identifiable information.

(C) AGENCY WAIVER.—The financial regulator that created the confidential supervisory information, or requested the confidential supervisory information from a person engaged in the business of conducting financial activities, may waive, in whole or in part, in the discretion of the regulator, any privilege established under this paragraph with respect to such information.

(2) EXCEPTIONS.—

(A) ACCESS BY GOVERNMENTAL BODIES.—

(i) CONGRESS AND GENERAL ACCOUNTING OFFICE.—No provision of paragraph (1) shall be construed as preventing access to confidential supervisory information by duly authorized committees of the Congress or the Comptroller General of the United States.

(ii) FINANCIAL REGULATOR OVERSIGHT.—No financial regulator which is described in subparagraph (P), (Q), or (R) of section 115(3) and is subject to the oversight of a Federal financial regulator may assert the privilege described in paragraph (1) to prevent access to confidential supervisory information by such Federal financial regulator.

(B) PRIVILEGE NOT WAIVED.—If a financial regulator provides access to confidential supervisory information to the Congress, the Comptroller General, or another financial regulator, such action shall not affect the ability of the financial regulator to assert any privilege associated with such information against any other person.

(d) TREATMENT OF FOREIGN SUPERVISORY INFORMATION.—In any proceeding before a Federal or State court of the United States, in which a person seeks to compel production or disclosure by a financial regulator of information or documents prepared or collected by a foreign financial regulator that would, had the information or document been prepared or collected by a financial regulator, be confidential supervisory information for purposes of this section, the information or document shall be privileged to the same extent that the information and documents of financial regulators are privileged under this title.

(e) OTHER PRIVILEGES NOT WAIVED BY DISCLOSURE TO FINANCIAL REGULATOR.—The submission by a person engaged in the business of conducting financial activities of any information to a financial regulator or a foreign financial regulator in connection with the supervisory process of such financial regulator or foreign financial regulator shall not waive, destroy, or otherwise affect any privilege such person may claim with respect to such information under Federal or State law as to a party other than such financial regulator or foreign financial regulator.

(f) DISCOVERY AND DISCLOSURE OF INFORMATION.—

(1) INFORMATION AVAILABLE ONLY FROM FINANCIAL REGULATOR.—

(A) IN GENERAL.—No person (other than the financial regulator that created the information or requested the information from a person engaged in the business of conducting financial activities) may disclose, in whole or in part, any confidential supervisory information to any person who seeks such information through subpoena, discovery procedures, or otherwise.

(B) PROCEDURE FOR REQUESTS SUBMITTED TO FINANCIAL REGULATOR.—

(i) IN GENERAL.—Any request for discovery or disclosure of confidential supervisory information shall be made to the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities.

(ii) PROCEDURE.—Upon receiving a request for confidential supervisory information, the financial regulator shall determine within a reasonable time period whether to disclose such information pursuant to procedures and criteria established by the financial regulator.

(C) NOTIFICATION.—

(i) IN GENERAL.—Before any financial regulator releases confidential supervisory information that was requested from a person engaged in the business of conducting financial activities to a person under subparagraph (B), notice and a reasonable time for comment shall be provided to the person from whom such information was requested unless such information—

(I) is being provided to another financial regulator, an agency or entity represented by a liaison to the Subcommittee, or a Federal, State, or foreign government (or any agency or instrumentality of any such government acting in any capacity);

(II) is being sought for use in a criminal proceeding or investigation, or a regulatory, supervisory, enforcement, or disciplinary administrative proceeding, civil action, or investigation; or

(III) was originally created, or included in information created, by the financial regulator.

(ii) PROCEDURES AND REQUIREMENTS.—A financial regulator may prescribe regulations, or issue orders, guidelines, or procedures, governing the notice and time period required by clause (i).

(2) FEDERAL COURT JURISDICTION OVER DISPUTES.—

(A) DECLARATORY JUDGMENT.—If a party seeks in any action or proceeding to compel disclosure of confidential supervisory information, a financial regulator may in a civil action for a declaratory judgment seek to prevent such disclosure.

(B) JUDICIAL REVIEW.—Judicial review of the final action of a financial regulator with regard to the disposition of a request for confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 7 of part I of title 5, United States Code.

(g) AUTHORITY TO INTERVENE.—In the case of any action or proceeding to compel compliance with a subpoena, order, discovery request, or other judicial or administrative process with respect to any confidential supervisory information of a financial regulator concerning any person engaged in the business of conducting financial activities, the financial regulator may intervene in such action or proceeding, and such person may intervene with such regulator, for the purpose of—

(1) enforcing the limitations established in paragraph (1) of subsections (c) and (f);

(2) seeking the withdrawal of any compulsory process with respect to such information; and

(3) registering appropriate objections with respect to the action or proceeding to the extent the action or proceeding relates to or involves such information.

(h) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the financial regulator and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

(i) REGULATIONS.—

(1) AUTHORITY TO PRESCRIBE.—Each financial regulator may prescribe such regulations as the regulator considers to be appropriate, after consultation with the other financial regulators (to the extent the prescribing financial regulator considers appropriate and feasible), to carry out the purposes of this section.

(2) AUTHORITY TO REQUIRE NOTICE.—Any regulations prescribed by a financial regulator under paragraph (1) may require any person in possession of confidential supervisory information to notify the financial regulator whenever the person is served with a subpoena, order, discovery request, or other judicial or administrative process requiring the personal attendance of such person as a witness or requiring the production of such information in any proceeding.

(j) ABILITY TO PARTIALLY WAIVE PRIVILEGE WHERE NO OTHER PRIVILEGE APPLIES.—A financial regulator may, to the extent permitted by applicable law governing the disclosure of information by the regulator, authorize a waiver of the privilege established by this section to allow access by a person to confidential supervisory information created by such regulator (or requested by such regulator from any person engaged in the business of conducting financial activities), except that—

(1) the regulator may place appropriate limits on the use and disclosure of the information shared, and may continue to assert the privilege with respect to any other person that seeks access to the information; and

(2) such waiver shall not affect any other privilege or confidentiality protection that any party may assert against any person other than such financial regulator.

(k) SHARING OF CONFIDENTIAL SUPERVISORY INFORMATION AMONG FEDERAL FUNCTIONAL REGULATORS.—A Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) shall freely share, upon request, any confidential supervisory information created by it with another Federal functional regulator subject only to any existing legal restrictions on the regulator's authority to share or disclose information and to the following paragraphs:

(1) REQUESTS DIRECTED TO REGULATOR.—A Federal functional regulator may seek information described in this subsection solely from the Federal functional regulator that created the information (hereafter in this subsection referred to as the ''originating regulator''), and not from any other person (unless authorized by the originating regulator).

(2) REVIEW OF REQUESTS.—Notwithstanding any other provision of law, in response to a request for such information, the originating regulator may decline to provide any portion of the information if the originating regulator, in consultation with the requesting regulator and after giving due consideration to the request, determines that withholding the information is appropriate in the public interest.

(3) USE WITHIN AGENCY PERMITTED.—Any confidential supervisory information received by a requesting regulator under this subsection may be shared freely among personnel within the requesting regulator.

(4) APPROVAL REQUIRED FOR OTHER USES.—The requesting regulator shall obtain the approval of the originating regulator before any information described in this subsection is—

(A) made public;

(B) provided to any third person or agency; or

(C) cited or made a part of the record in the course of any enforcement action.

(l) ACCESS TO INFORMATION OF REGULATED ENTITY PRESERVED.—No provision of this section shall be construed as preventing a Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) from obtaining from any person, other than a Federal functional regulator, any book, record or information (other than confidential supervisory information created by a Federal functional regulator), including any book, record or other information referred to in, or constituting the underlying data for, any confidential supervisory information created by another Federal functional regulator.

(m) NO GRANT OF AUTHORITY.—No provision of this section shall be construed as providing any financial regulator any new authority to request or obtain information.

(n) NO WAIVER OF ANY PRIVILEGE OF ANY OTHER PARTY.—No provision of this Act shall be construed as providing a financial regulator with any new authority to disclose information in contravention of applicable law governing disclosure of information.

SEC. 112. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—

(1) FINANCIAL REGULATORS.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of any participant, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed through the network to another participant or, if subtitle B has taken effect, the Subcommittee.

(2) CERTAIN INSURANCE INFORMATION.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of the National Association of Insurance Commissioners, or any member or affiliate of the Association, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information has been disclosed to the Association, or any other member or affiliate of the Association, through the computer databases maintained by the Association.

(3) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under any other paragraph of this subsection shall not be subject to—

(A) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(B) subpoena or discovery, or admission into evidence, in any private civil action or administrative process,

unless with respect to any privilege held by a participant with respect to such information or material, the participant waives, in whole or in part, in the discretion of the participant, such privilege.

(b) PREEMPTION OF STATE LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with any provision of section 111 or subsection (a) of this section shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(c) DUTY OF FINANCIAL REGULATOR TO MAINTAIN CONFIDENTIALITY.—A participant may not receive, download, copy, or otherwise maintain any information or material from any other member of or liaison to the Subcommittee through the network unless—

(1) the participant maintains a system that enables the participant to maintain full compliance with the requirements of sections 100, 102, and 111 and this section, with respect to such information and material; and

(2) if and to the extent required by the guidelines established under sections 100 and 102, a record is maintained of each attempt to access such information and material, and the identity of the person making the attempt, in order to prevent evasions of such requirements.

SEC. 113. LIABILITY PROVISIONS.

(a) NO LIABILITY FOR GOOD FAITH DISCLOSURES.—Any financial regulator, and any officer or employee of any financial regulator, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee, while acting within the scope of office or employment, relating to collecting, furnishing, or disseminating regulatory or supervisory information concerning persons engaged in the business of conducting financial activities, to or from another financial regulator, whether directly or through the network.

(b) CRIMINAL LIABILITY FOR INTENTIONAL UNLAWFUL DISCLOSURES.—

(1) IN GENERAL.—It shall be unlawful to willfully disclose to any person any information concerning any person engaged in the business of conducting financial activities knowing the disclosure to be in violation of any provision of this title—

(A) requiring the confidentiality of such information; or

(B) establishing a privilege from disclosure for such information that has not been waived by the relevant financial regulator.

(2) PENALTY.—Notwithstanding section 3571 of title 18, United States Code, any person who violates paragraph (1) shall be fined an amount not to exceed the greater of $100,000 or the amount of the actual damages sustained by any person as a result of such violation, or imprisoned not more than 5 years, or both.

(c) FULL, CONTINUED PROTECTION UNDER THE SO-CALLED ''FEDERAL TORT CLAIMS ACT''.—No provision of this Act shall be construed as reducing or limiting any protection provided for any Federal agency, or any officer or employee of any Federal agency, under section 2679 of title 28, United States Code.

(d) PROTECTION APPLIED TO THE SUBCOMMITTEE.—For the purposes of this section, the term ''financial regulator'' includes the Subcommittee after subtitle B has taken effect.

SEC. 114. AUTHORIZATION FOR IDENTIFICATION AND CRIMINAL BACKGROUND CHECK.

(a) SHARING OF CRIMINAL RECORDS.—

(1) ATTORNEY GENERAL AUTHORIZATION.—Upon receiving a request from a financial regulator, the Attorney General shall—

(A) search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, and any other similar database over which the Attorney General has authority and deems appropriate, for any criminal background records (including wanted persons information) corresponding to the identification information provided under subsection (b); and

(B) either—

(i) shall provide any such records to any authorized agent of the financial regulator, which shall provide the relevant information to such regulator; or

(ii) may provide such records directly to the financial regulator if the Attorney General limits such provision of records to relevant information.

(2) AUTHORIZED AGENT DEFINED.—For purposes of this section, the term ''authorized agent'' means—

(A) any agent which has been recognized by the Attorney General for such purpose and authorized by at least 3 other financial regulators to receive such records and perform the information sharing requirements of paragraph (3);

(B) the State attorney general for the State in which the regulator is primarily located; and

(C) any law enforcement designee of the Attorney General or such State attorney general.

(3) INFORMATION SHARED.—

(A) IN GENERAL.—The authorized agent shall provide to the requesting financial regulator only any records that are relevant information.

(B) RELEVANT INFORMATION DEFINED.—For purposes of this section, the term ''relevant information'' means any of the following records:

(i) All felony convictions.

(ii) All misdemeanor convictions involving—

(I) violation of a law involving financial activities;

(II) dishonesty or breach of trust, within the meaning of section 1033 of title 18, United States Code, including taking, withholding, misappropriating, or converting money or property;

(III) failure to comply with child support obligations;

(IV) failure to pay taxes; and

(V) domestic violence, child abuse, or a crime of violence.

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(ii)(V), the term ''crime of violence'' means a burglary of a dwelling and a criminal offense that has as an element the use or attempted use of physical force, or threat of great bodily harm, or the use, attempted use, or threatened use of a deadly weapon, against an individual, including committing or attempting to commit murder, manslaughter, kidnapping, aggravated assault, forcible sex offenses, robbery, arson, extortion, and extortionate extension of credit.

(4) STATE UNIFORM OR RECIPROCITY LAWS REQUIREMENT.—

(A) IN GENERAL.—The Attorney General may not provide any records under this subsection to an insurance regulator of a State, or agent of such regulator, if such State does not have in effect uniform or reciprocity laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State as set forth in section 321 of P.L. 106-102.

(B) DETERMINATION OF RECIPROCITY.—The determination of whether or not a State has uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall be made by the Attorney General, with the advice and counsel of the National Association of Insurance Commissioners.

(C) EXCEPTION UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding subparagraph (B), the Attorney General may provide records under this section to an insurance regulator of a State, or agent of such regulator, on the basis of a specific determination by the National Association of Insurance Commissioners that such State has in effect uniform or reciprocity laws and regulations referred to in subparagraph (A) if—

(i) a determination by the Attorney General under subparagraph (B) is pending; or

(ii) the Attorney General considers whether such State has in effect such uniform or reciprocity laws or regulations and fails to make a determination, unless the Attorney General subsequently determines that such State does not have in effect uniform or reciprocity laws or regulations.

(b) FORM OF REQUEST.—A request under subsection (a) shall include a copy of any necessary identification information required by the Attorney General, such as the name and fingerprints of the person about whom the record is requested and a statement signed by the person acknowledging that the regulator (or such regulator's designated agent under subsection (g)(1)) may request the search.

(c) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Information obtained under this section may—

(1) be used only for regulatory or law enforcement purposes; and

(2) be disclosed—

(A) only to other financial regulators or Federal or State law enforcement agencies; and

(B) only if the recipient agrees to—

(i) maintain the confidentiality of such information; and

(ii) limit the use of such information to appropriate regulatory and law enforcement purposes.

(d) PENALTY FOR IMPROPER USE.—

(1) IN GENERAL.—Whoever uses any information obtained under this section knowingly and willfully for an unauthorized purpose shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

(2) ADDITIONAL PENALTIES AND WAIVERS.—

(A) IN GENERAL.—Any authorized agent who violates paragraph (1), or any individual who directs such agent to violate such paragraph, shall be barred from engaging in or regulating any activities related to the business of insurance.

(B) WAIVER AUTHORIZED.—The Attorney General, in the discretion of the Attorney General, may waive the bar in subparagraph (A), as appropriate.

(e) RELIANCE ON INFORMATION.—A financial regulator (or such regulator's designated agent under subsection (g)(1)) who reasonably relies on information provided under this section shall not be liable in any action for using information as permitted under this section in good faith.

(f) CLARIFICATION OF SECTION 1033.—With respect to any action brought under section 1033(e)(1)(B) of title 18, United States Code, no person engaged in the business of conducting financial activities shall be subject to any penalty resulting from such section if the individual who the person permitted to engage in the business of insurance is licensed, or approved (as part of an application or otherwise), by a State insurance regulator that performs criminal background checks under this section, unless such person knows that the individual is in violation of section 1033(e)(1)(A) of such title.

(g) DESIGNATION OF AGENT.—

(1) IN GENERAL.—A financial regulator may designate an agent for facilitating requests and exchanges of information under this section between or among the financial regulator, the Attorney General, and any other authorized agent.

(2) SENSE OF CONGRESS REGARDING AGENTS OF INSURANCE REGULATORS.—It is the sense of the Congress that—

(A) each State insurance commissioner should designate the National Association of Insurance Commissioners as an agent under paragraph (1);

(B) persons engaged in the business of insurance should be able to use the National Association of Insurance Commissioners to facilitate obtaining fingerprints and supplying identification information for use in background checks under this section on a multijurisdictional basis;

(C) the National Association of Insurance Commissioners should maintain a database to obtain records under this section for use by State insurance commissioners to reduce multiple or duplicative fingerprinting requirements and criminal background checks, except that any such record shall not be maintained for more than 1 year without performing a new background check to determine if the criminal background record has changed;

(D) other financial regulators that require fingerprints and criminal background checks should similarly coordinate efforts to reduce duplication for persons engaged in the business of conducting multiple types of financial activities; and

(E) the National Association of Insurance Commissioners, and other financial regulators that use this section, should consult with the Attorney General to consider the feasibility of developing an on-going notification system that would allow the Attorney General to notify such Association when a licensed or approved insurance professional is convicted of a relevant crime.

(h) FEES.—The Attorney General may charge a reasonable fee for the provision of information under this section.

(i) RULE OF CONSTRUCTION.—This section shall not—

(1) provide independent authorization for a financial regulator to require fingerprinting as a part of a licensure or other application;

(2) require a financial regulator to perform criminal background checks under this section; or

(3) supersede or otherwise limit any other authority that allows access to criminal background records.

(j) REGULATIONS.—The Attorney General may prescribe regulations to carry out this section.

SEC. 115. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term ''Federal banking agency'' has the same meaning as given in section 3(z) of the Federal Deposit Insurance Act.

(2) FINANCIAL ACTIVITIES.—

(A) IN GENERAL.—The term ''financial activities''—

(i) means banking activities (including the ownership of a bank), securities activities, insurance activities, or commodities activities; and

(ii) includes all activities that are financial in nature or are incidental to a financial activity (as defined under section 4(k) of the Bank Holding Company Act of 1956).

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating any inference, including any negative inference, concerning the types or extent of activities that are appropriately recognized as activities that are financial in nature, or are incidental to a financial activity, for purposes of section 4 of the Bank Holding Company Act of 1956.

(3) FINANCIAL REGULATOR.—The term ''financial regulator'' means—

(A) each Federal banking agency;

(B) the Securities and Exchange Commission;

(C) the Commodity Futures Trading Commission;

(D) the National Credit Union Administration;

(E) the Farm Credit Administration;

(F) the Federal Housing Finance Board;

(G) the Federal Trade Commission, to the extent the Commission has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(H) the Secretary of the Treasury, to the extent the Secretary has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(I) the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development;

(J) the Appraisal Subcommittee of the Financial Institutions Examination Council;

(K) any State bank supervisor (as defined in section 3(r) of the Federal Deposit Insurance Act), including the Conference of State Bank Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State bank supervisor;

(L) any State savings association supervisor, including the American Council of State Savings Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State savings association supervisor;

(M) any State insurance commissioner, including the National Association of Insurance Commissioners only to the extent such association is acting as the agent of, and is subject to the oversight of, any such insurance commissioner;

(N) any State securities administrator, including the North American Securities Administrators Association only to the extent such association is acting as the agent of, and is subject to the oversight of, any such securities administrator;

(O) any State credit union supervisor, including the National Association of State Credit Union Supervisors only to the extent such association is acting as the agent of, and is subject to the oversight of, any such credit union supervisor;

(P) the National Association of Securities Dealers, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Securities and Exchange Commission;

(Q) the National Futures Association, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Commodity Futures Trading Commission or the Securities and Exchange Commission; and

(R) any other self-regulatory organization that engages in or coordinates regulatory and supervisory activities, with respect to any person engaged in the business of conducting financial activities, and is subject to the oversight of the Securities and Exchange Commission or the Commodity Futures Trading Commission, but only to the extent that the organization engages in such activities and is subject to such oversight.

(4) FOREIGN FINANCIAL REGULATOR.—The term ''foreign financial regulator'' means any agency, entity, or body (including a self-regulatory organization) that is empowered by the laws of a foreign country to supervise and regulate persons engaged in the business of conducting financial activities, but only to the extent of such supervisory and regulatory activities.

(5) PARTICIPANT.—The term ''participant'' means any entity described in section 101 as being represented by a member of, or a liaison to, the Subcommittee (regardless of whether subtitle B has taken effect) but only to the extent the regulator provides or obtains access to information through the network.

(6) PERSON.—The term ''person'' includes any financial regulator.

(7) PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—The term ''person engaged in the business of conducting financial activities'' includes, to the extent appropriate under the laws applicable to the jurisdiction of a financial regulator over such person—

(A) any director, officer, employee, or controlling stockholder of, or agent for, any such person;

(B) any other person who has filed or is required to file a change-in-control notice with the appropriate financial regulator before acquiring control of such person; and

(C) any person who has sought approval from a financial regulator to engage in the business of conducting financial activities, or that was engaged in such business and subject to the jurisdiction of a financial regulator; and

(D) any shareholder, consultant, joint venture partner, and any other person, including an independent contractor, as determined by the appropriate financial regulator (by regulation or case-by-case) who participates in the conduct of the affairs of such person.

(8) STATE INSURANCE COMMISSIONER.—The term ''State insurance commissioner'' means any officer, agency, or other entity of any State which has primary regulatory authority over the business of insurance and over any person engaged in the business of insurance to the extent of such activities, in such State.

(9) STATE SECURITIES ADMINISTRATOR.—The term ''State securities administrator'' means the securities commission (or any agency or office performing like functions) of any State.

SEC. 116. TECHNICAL AND CONFORMING AMENDMENTS TO OTHER ACTS.

(a) Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by inserting after paragraph (12) the following new paragraph:

''(13) for recordkeeping, licensing, and other regulatory and law enforcement purposes in accordance with title I of the Financial Services Antifraud Network Act of 2001—

''(A) through a network or name-relationship index maintained under such title; or

''(B) to a multistate database maintained by the National Association of Insurance Commissioners and any subsidiary or affiliate of such association, subject to the requirements of such title.''.

(b) Section 1113 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

''(r) This title shall not apply to disclosure by a financial regulator of information pursuant to subtitle A or B of title I of the Financial Services Antifraud Network Act of 2001 to the extent the disclosure is made in accordance with the requirements of such Act.''.

(c) Section 602 of the Consumer Credit Protection Act (15 U.S.C. 1681) is amended by adding at the end the following new subsection:

''(c) This title shall not apply to a communication between participants, as defined in the Financial Services Antifraud Network Act of 2001, to the extent the communication is made in accordance with such Act.''.

SEC. 117. AUDIT OF STATE INSURANCE REGULATORS.

(a) IN GENERAL.—At the request of the Congress, the Comptroller General shall audit a State insurance regulator or any person who maintains information on behalf of such regulator.

(b) LIMITATIONS ON DISCLOSURE OF INFORMATION.—Except as provided in this subsection, an officer or employee of the General Accounting Office may not disclose information identifying an open insurance company or a customer of an open or closed insurance company. The Comptroller General may disclose information related to the affairs of a closed insurance company only if the Comptroller General believes the customer had a controlling influence in the management of the closed insurance company or was related to or affiliated with a person or group having a controlling influence.

(c) COORDINATION WITH STATE REGULATOR.—An officer or employee of the General Accounting Office may discuss a customer or insurance company with an official of a State insurance regulator and may report an apparent criminal violation to an appropriate law enforcement authority of the United States Government or a State.

(d) CONGRESSIONAL OVERSIGHT.—This subsection shall not be construed as authorizing an officer or employee of a State insurance regulator to withhold information from a committee of the Congress authorized to have the information.

(e) ADMINISTRATIVE ASPECTS OF AUDIT.—

(1) IN GENERAL.—To carry out this section, all records and property of or used by a State insurance regulator, including samples of reports of examinations of an insurance company the Comptroller General considers statistically meaningful and workpapers and correspondence related to the reports shall be made available to the Comptroller General. The Comptroller General shall give a State insurance regulator a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out an audit.

(2) PREVENTION OF UNAUTHORIZED ACCESS.—The Comptroller General shall prevent unauthorized access to records or property of or used by a State insurance regulator that the Comptroller General obtains during an audit.

(f) CONFIDENTIALITY.—

(1) IN GENERAL.—The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the State insurance regulator from which it is obtained.

(2) PREVENTION OF INVASION OF PERSONAL PRIVACY.—The Comptroller General shall keep information described in section 552(b)(6) of title 5, United States Code, that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) AVAILABILITY OF INFORMATION.—Except as provided in subsection (b), no provision of this section shall be construed as authorizing any information to be withheld from the Congress.

(g) AVAILABILITY OF INFORMATION AND INSPECTION OF RECORDS.—The right of access of the Comptroller General to information under this section shall be enforceable under section 716 of title 31, United States Code.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) STATE INSURANCE REGULATOR DEFINED.—The term ''State insurance regulator'' means the principal insurance regulatory authority of a State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(2) INSURANCE COMPANY.—The term ''insurance company'' includes any person engaged in the business of insurance to the extent of such activities.

Subtitle D—Anti-Terrorism

SEC. 121. PREVENTING INTERNATIONAL TERRORISM.

(a) IN GENERAL.—The financial regulators shall coordinate the network established under sections 100 and 101 with their foreign counterparts, to the extent the regulators deem possible, practicable, and appropriate, to help uncover, hinder, and prosecute the financial activities of terrorists.

(b) REPORT REQUIRED.—The entities described in section 101(a) shall report to the Congress by the end of the 6-month period beginning on the date of the enactment of this Act their further recommendations to the Congress for achieving the goals of subsection (a).

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

SEC. 201. INVESTMENT ADVISERS ACT OF 1940.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking ''Every investment'' and inserting the following:

''(a) IN GENERAL.—Every investment''; and

(2) by adding at the end the following:

''(b) FILING DEPOSITORIES.—The Commission, by rule, may require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

''(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—The Commission shall require the entity designated by the Commission under subsection (b)(1)—

''(A) to establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving investment advisers and persons associated with investment advisers; and

''(B) to respond promptly to such inquiries.

''(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1).

''(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b-10, note; P.L. 104-290; 110 Stat. 3439) is repealed.

SEC. 202. SECURITIES EXCHANGE ACT OF 1934.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended to read as follows:

''(i) OBLIGATION TO MAINTAIN DISCIPLINARY AND OTHER DATA.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

''(A) establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving its members and their associated persons and regarding disciplinary actions and proceedings and other information that has been reported to the Central Registration Depository by any registered national securities exchange involving its members and their associated persons; and

''(B) promptly respond to such inquiries.

''(2) RECOVERY OF COSTS.—Such association may charge persons, other than individual investors, reasonable fees for responses to such inquiries.

''(3) LIMITATION ON LIABILITY.—Such an association or exchange shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

SEC. 211. SECURITIES EXCHANGE ACT OF 1934.

(a) BROKERS AND DEALERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) in paragraph (4), by striking subparagraphs (F) and (G) and inserting the following:

''(F) is subject to any order of the Commission barring or suspending the right of the person to be associated with a broker or dealer.

''(G) has been found by a foreign financial regulatory authority to have—

''(i) made or caused to be made in any application for registration or report required to be filed with a foreign financial regulatory authority, or in any proceeding before a foreign financial regulatory authority with respect to registration, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

''(ii) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade; or

''(iii) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(H) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

''(i) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

''(ii) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.''; and

(2) in paragraph (6)(A)(i), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(b) MUNICIPAL SECURITIES BROKERS AND DEALERS.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)) is amended—

(1) in paragraph (2)—

(A) by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(B) by striking ''ten'' and inserting ''10''; and

(2) in paragraph (4) by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(c) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)(1)) is amended—

(1) in subparagraph (A), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(2) in subparagraph (C), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(d) CLEARANCE AND SETTLEMENT.—Section 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)) is amended—

(1) in paragraph (3)(A), by striking ''enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order

or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(2) in paragraph (4)(C)—

(A) by striking ''enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(B) by striking ''ten years'' and inserting ''10 years''.

(e) DEFINITION OF STATUTORY DISQUALIFICATION.—Section 3(a)(39)(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(F)) is amended by striking ''has committed or omitted any act enumerated in subparagraph (D), (E), or (G)'' and inserting ''has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (D), (E), (G), or (H)''.

SEC. 212. INVESTMENT ADVISERS ACT OF 1940.

(a) AUTHORITY TO DENY OR REVOKE REGISTRATION BASED ON STATE (AND OTHER GOVERNMENTAL) ADMINISTRATIVE ACTIONS.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended by striking paragraphs (7) and (8) and inserting the following:

''(7) is subject to any order of the Commission barring or suspending the right of the person to be associated with an investment adviser.

''(8) has been found by a foreign financial regulatory authority to have—

''(A) made or caused to be made in any application for registration or report required to be filed with a foreign securities authority, or in any proceeding before a foreign securities authority with respect to registration, any statement that was at the time and in light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of statutory provisions, and rules and regulations promulgated thereunder, another person who commits such a violation, if such other person is subject to his supervision.

''(9) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.''.

(b) BARS ON FELONS ASSOCIATED WITH INVESTMENT ADVISERS.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended—

(A) by striking ''or (8)'' and inserting ''(8), or (9)''; and

(B) by inserting ''or (3)'' after ''paragraph (2)''.

□ 1430

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1408, the Financial Services Antifraud Network Act of 2001. This bill is the product of long and careful deliberations in the Committee on Financial Services and the Subcommittee on Financial Institutions and Consumer Credit, which I have the honor of chairing.

I want to thank the subcommittee's ranking member, the gentlewoman from California (Ms. WATERS), for working with me in the spirit of bipartisanship to develop legislation that commands the broad consensus in the committee and deserves similar support on the House floor today.

Let me also commend the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY), who made this bill one of the committee's highest priorities upon assuming his chairmanship at the beginning of this year, and then fought tenaciously to see it through to completion.

The gentleman from Michigan (Mr. ROGERS), more than anyone in this House, deserves enormous credit as both the principal architect of the legislation and its most forceful advocate in the committee.

As former FBI special agents who have investigated at the street level, both the gentleman from Ohio (Chairman OXLEY) and the gentleman from Michigan (Mr. ROGERS) are as well qualified as anyone in this body to lead an effort to shore up the antifraud capabilities of our Federal, State, and local authorities.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the chief architect and chief sponsor of this legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to thank the gentleman from Alabama (Chairman BACHUS) and the gentleman from Ohio (Chairman OXLEY) for their quick and decisive role in moving this bill, and for working with me and many others to get this bill to the floor today.

I also want to thank the ranking member, the gentleman from New York (Mr. LAFALCE) and the gentlewoman from California (Ms. WATERS) for sitting down and working through the differences that we had on this bill, and for coming up with what I think is a very, very good product that is going to do great things to protect senior citizens and those who are most at risk of losing their financial savings and investments around the country.

Mr. Speaker, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), also was very gracious. I had a good conversation with him this morning, and I thank him for working with us and allowing us to get this bill to the floor of the House.

We have spent some time here, Mr. Speaker, working on terrorism and focusing the energies and resources of this great body on making sure that the President and this country had all the resources necessary to fight, defend, track down, and stop terrorism, both in the United States and abroad very important issues.

However, Mr. Speaker, there is that other person who is lying in the weeds, that other dangerous character who is, as we unfortunately know, in every community in America, who is just waiting for the opportunity to contact a senior citizen or someone who is not quite paying attention and bilk them out of the very precious savings that they have to get them through their golden years or get their kids through college or get that house payment made at the end of the month.

What we found in this financial services community that we have that is as different and diverse as it has ever been, and coming together with the Gramm-Leach-Bliley Act that has been passed in the past Congress, the lines have been blurred, but for the better.

One place where we had not caught up was the fact that we could drive a truck through the loopholes we have created between the different regulators of the different industries: the insurance industry, the securities industry, and the banking industry.

They are all different regulators having a horrible time communicating together to catch individuals who might steal from the securities field, and then move to the insurance field with no catch in the system that would stop them from doing that, and then again move to the banking and financial services realm and do it again.

Nothing under the current system would allow them to get caught or stop them from getting a license in each of those three, even if they had been barred from those other industries or from serving in that particular industry.

Mr. Speaker, I say this because there are two cases in Michigan which are

happening today which are extremely important.

We had a case in Michigan where an individual from Flint sold securities in the form of promissory notes on a casino company, LTD, went to these elderly individuals and sold them the idea of riches in a hurry, and if they invest in this key company they would reap the benefits of all the casino gaming industries in Michigan.

We soon found out, much to the peril of those investing, many of whom were senior citizens, that that money in fact was being used to pay his expenses and pay the expenses of his other companies, and paying off other loans that he had made throughout time, better known in the criminal world as a Ponzi scheme. He would take the money in to pay the others off, and continue doing this, to live off of those savings of so many individuals.

There is nothing in the law today to stop these individuals, even if they were barred from the securities industry forevermore, from going into the insurance products industry and doing something equally as dastardly with a license.

So what we have said is this. We said, we are not going to create a new database. There is no new information that is going to be sent here, Mr. Speaker. The Federal Government is not going to collect information on consumers or regulators all around the country. That is simply not going to happen.

But we are going to set up a system. We are going to be the traffic cop that allows these 250 regulators of securities and banking and insurance to talk to each other; to say that, hey, the gentleman from Michigan (Mr. ROGERS) is applying in Ohio and Michigan to get involved in the insurance industry. He is also applying in Ohio and Illinois for the securities industry. What do we know about him? If we know that the securities industry has barred him, we can also stop him from getting in the insurance industry.

Mr. Speaker, this is simple but extremely important because we are in a time when so many resources are being diverted away from white-collar crime, and rightly so, as our country demands it; yet this is a great opportunity for those who are of a scheming mind, those who will rob, again, those precious resources from so many around the country in a way that is white-collar oriented, sneaky. They can pack up in the middle of the night and be gone and have half of the town's savings are in their pocket.

This is extremely important legislation, Mr. Speaker, and there are some safeguards. I just want to cover them quickly.

The information cannot include, in this system, personally identifiable information on consumers. The consumers are protected in this law.

There is due process notice. The bill creates a new due process right for persons to receive notice when any regulator uses information from the anti-fraud network to take action against them. This includes a description of the information used, where the information came from, and a reasonable opportunity to respond.

In the privacy sector, Mr. Speaker, to protect information shared between regulators, the bill establishes certain confidentiality and liability provisions of regulatory information.

Insurance regulators were given increased information when performing criminal background checks on financial professionals.

Further safeguards were also added governing the use of such information, as well as strong penalties for the misuse of an individual's criminal records.

Again, I want to say this clearly, because there was some concern as this went through all of the committees that this would not create a new database on this type of information to be held in the custody of the Federal Government.

It simply does not do that. It allows banking regulators to talk to insurance regulators to talk to security regulators so we can all be on the same sheet of music. When we find that bad apple, that scam artist who is going after Grandma, this bill and this ability will allow us to say no and protect those very, very precious savings.

Mr. Speaker, today the House will consider H.R. 1408, the Financial Services Antifraud Network Act, which is legislation that will help safeguard the American public from fraud in the financial services industry.

While the technology needed to create this network may be technical and complex, the purpose of this legislation is not: protecting consumers from financial scams.

As a former special agent for the Federal Bureau of Investigation, I know firsthand that criminals come in all shapes and sizes. Advances in modern technology and the internet have created a new frontier for criminals, allowing them to defraud consumers with a mere click of a computer mouse. Our regulators need the same technological tools. Electronically linking regulators and law enforcement closes a loophole and averts schemes aimed at the American public.

In fact, following the events of September 11 and the efforts to crack worldwide terrorism cells, it is even more important that we give our law enforcement officials and regulators the tools they need to prevent fraud and potential abuses in the United States financial services system.

The need for this common-sense legislation is clear. Currently, there are over 250 Federal and State financial regulators and self-regulating financial organizations, each with their own separate filing systems for antifraud records. Most regulators have already computerized their records and have been working on efforts to coordinate databases within their industries. Recently, some of the larger regulators have begun developing individual information sharing agreements with other regulators across the financial industry.

Unfortunately, effectuating individual coordination among all these regulators would require tens of thousands of separate agreements. At a March 6, 2001 Financial Services Committee hearing, several regulators testified that federal legislation is necessary to establish confidentiality and liability protections so that financial regulators do not compromise existing legal privileges when sharing supervisory data with other regulators and law enforcement agencies. Also, the Financial Services Roundtable testified that financial fraud costs consumers and the industry about $100 billion annually, and that greater information sharing will significantly reduce this fraud.

The primary focus of H.R. 1408 is to help the financial regulators coordinate their antifraud efforts, particularly by coordinating computer protocols so that their systems can seamlessly communicate and share critical information. It is important to point out that this network will not be a database; instead, it directs the regulators to establish computer connections allowing regulators' existing databases to exchange data.

The regulators themselves will have the initial opportunity to establish the mechanics of the network. H.R. 1408 gives the regulators six months to develop a proposal and two years to implement it. If the regulators fail to do this on their own, H.R. 1408 then creates a Subcommittee with representative regulators from each of the financial industries to make decisions regarding network protocols. This Subcommittee would then have a similar timeframe to plan and establish the network in conjunction with the other regulators, unless they determine that it is impracticable or not cost efficient.

The bill provides critical safeguards to govern information sharing among regulators. The measure prohibits information from being shared through the network unless the regulators determine that adequate privacy and confidentiality safeguards exist. The regulators are only directed to share public final disciplinary and formal enforcement actions taken against financial companies and professionals. Additionally, H.R. 1408 expresses a sense of the Congress that the regulators should consider sharing additional anti-fraud information that is publicly accessible, as well as information from financial reports, affiliations, and applications, which are factual and substantiated and do not include personally identifiable information on consumers. The measure also creates a new due process right for persons to receive notice when any regulator uses information from the anti-fraud network to take an action against them. This includes a description of the type of information used, where the information came from, and a reasonable opportunity to respond.

To protect information shared between regulators, the measure establishes certain limited legal privileges and confidentiality and liability protections for regulatory and supervisory information. H.R. 1408 also allows state insurance regulators to perform FBI fingerprint background checks on insurance applicants to obtain relevant criminal records, subject to certain protections against misuse. The fingerprinting section also clarifies that employers relying on a state insurance regulator's background approval of an insurance agent are not subject to liability for failing to conduct additional background checks.

I believe the Financial Services Antifraud Network Act is carefully crafted bipartisan legislation that is a positive step toward preventing fraud across financial service industry sectors. I would like to thank Financial Services Committee Chairman MIKE OXLEY and Financial Institutions Subcommittee Chairman

SPENCER BACHUS for their leadership on this issue, as well as Committee Ranking Member JOHN LAFALCE and Subcommittee Ranking Member MAXINE WATERS for their willingness to work together on this much-needed legislation. I would also like to thank Judiciary Committee Chairman JIM SENSENBRENNER and Agriculture Committee Chairman LARRY COMBEST, whose committees shared jurisdiction over H.R. 1408.

Finally, many thanks to staff for the hard work and long hours of negotiation that produced the final product. Among House Financial Service Committee staff that deserve special recognition are Robert Gordon, Charles Symington, Tom McCrocklin, Jim Clinger, Bob Foster, and Terry Haines, as well as Matt Strawn from my personal office.

Again, we need to catch financial perpetrators before they strike. I believe H.R. 1408 is a positive step in that direction and urge my colleagues to support its adoption.

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

Mr. Speaker, I was an original cosponsor of H.R. 1408, the Financial Services Antifraud Network Act of 2001. I rise in support of this adoption today by the full House.

Mr. Speaker, this legislation will enhance cooperation among a vast array of Federal and State financial agencies and self-regulatory organizations, fight against those who defraud the consumer of financial services, and ensure that criminals like Martin Frankel are not able to slip into one financial services industry after being booted out of another.

The bill envisions the creation of a technological link between Federal and State banking, securities, insurance, and other financial regulators so they can easily share the information that is a product of final adjudication in disciplinary proceedings brought against financial companies and professionals.

The bill makes common-sense changes to the securities laws by allowing security regulators to bar persons from the security industry when they have been barred from the banking or insurance industries by appropriate regulators.

Finally, the bill promotes effective regulation of financial companies by providing judicial protection for examination reports under appropriate circumstances.

In the beginning, many Democratic members of the Committee on Financial Services had serious concerns about early versions of the Financial Services Antifraud Network Act of 2001.

Most of these concerns have been substantially diminished through a bipartisan negotiation initiated by the leaders of the Subcommittee on Financial Institutions and Consumer Credit, the gentleman from Alabama (Mr. BACHUS) and the ranking member, the gentlewoman from California (Ms. WATERS), supported by the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from New York (Mr. LAFALCE).

We on our side raised legitimate questions about the reliability of the information that could be disseminated over the network envisioned by prior versions of the legislation, and the ability of individuals to correct information about themselves that was to be carried out over the network.

These concerns were apparently shared by the administration and the financial services industry. The bill we adopt today goes a long way toward ensuring that unsubstantiated rumors and unfounded allegations will not be broadcast throughout the regulatory community over the antifraud network.

Most significantly, as a result of concerns raised by Democratic members, the compromise bill makes clear that participants in the network are required to give an individual notice of any adverse information obtained from the network and to afford the individual an opportunity to respond to such adverse information.

Many Democratic members raised concerns that prior versions of the legislation needlessly created a new bureaucracy. In response to this concern, the bill provides the financial regulators an opportunity to develop an antifraud network without the assistance of an antifraud committee, which is a potential new mechanism contemplated by the bill. If the regulators do not meet the deadlines for establishing that network, then a fraud subcommittee will be created.

The current version has improved provisions allowing insurance commissioners access to the criminal history data of current and potential insurance professionals, while addressing legitimate privacy concerns raised by insurance agents. These provisions have the potential of providing the insurance commissioners the tools needed to ensure that criminals are not operating within the insurance industry. I urge the adoption of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, better coordination of the antifraud efforts of the more than 250 Federal, State, and local agencies that regulate the banking, securities, and insurance industry is long overdue. As my colleagues know, it is often society's most vulnerable members, including our senior citizens, older veterans, and the terminally ill that are the targets of financial scam artists. In fact, they fashion their pitch towards these groups. They also feed on charitable schemes where they misrepresent that they are raising money for charity.

In light of what happened September 11, I think this country has no toleration for those who go out as a financial scam and take advantage of tragedies such as September 11 to raise money with no intention of giving that money to help in the cause. The cost of these outrageous scams is estimated to exceed $100 billion annually in this country.

By breaking down the barriers to information exchange that have hampered antifraud initiatives at the national level and among State regulators, H.R. 1408 will go a long way in reducing the risk to average American consumers and investors of losing their life savings due to financial fraud.

As I mentioned at the onset, this legislation was the subject of extensive consideration over a 4-month period by the Subcommittee on Financial Institutions and Consumer Credit. In addition, the Committee on the Judiciary, on which I serve, marked up the legislation after it was reported by the Committee on Financial Services.

The gentleman from Wisconsin (Chairman SENSENBRENNER) is entitled to praise. He was committed to bringing this bill to the floor. It would not be on the floor today if we did not have a commitment and the cooperation of the Committee on the Judiciary. I thank the Committee on the Judiciary and its staff, as well as the staff of the Committee on Financial Services.

What emerged from this cooperative effort, both between committees and between the minority and the majority, is a bill that enhances the capability of regulators to put financial defrauders out of business, while at the same time guaranteeing, as the gentleman from Michigan (Mr. ROGERS) said, due process rights of the accused, and safeguarding the information shared by regulators against improper disclosure or other misuse.

□ 1445

Evidence has emerged in the wake of the September 11 attacks on the World Trade Center and the Pentagon that terrorist cells in this country may be financing their operations in part through financial crimes possibly and specifically involving stolen or false identities.

Facilitating the exchange of information on these activities, shutting down funding for terrorists not only protects American consumers but it may also help regulators and law enforcement authorities identify and apprehend potential terrorists and those who provide them with the financial support they need before further acts of mass murder can be committed against innocent U.S. citizens.

As I mentioned before, at the State, Federal and local level there are more than 20 different agencies charged with regulating banks, security firms, and insurance companies. However, to date, there has been little coordination among them. This lack of coordination was evidenced when recently indicted financier Martin Frankel, after being barred from securities activities, slid over to insurance where he proceeded to bilk the industry of some $200 million over 8 years.

Frankel's ability to move from securities to insurance and from State to State and ease with which he flaunted

financial regulators may have been deterred. In fact, we had testimony before our committee that it was handicapped because of lack of communication among State regulators and between agencies, both local, State, and Federal.

The antifraud network established by this legislation will help level the playing field between the Martin Frankels of this world and the financial regulators charged with policing fraud and protecting consumers.

We also had testimony, Mr. Speaker, of situations where someone would start a financial or insurance or securities game in the State of Iowa. They would then be barred from the State of Iowa from further activity. The State of Iowa would understand the scheme; they would move against it; they would bring criminal charges against this person or this group of people. What also happens is even though there is a conviction against one person, another person sort of takes up the mantle and they would move to another State. They would start this all over. There would be another round of fraud.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

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

Mr. OXLEY. Mr. Speaker, let me thank the gentleman from Alabama (Mr. BACHUS) for his good work, the chairman of the subcommittee, along with the gentleman from Michigan (Mr. ROGERS), my good friend, who worked very hard on this issue; and we are finally reaching a point now where we can pass this antifraud legislation.

As I am sure other speakers have said, we had numerous hearings on this issue. All of us are painfully aware of the Martin Frankel situation that resulted in such a terrible outcome for numerous people who invested their savings, only to be defrauded and losing millions, first in the securities industry and then as he artfully moved to the insurance side of thing, the same thing happened.

This bill, of course, was designed to allow for information-sharing among the various regulators and to focus in on people like Martin Frankel who would take advantage of innocent people and their life savings. So this is a wonderful step forward that all of us can be very, very pleased about.

I want to thank the gentleman from Mississippi (Mr. SHOWS) for carrying the bill today for his side of the aisle, also the gentleman from New York (Mr. LAFALCE), the ranking member, and other members of our committee, as well as the Members on the Republican side. This is a truly bipartisan effort. Indeed, without the help also of the Committee on the Judiciary and the gentleman from Wisconsin (Mr. SENSENBRENNER), we would not be able to bring this bill to the floor today.

My congratulations to all those concerned, and we hope and trust that the other body will take this up with some degree of swiftness so that we can get this legislation signed by the President and on the books, therefore protecting the American consumer from these con artists.

On September 11, 2001, the forces of terror struck the first blow in a cowardly attack against our nation. President Bush has now struck back to defend America, using the might of our armed forces to drive the terrorists back into hiding. But to clear our skies for freedom, we need to defend against not only the planes and bombs of the enemy, but also the reach of their financial empire.

Osama bin Laden and the al Qaeda network survive and thrive on an illegal network of financial crime and corruption. To end terrorism, we need to go beyond the training camps and drive a stake through the heart of their financial network.

The Antifraud Network Act was originally conceived as a consumer protection solution. Our financial regulators currently do not have any system in place for the comprehensive inter-industry oversight of company's financial activities. Instead, government agencies are currently sharing information on financial companies and professionals on an ad-hoc basis without any standards for disclosure or recourse when information is used against someone.

This bill creates consumer protection standards for the sharing of information among agencies, while giving our regulators additional tools to help integrate the regulation of our financial markets. It also significantly increases the information available to each regulator when tracking down fraud and corruption across industries. We are thus not only protecting our American consumers from domestic fraud artists, but also strengthening the ability of our government to track down and break apart the financial network of international terrorists.

Financial fraud costs our nation over 100 billion dollars a year, hurting the lives of millions of Americans and their families. Now with the war on terrorism, the stakes are even higher. The Rogers bill protects consumers and protects our nation. It was passed out by a new unanimous bipartisan vote in both the Financial Services and Judiciary Committee after having been reviewed by hundreds of lawyers from all spectrums of the financial services and law enforcement systems.

Mr. Speaker, I am also including for the RECORD an exchange of correspondence between Chairman COMBEST and myself regarding the jurisdiction of the Committee on Agriculture on this legislation. I thank him for his assistance in bringing this legislation forward and appreciate his cooperation. I also want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRENNER for his ongoing commitment to bring this legislation to the floor. Finally, I want to thank the members of the Committee on Financial Services, including Chairman BACHUS, Ranking Member LAFALCE, and Subcommittee Ranking Member WATERS for their cooperation and hard work on this legislation. And of course, much of the credit for this goes to a Committee freshman and FBI alum, MIKE ROGERS from Michigan

It is the right bill for the right time to protect consumers and stop terrorism. I urge your support for Mr. ROGERS' Antifraud legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 31, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I understand that the Committee on Financial Services recently ordered reported H.R. 1408, the Financial Services Antifraud Network Act of 2001. As you know, the legislation contains provisions which fall within the jurisdiction of the Committee on Agriculture pursuant to clause 1(a) of Rule X of the Rules of the House of Representatives.

Beacuse of your willingness to consult with the Committee on Agriculture regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Agriculture. By agreeing to waive its consideration of the bill, the Agriculture Committee does not waive its jurisdiction over H.R. 1408. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within the Agriculture Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters,

Sincerely,

LARRY COMBEST,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, August 1, 2001.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN COMBEST: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1408, the Financial Services Antifraud Network Act of 2001.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Agriculture with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House. Additionally, I will support any request you might make for conferees, should a conference be necessary.

Thank you again for your cooperation

Sincerely,

MICHAEL G. OXLEY,
Chairman.

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

I do not know that we have any other speakers wishing to be heard. I want to again second what the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, said.

The cooperation that we have received from the gentleman from Mississippi (Mr. SHOWS), from the gentleman from New York (Mr. LAFALCE), from the gentlewoman from California (Ms. WATERS) has been tremendous. The gentleman from Mississippi (Mr. SHOWS) was an original cosponsor of

this legislation. This truly is a bipartisan, or nonpartisan, effort; and I think it shows what this Congress can do when they put aside their petty differences on many occasions and work for the common good of the people, and they have done that.

Ms. WATERS. Mr. Speaker, I am very pleased to proceed with floor consideration of H.R. 1408, the Financial Services Antifraud Network Act of 2001. When we initially considered marking up this legislation in the Financial Institutions subcommittee, there were a number of problems with the structure and the content of that version. I want to thank my colleague, Mr. BACHUS for his willingness to postpone that markup so that we could work together to improve this bill. A number of improvements have been made to this legislation since it was introduced. The structure for information sharing among the regulators has been greatly simplified. The categories of information to be shared among the regulators have been narrowed, and safeguards have been put in place to protect individuals. In addition, certain due process protections have been added to the bill, which grant individuals the right to receive notice and respond when information from the network is used to take action against them. Finally, this bill provides insurance regulators with increased access to information when conducting criminal background checks on financial professionals. Additional safeguards are provided governing the use of this information.

I want to thank my colleagues Chairman BACHUS, Congressman ROGERS, Congressman MOORE, Congressman GONZALEZ, Ranking Member LAFALCE and Chairman OXLEY as well as their staffs for working cooperatively to improve this legislation. I am pleased that the process went so well and has resulted in a better bill, and that agreement has been reached on the final outstanding issue regarding financial regulators' access to confidential supervisory information. This issue is not a partisan one. We all want to combat fraud and protect consumers. In light of the events of September 11, it has become even more crucial to ensure that criminals do not evade detection merely by varying their methodology.

I think that once we began working together, in a bipartisan manner, on this legislation, we realized that common ground was not an elusive goal. I would hope that we can continue to work together across the aisle on other issues of mutual concern as this Congress continues. Once again, I thank my colleagues for their hard work.

Mr. BACHUS. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RADIO FREE AFGHANISTAN ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2998) to authorize the establishment of Radio Free Afghanistan, as amended.

The Clerk read as follows:

H.R. 2998

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 ''Radio Free Afghanistan Act of 2001''.

SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) ESTABLISHMENT.—The Broadcasting Board of Governors is authorized to make grants for surrogate radio broadcasting by RFE/RL, Incorporated (also known as Radio Free Europe/Radio Liberty) to the people of Afghanistan in languages spoken in Afghanistan, such broadcasts to be designated ''Radio Free Afghanistan''.

(b) SUBMISSION OF PLAN TO BROADCASTING BOARD OF GOVERNORS.—Not later than 15 days after the date of the enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a detailed plan for the establishment of the surrogate radio broadcasting described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INTERNATIONAL BROADCASTING OPERATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Operations'', there are authorized to be appropriated for ''International Broadcasting Operations'' $9,500,000 for the fiscal year 2002 and $8,000,000 for the fiscal year 2003 for broadcasting to Afghanistan described in subsection (a).

(2) BROADCASTING CAPITAL IMPROVEMENTS.—In addition to such sums as are otherwise authorized to be appropriated for ''Broadcasting Capital Improvements'', there are authorized to be appropriated for ''Broadcasting Capital Improvements'' $10,000,000 for the fiscal year 2002 for transmitting broadcasts into Afghanistan.

SEC. 3. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking section 226; and

(2) by striking the item relating to section 226 in the table of contents.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for his leadership on the Committee on International Relations where this bill, the Radio Free Afghanistan Act, passed by voice vote last Thursday. I would also like to acknowledge the work of my co-author, the gentleman from California (Mr. BERMAN), who is traveling back from business in the district and could not be here yet today.

Mr. Speaker, the primary source of current news and information for the people of Afghanistan is the radio. Eighty-five percent of Afghans get their information from the radio. They do not have television there. That was banned under the Islamic law that the Taliban enforces. All of the televisions were destroyed. So Afghans saw no footage of the devastation at the World Trade Center. They had not had the opportunity to see what happened at our Pentagon.

Throughout that country on September 11 people held up small transistor radios to their ears to listen to news accounts. However, the news accounts they heard are far different from those that we heard in this country. Throughout the region, they heard that the attacks on the World Trade Center were the work of the Israel Government, the work of the Israelis with help from the Indian Government with the United States trying to cover this up. Why? Why did they believe this? Well, they were told by al-Qaeda and others that there were 4,000 Jewish Americans who did not go to work that day because they were tipped off; there was a plot to blame all this on Osama bin Laden.

We know that, in fact, is a lie; but they do not have access to that information. Because long before the terrorist attacks of September 11, bin Laden sympathizers waged a psychological war for the minds of Afghans. They shrewdly used radio to spread hatred of the United States, hatred of democracy, hatred of Israel, and hatred of Muslims who rejected their hate.

I believe that the establishment of a Radio Free Afghanistan by Radio Free Europe is essential to winning the information war. Radio Free Europe, Radio Liberty does one thing very well. It engages in surrogate broadcasting, and they will operate as if Afghanistan had a free and vibrant press. They will counter these lies.

The Taliban and the terrorists they are harboring use propaganda, and they use censorship to maintain power. They must be countered.

As William Safire points out in last Thursday's New York Times, he says, ''That message that is sent should be the Taliban are corrupting the Koran, the Taliban and their terrorist guest bin Laden are the cause of Afghan casualties. As soon as the fanatic Saudi outsiders surrender then peace and food and jobs will come to the country.''

I have been calling for Radio Free Afghanistan for several years, since 1996; and I think it is fair to say that the previous administration had little interest in this type of aggressive broadcasting in Afghanistan. I talked to the former Under Secretaries of State. I talked to the Secretary of State about this, and at one point I argued in committee that Afghanistan would pose a national security threat to the United States if what was happening there was not countered.

If we had Radio Free Afghanistan up and running for several years, the terrorists would not have had the fertile ground they have found in Afghanistan to prepare, to train, to be funded. It is very hard to organize like this when you are on the run.

I believe Radio Free Europe, Radio Liberty is the best organization for broadcasting to Afghanistan for the following reasons: first, it had an outstanding impact behind the Iron Curtain during the Cold War; second, there are eight employees there who ran Radio Free Afghanistan during the Soviet invasion in 1985. It has the experience, the expertise. It was helpful at rallying the Afghan people against the Soviets, and I think it will have the best chance of providing information that will help turn the Afghan people against the Taliban and other extremists.

It is the voice of Afghans talking about the radicalism of the Taliban, frankly, that will be our best ally.

This legislation will provide for 12 hours of broadcasting a day; 6 in Pashto, 6 in Dari, the two major languages. In addition, this legislation provides for three transmitters to be moved from Spain to Kuwait. They are not currently being used. Kuwait is an ideal location geographically for transmission to Afghanistan. Although it is my intention that these transmitters be primarily used to broadcast to Afghanistan, they may also be used to broadcast throughout the Middle East or to China.

The concept behind Radio Free Afghanistan is to do what was done with Radio Free Europe in Poland and in the Czech Republic and across Eastern Europe. When we talk with leaders of Poland, Lech Walesa, when we talk to Vaclav Havel of the Czech Republic, they say that the hearts and minds of those people in those countries were turned by the opportunity to listen daily to a radio broadcast which explained what was actually happening inside their society.

These broadcasts were able to explain and put in context what they would be hearing from the Soviet broadcasts. Over time we know from these leaders that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe.

□ 1500

We know what happened to the Berlin Wall, and part of this was because they had access to information. Radio Free Europe broadcast to all of Eastern Europe during the Cold War except for one country, and that country was the former Yugoslavia. We all know the atrocities that have taken place there.

I remember a young Croatian journalist telling me, if only we had had the type of broadcast they had in Czechoslovakia in Yugoslavia we would not have had the slaughter. We would have been able to teach people about political pluralism and tolerance and democracy.

So we know that surrogate broadcasting works. China spends a tremendous amount of time attempting to jam the broadcasts in Radio Free Asia. Saddam Hussein has long complained about Radio Free Iraq, calling these broadcasts an act of aggression. The Iraqi dictator has apparently become so irked by this attempt to undermine his control over the media, that intelligence officials have recently uncovered a plot by Iraq to bomb Radio Free Europe's headquarters in Prague.

Evil regimes like the Taliban hold power through ignorance and propaganda. The Afghan people deserve something better. They deserve to hear the truth, and I hope my colleagues will support this bill for Radio Free Afghanistan.

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

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

Madam Speaker, this is an extremely important piece of legislation, and I want to commend my good friend and distinguished colleague, the gentleman from California (Mr. ROYCE), for introducing this legislation and being its principal sponsor. He deserves enormous credit. I also want to commend our colleague, the gentleman from California (Mr. BERMAN), for being the principal Democratic author, and the gentleman from Illinois (Mr. HYDE) for expediting the handling of the legislation.

Madam Speaker, as our military is executing our plans in Afghanistan with extraordinary skill, we are falling behind in the battle for the minds and hearts and souls of the people of Afghanistan. It is almost incomprehensible that our values should be challenged and questioned by the barbaric nihilists of Osama bin Laden and the Taliban leadership. I support this legislation because it is evident that we need to increase dramatically our public diplomacy not just in Afghanistan but across the Muslim world.

The Middle East Broadcasting initiative, announced by the administration, and Radio Free Afghanistan, established by this legislation, introduced by the gentleman from California (Mr. ROYCE), are two important initiatives that will help us reach tens of millions of Muslims to provide fair, accurate, dependable information about the United States, our values and our policies.

I remember well during the Second World War how powerful it was to listen to the British Broadcasting Corporation and the American Voice of Freedom as a counterweight to the vicious propaganda of Hitler and Goebbels. We are in a somewhat similar fight, confronting a totalitarian, nihilistic, barbarian enemy that is ready to resort to nonstop lies and distortions to make their case.

We must do much more than just pass this legislation, Madam Speaker, to reach the disaffected youth in the Middle East, in Central Asia, but also in Africa, East Asia, and across the globe. We must intensify all of our Voice of America broadcasting, and the broadcasting of Free Asia and Free Afghanistan, and we must increase our educational and cultural programs. We must come up with new and innovative ways to reach the young people who live on the outer fringes of all these societies. Marginalized youth who live without hope and without opportunity grow up into hate-filled men and women who choose to bring death and destruction to themselves and to those around them.

H.R. 2998 is an important piece of legislation and moves us in the right direction of presenting the case of freedom and truth in Afghanistan. I strongly urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume to express my appreciation to the gentleman from California (Mr. LANTOS), the ranking member of the House Committee on International Relations, who is a strong supporter of public diplomacy based upon his own unique experiences. I look forward to continuing to work with him in the future in doing more in this critical area, and I thank him for the focus he has brought to this.

Mr. LANTOS. Madam Speaker, I thank my friend.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Madam Speaker, I would like to publicly thank both gentlemen from California for their excellent efforts in this area.

Madam Speaker, Shakespeare wrote ''Time's glory is to calm contending kings, to unmask falsehood, and bring truth to light.'' The truth is a powerful foundation for freedom, and it is a powerful weapon on behalf of freedom. I propose that we enlist it in the current conflict in Afghanistan.

That is why I rise in strong support of H.R. 2998, the Radio Free Afghanistan Act. As a cosponsor of this legislation, I recognize the need to counter the negative propaganda that the Taliban government is force-feeding the Afghan people. We must let the Afghan people know the truth about the war we are fighting and what the United States is prepared to do to help

them as innocent victims of the Taliban regime.

The people need to know the truth about the cause and effect of harboring the agents of terrorism. The people of Afghanistan are not hearing our message, but instead are being filled with the lies of the Taliban. This has to stop. We must let them know that the war we are fighting is not with them, but rather with the Taliban, who have been systematically stripping away the common individual's liberties since they came to power.

During the Cold War, as the gentleman from California (Mr. ROYCE) noted, similar radio broadcasts spread information and ideas, including the presentation of the democratic ideal, which proved fatal to the Eastern Bloc. I believe this same tool can be devastating to the Taliban. These radio broadcasts are absolutely essential to this freedom struggle.

I urge my colleagues to join me in supporting the spread of truth and vote in favor of this legislation, because, as we know, only the truth shall set us free.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise today in strong support of the bill, H.R. 2998, authored by the gentleman from California (Mr. ROYCE), recreating Radio Free Afghanistan.

Radio Free Europe/Radio Liberty previously broadcast to Afghanistan from 1985 to the end of fiscal year 1993. Although it broadcast to Afghanistan during the last half of the Soviet-Afghan war, RFE/RL had been reporting on the war and its happenings in Afghanistan since the 1979 invasion through its other services in Russian, Turkmen, Tajik, and Uzbek.

Radio Free Europe/Radio Liberty has a 50-year-plus history of delivering accurate and timely information to areas that would not otherwise receive it. The creation of Radio Free Asia in the 1990s built on this tradition. Currently, Afghans are in desperate need of access to this information.

Although RFE/RL is currently not broadcasting into Afghanistan, it is providing vital information about the war through its other services to other countries in the region. One example can be found in the case of Afghan resistance general Abdurashid Dustom. Recently, Russian TV programs reported the killing of this prominent anti- Taliban general. The reports were picked up by media in various Central Asian countries and broadcast throughout the region. Just 2 hours after the first Russian report, RFE/RL's Tajik service aired an interview with General Dustom himself, denying the false reports. Subsequently, RFE/RL's Turkmen, Uzbek, and Persian services also broadcast the interview.

A 1999 study conducted by the U.S. Broadcasting Board of Governors, concluded that 80 percent of Afghan men listen to the Voice of America. The need to provide these men with accurate information from their country and around the world has never been greater.

I also want to thank the Czech people for their decision to host RFE/RL in Central Europe. Building on Vaclav Havel's experience as a prisoner of conscience listening to Radio Liberty underscores the value of this service.

Unlike BBC World Service and other radios, RFE/RL provides unbiased news about unfree societies in their own language about their own society. The difference is key and the service is invaluable.

I want to thank the gentleman from California (Mr. ROYCE) for introducing this bill, and also the gentleman from Illinois (Mr. HYDE), the chairman, and Congress' hero on human rights, the gentleman from California (Mr. LANTOS) for bringing it to the floor today. This is one of the many tools we will need to fight terrorism around the globe, and arming citizens with the truth is the best way to bring about change, victory and reducing American casualties.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleagues for their support. Now, some might question whether broadcasts to this part of the world would really make that much of a difference. I suggest that if done right, these broadcasts would make a profound difference in our war on terrorism, and I want to give an example.

Yesterday, the Wall Street Journal reported that on the streets of Tehran in Iraq, young people, Iranians born after the revolution of Ayatollah Khomeini and fed up with extreme theocracy, are in the streets, in the streets last night, chanting ''We love the USA.'' Yes, ''We love the USA.'' That is what was occurring in the streets in Iran. And these young people, because they want freedom, are our allies and our friends. The hard-line mullahs, who have run on the ''America is the great Satan'' line for years, are deadly fearful of these rumblings.

What is being credited with prompting these expressions is a message of freedom that is being sent by a private television station in Los Angeles, run by Iranian expatriates. These broadcasts are challenging the power of the repressive theocracy, the power of the mullahs who would control every aspect of Iranian lives. And these broadcasts are speaking to Iranian women's desires to play a role in modern society. These and other broadcasts are revolutionary and, in this case, it is an Iranian revolution in America's favor.

Now, Iran is not Afghanistan, that is true, but there are parallels, and what is the same is the power of ideas, the urge for freedom and for individual dignity. That is the desire that Radio Free Afghanistan will be able to bolster, which will significantly aid our war against terrorism. And that is why I urge my colleagues to pass this legislation and why I urge final passage of the bill.

Mr. GILMAN. Madam Speaker, I want to commend Committee Chairman HYDE for bringing this bill before the House and I commend Subcommittee Chairman ROYCE for crafting this important initiative.

For the past several years, the people of Afghanistan have been manipulated by foreign forces who are motivated by selfish evil intentions. Saudi Arabia, along with Pakistan, have created a radical Islamic fundamentalist movement in Afghanistan which threatens international stability. While we work to ensure that the governments of those two countries permanently change their policy, the only way that the world will be safe from the disaster that they have created is by helping the Afghan people to liberate themselves from the Taliban and bin Laden, and to give them the tools to put together a broad based representative form of government.

For the past several years, members of our Committee have been working with the former King and the Northern Alliance to ensure that our government support the Afghan people's desire for a free and democratic Afghanistan. A Radio Free Afghanistan can play a significant role in this endeavor. Accordingly, I urge my colleagues to support this measure.

Mr. HOEFFEL. Madam Speaker, I rise today in strong support of H.R. 2998, the ''Radio Free Afghanistan Act.'' I would first like to thank my House International Relations Committee colleagues, ED ROYCE and HOWARD BERMAN, for their hard work in introducing this important piece of legislation, and to acknowledge their commitment to free speech and freedom in Afghanistan.

The importance of the Radio Free Afghanistan Act should not be underestimated. Under this bill, Radio Free Europe/Radio Liberty would expand to create Radio Free Afghanistan. Radio Free Europe/Radio Liberty has effectively developed over the past 50 years the ''surrogate broadcasting'' concept of local, regional and international news in native languages in countries that do not enjoy freedom of the press.

The principle of broadcasting news and factual information free of the propaganda of repressive states is well established. Bringing the truth of the Taliban's actions to the Afghan people would continue a long-held tradition of bringing the voice of liberty and personal freedom to people around the world.

The Radio Free Afghanistan Act would simply allow the Afghan people to learn the hard-hitting truth about what is happening in their own country. As we all know, knowledge is power.

In the war against terrorism, we must blanket the people of Afghanistan with the voice of freedom, truth and democracy as we blanket the Taliban with bombs. I strongly urge my colleagues to support this vitally important piece of legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2998, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

NATHANIEL R. JONES AND FRANK J. BATTISTI FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REHBERG. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 852) to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 852

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Montana (Mr. REHBERG) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 852 designates the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

Judge Nathaniel R. Jones was born in Youngstown, Ohio, in 1926. After serving in the United States Air Force during World War II, he earned his undergraduate degree and law degree from Youngstown State University. Judge Jones was the editor of the Buckeye Review newspaper before serving as executive director of the Fair Employment Commission in the city of Youngstown. He also served on the Mayor's Human Rights Commission.

Judge Jones had a distinguished legal career before being appointed to the Federal bench. He was in private practice for 2 years; he served as Assistant United States Attorney for the Northern District of Ohio from 1961 until 1967; as general counsel for the NAACP on civil disorder; and as general counsel of the NAACP for 10 years.

In 1979, Judge Jones was appointed to the United States Court of Appeals for the Sixth Circuit. While sitting on the Federal bench, Judge Jones has been active in legal education at Case Western Reserve University School of Law, City University of New York School of Law, University of Cincinnati College of Law, Harvard Law School, North Carolina Central Law School, Indiana University School of Law, Northern Kentucky State University Salmon P. Chase College of Law, and Nova University Law Center in Florida. He has also received numerous honors and awards from universities throughout the United States.

In 1985, Judge Jones traveled to South Africa on behalf of the Lawyers' Committee for Civil Rights, where he was a legal observer at a treason trial. He has continued to be active in civil rights law in South Africa. Judge Jones took senior status in 1995 and maintains a busy docket.

The second judge being honored with this courthouse designation is Frank J. Battisti. Judge Battisti was born in Youngstown, Ohio, and graduated from Ohio University. He then went on to earn his law degree at Harvard University. In 1950, he was admitted to the Ohio bar and served as Ohio Assistant Attorney General. In the early 1950s, Judge Battisti was a legal advisor for the Army Corps of Engineers. He also entered private practice and started teaching at Youngstown University Law School until he was elected a Common Pleas judge in 1958.

In 1961, President Kennedy appointed Judge Battisti to the Federal bench. At the time he was the youngest Federal appointed judge. He served as Chief Judge from 1969 until 1990, and took senior status that April. Judge Battisti presided over the Cleveland public school desegregation case, a public housing desegregation case, and in 1974, the trial of eight members of the Ohio National Guard accused of violating the civil rights of four Kent State students who were shot during student demonstrations in 1970. Judge Battisti passed away on October 19, 1994.

This is a fitting honor for two extraordinary Federal judges from Youngstown. Similar legislation passed the House last year, but was never enacted. I support this bill, and ask my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 852, a bill to designate the new courthouse and Federal building under construction in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

These two native sons of Youngstown, Ohio, have contributed to the excellence of the judicial system and dedicated their lives to preserving the notion of equal justice under the law.

Judge Battisti was born and brought up in Youngstown. After attending Ohio University, in 1950 he received his J.D. from Harvard Law School. Judge Battisti was Assistant Attorney General and a law instructor at Youngstown State University. Later in his career, he was elected judge of the Common Pleas Court of Mahoning County, Ohio.

In 1961, he was appointed to the United States District Court for the Northern District of Ohio by President Kennedy. In 1969 he became the Chief Judge.

Judge Nathaniel Jones was also born and brought up in Youngstown and is a World War II veteran.

His civic and public appointments include serving as director of the Fair Employment Practices Commission and executive director of the Mayor's Human Rights Commission.

Attorney General Robert Kennedy appointed Judge Jones as an Assistant U.S. Attorney for the Northern District of Ohio, based in Cleveland.

In 1969 Roy Wilkins, executive director of the NAACP, asked Judge Jones to serve as the NAACP's general counsel. Judge Jones accepted the offer and served at the NAACP for a decade, from 1969 until 1979. In 1979, President Carter appointed Judge Jones to the U.S. Court of Appeals, Sixth Circuit. Both gentlemen have been active in numerous community and civic organizations. They were personal friends and professional colleagues. It is very fitting and proper that we support this naming bill, and I urge my colleagues to join me in supporting H.R. 852.

Madam Speaker, I reserve the balance of my time.

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

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, naming a Federal courthouse in Youngstown after Nathaniel Jones and Frank Battisti is an ideal way to mark the contributions these men have made to their profession and their communities. Judge Nathaniel Jones once said he ''saw law as a way to effect meaningful changes in society and shape the destiny of individuals locked into second class status.''

The son of a steelworker and World War II veteran, Judge Jones spent his career as an advocate for better, fairer schools and discrimination-free workplaces. He worked alongside some of the greatest legal minds of our time, including Supreme Court Justice Thurgood Marshall.

His accomplishments as the general counsel to the NAACP caught the attention of President Carter, who appointed him to the U.S. Court of Appeals for the Sixth Circuit. President Carter recognized that Judge Jones's exceptional understanding of how the legal process could remedy some of society's shortcomings would serve the country well on the bench. Many of us who have known Judge Jones over his career believe that if President Carter would have been reelected in 1980, he would have chosen Judge Jones to be a member of the United States Supreme Court.

We can say the same kinds of accolades about Judge Battisti, who had the same kind of passion for social justice. He was an outstanding public servant appointed by President Kennedy. Judge Battisti never shied away from controversy. As others mentioned, his career on the bench included rulings on the antiwar protest at Kent State University and ending school desegregation in Cleveland.

Madam Speaker, I thank my colleagues, the gentleman from Ohio (Mr. TRAFICANT) and others, for giving us an opportunity to pay tribute to these distinguished sons of Ohio.

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, both of these men contributed tremendously to desegregation of public schools in the United States of America. Most importantly, both of them were Youngstown, Ohio, natives, born and raised there, and very well respected. The community is very pleased that this Federal building and U.S. courthouse is being named in their honor. I think the most important thing that can be said about both is that they were not afraid to tackle controversial issues. When we talk about desegregation, our Congress looks towards fairness in America; these were two of the trailblazers of desegregation.

Their participation at their respective levels had a trickle-down effect on this entire Nation, and that would be the legacy probably of both men. Hopefully, this bill will be passed into law, and I believe it would signal the first time that a U.S. Federal building and courthouse has been named for both an outstanding African American and white member of the Federal bench. That in itself would be a significant landmark. It would be a fine building.

Madam Speaker, I ask for the House to move this bill through the other body so that this great building can be named for these two outstanding members of our Federal court system.

Mr. PORTMAN. Madam Speaker, I rise today in strong support of H.R. 852, legislation to name the federal building and U.S. courthouse to be built in downtown Youngstown, Ohio after former Federal Judge Frank J. Battisti and United States Court of Appeals Judge Nathaniel R. Jones. Both Judge Battisti and Judge Jones are natives of Youngstown, Ohio, and naming this federal building and courthouse after them would be a source of pride for the residents of that fine city.

Judge Battisti served in many capacities during his distinguished career. None was more notable than his tenure as Chief Judge of the United States District Court for the Northern District of Ohio.

Judge Nathaniel Jones is a personal friend. I have had the pleasure of working with him on the National underground Railroad Freedom Center project in Cincinnati, Ohio and on other projects. Judge Jones serves as the Co-Chair of the Board of Trustees for the Freedom Center and his leadership has been critical. Through my work with the Freedom Center, I have come to admire Judge Jones for his commitment to racial healing and cooperation.

Judge Jones was born and raised in Youngstown, Ohio. He served in the U.S. Army Air Corps in World War II, and later went on to attend Youngstown State University where he received undergraduate and law degrees. Judge Jones later went on to serve as General Counsel for the NAACP where he helped coordinate efforts to end school segregation. In 1979, President Carter appointed him to serve on the United States Court of Appeals for the Sixth Circuit where he serves to this day.

I have great respect for Judge Jones. In all of his accomplishments, perhaps none rank higher than his wife Lillian and their four wonderful children, one of whom—Stephanie J. Jones—is chief of staff for our colleague, STEPHANIE TUBBS JONES. There are few people more dedicated to public service than Judge Jones.

The naming of the federal building and courthouse in Youngstown, Ohio after Judge Battisti and Judge Jones is a fitting tribute to two worthy men. I thank my colleague JIM TRAFICANT for introducing this measure and my colleague STEVEN LATOURETTE for helping move the bill to the floor. I am honored to cosponsor this legislation, and am grateful to see us take action on it.

Mrs. JONES of Ohio. Madam Speaker, it is my pleasure and honor to stand in support of H.R. 852, which names the Federal Building and United States Courthouse in Youngstown, Ohio after my dear friend Judge Nathaniel R. Jones and the late Judge Frank Battisti. No two men are worthier of this recognition.

It is particularly significant that this courthouse is being named after these two wonderful sons of Youngstown who have done so much for their community and for our nation. It is my understanding that this is the first time anywhere in the country that the names of two people of different races have been joined together to name a federal building. How fitting this is. Judge Battisti devoted his life—often at great cost—to reaching across the racial divide and to removing those divides altogether. Judge Jones has committed himself to securing justice for all and healing a divided nation. I am so pleased that these two men will be honored together in this way.

This bill has particular meaning to me, professionally and personally. I first came to know both Judge Jones and Judge Battisti through their involvement in the landmark school desegregation case in my hometown of Cleveland, Ohio. Judge Battisti showed great courage in his rulings and his willingness to force the overhaul of an illegally segregated school system, not a popular thing to do at the time. And Judge Jones' commitment to the law for the highest purposes earned my admiration long before I knew him personally.

Over the years, I have come to know this thoughtful, generous and humble man and am proud to say that he is my mentor and friend. He's also the father of my Chief of Staff Stephanie J. Jones. Judge Jones and I often joke about the unlikely coincidence of Stephanie and I sharing the same name. In fact, he now refers to me as his ''other daughter,'' as honorary title I'm proud to hold.

Judge Jones has traveled the world, counseled Presidents, walked with great leaders, earned the respect of all who know him and achieved great renown. Yet he has never forgotten his roots and the lessons he learned at his mother's knee. He has always lived by the simple admonition he learned in Sunday School—''brighten the corner where you are.''

I had the pleasure of meeting Judge Jones' mother, Lillian Brown Jones Rafe not long before she died and, through her, came to appreciate even more the son she called her ''keen-eyed child.'' This great-grandson of slaves, whose parents moved from the rural south to Youngstown, Ohio seeking opportunities for their children, has risen to heights even a proud mother never imagined, but has never forgotten his roots. Through it all, he remains a child of Youngstown.

It is appropriate that less than two miles away from the street on which he was born, along the route his weary but determined mother walked selling household products and newspaper subscriptions to support her family during the Depression, up the street from the movie theater his father cleaned at night, on a site where he played as a boy, near the small office in which he once toiled as editor of the Buckeye Review newspaper, down the hill from Youngstown University, where he earned his bachelor and law degrees (and fought for equal rights for all students), across the square from the small building that housed his first law office, a few miles from his beloved parents gravesite, will stand a United States Courthouse engraved with the name of Nathaniel R. Jones.

It is truly an honor and a pleasure for me to stand in support of this bill honoring my friend Judge Nathaniel Jones and the late Judge Frank Battisti. This Courthouse, like the remarkable men for which it is named, will brighten its corner, where it will long stand as a reminder and beacon to all who desire and work for justice, equality and mercy.

Mrs. TAUSCHER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REHBERG. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. REHBERG) that the House suspend the rules and pass the bill, H.R. 852.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. REHBERG. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. REHBERG. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 852.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING WTO ROUND OF NEGOTIATIONS IN DOHA, QATAR

Mr. ENGLISH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 262) expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

The Clerk read as follows:

H. Con. Res. 262

Whereas members of the World Trade Organization (WTO) have expressed an interest in improving and clarifying antidumping provisions contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (commonly referred to as the ''Antidumping Agreement'') and subsidy provisions contained in the Agreement on Subsidies and Countervailing Measures at the Fourth Ministerial Conference of the WTO to be held in Doha, Qatar, from November 9–13, 2001;

Whereas the recent pattern of decisions by WTO dispute settlement panels and the WTO Appellate Body to impose obligations and restrictions on the use of antidumping and countervailing measures by WTO members under the Antidumping Agreement and the Agreement on Subsidies and Countervailing Measures has raised concerns; and

Whereas Congress is concerned that WTO dispute settlement panels and the WTO Appellate Body appropriately apply the standard of review contained in Article 17.6 of the Antidumping Agreement, to provide deference to a WTO member's permissible interpretation of provisions of the Agreement, and to a WTO member's evaluation of the facts where that evaluation is unbiased and objective and the establishment of the facts is proper: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations of the WTO, should—

(1) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(2) ensure that United States exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 262.

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

There was no objection.

Mr. ENGLISH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the WTO negotiations in Qatar later this week are going to be enormously important. They are going to create an opportunity to move the world trading system in a direction which will allow us to provide not only freer trade but also fairer trade. We see an opportunity for a new agenda to emerge for the WTO out of this discussion, a new round which we think will yield positive results for America as well as the balance of our trading partners.

But as we move forward and see that agenda take shape, it is very important that the United States Congress weigh-in particularly on one issue which should not be included on that agenda and has been long negotiated and long established. Here I am referring to the antidumping code.

As we engage in a new round of global trade talks, we do not want to see a reopening of the antidumping and countervailing duty laws which have already been negotiated to a conclusion through the WTO.

□ 1530

The history, Madam Speaker, is quite clear on this point. In a previous round, we had an opportunity to negotiate and to compromise, and all parties signed off on an antidumping code that establishes clear parameters by which domestic antidumping protections can be established, administered and moved forward fairly to all parties concerned.

We in America have maintained our antidumping laws well within those parameters, and we have every right to do so. We have not only an opportunity but also an obligation to maintain strong laws on the books that allow us to provide for a level playing field for American workers and American companies and insist that international standards be followed when it comes to trade practices. We have an opportunity and an obligation, in short, to police our own markets, and that is all that we have done.

I went to the Seattle WTO conclave, which unfortunately did not yield a new round of talks, and at Seattle my role, as part of the official delegation, was to argue against a rising chorus of our trading partners who wanted to reopen the antidumping code, who saw the new round as an opportunity to water down antidumping and countervailing duties, who saw this as an opportunity to open up American markets in a way that would provide us with few options if faced with unfair trading practices.

The Seattle Round never materialized, but this weekend we have an opportunity in Qatar to see a new round initiated. Once again, some of our trading partners have come forward. All too often those trading partners, which have a history of having been guilty of dumping on our markets, have been found guilty in the past of having engaged in unfair trading practices as well as some partners who, we suspect, may simply want to muddy the waters, who do not want to go forward on some of the issues that are difficult to them, so they want to reintroduce other issues to slow down the process.

So far, the Bush administration has adopted a strong position, and I salute them. They have had the courage to say that the antidumping code has already been negotiated and it should be left off the agenda of the new round. I salute them for their firmness on this point, and I propose that the House, through this resolution, join them in offering strong support for the notion that the antidumping laws should not be included as part of this WTO round.

As I said, some countries found guilty in the past of dumping in the U.S. market are desperately trying to reopen the U.S. antidumping and countervailing duty laws despite the best efforts of the Bush administration. In my view, this would be counterproductive for the United States.

I urge my colleagues in the House to take the same bold stance as the Bush administration by supporting this resolution today. I urge my colleagues to put the House on record as strongly opposed to including the antidumping and countervailing duty laws on the agenda of a new WTO negotiating round. This would send a clear and unambiguous message to our trading partners, we will not tolerate unfair trading practices, we will provide a level playing field for our workers, and we will not leave our markets vulnerable to predatory trade practices.

Our antidumping and countervailing duty protections are, in my view, absolutely essential for allowing this country to participate in the world trading system; they are important for policing our markets, and they are very important for ensuring that our partners' trade practices conform to the international standards that they have agreed to and that they play by the rules.

This resolution moves in the direction of providing better fair trade for American workers and for American companies at a time when we are clearly entering a recession. I hope it will enjoy strong support. It already enjoys strong bipartisan support. I want to thank my colleagues for that.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

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

Mr. LEVIN. Madam Speaker, I rise in support of this resolution. I regret that it has been brought up with very little notice so that many of my colleagues who would like to participate will not be able to do that, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Maryland (Mr. CARDIN), for example, who are sponsors of this resolution, as well as members in the Steel Caucus.

I do support it because trade remedy laws are critical to U.S. workers and farmers and industry. They are a central pillar of a rule-based system. They were negotiated in the Uruguay Round. It was a product of hard negotiations, of lengthy discussions. The gentleman from New York (Mr. HOUGHTON) and I were able to be there at the end of those discussions, and I can say firsthand that it was very much give and take. There was final agreement. We should resist efforts to unravel that agreement.

Trade remedies are really part of a free market system. A free market system means that one party should not rig the market to their advantage, to distort a free market to their advantage and the disadvantage of another. The rules against dumping, the antidumping laws, are critical to ensuring that market distortions in one country do not undermine another through their exports, through their dumping below cost.

The countervailing duty provisions try to assure that one country does not gain an unfair advantage through large subsidies. Subsidies undercut a free market. The safeguard rules are there to make sure that if there is a major surge, a country is not left without, as the word connotes, a ''safeguard.'' And so I think that these trade remedies, negotiated through hard discussions with give and take, should not be opened up.

What has happened in recent years, though, is that the WTO rules have been undercut by some unfortunate decisions of WTO dispute settlement bodies. What they have done, in a word, is to misinterpret in some cases the actual language and to impose new and never-agreed-to obligations on WTO members. We do not want to make it worse by now reopening this very language which was worked out through such hard discussions.

I want to comment, if I might, on a couple of aspects. One is the second part of this resolution, paragraph No. 2; it talks about ensuring that U.S. exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries. I think that is a useful provision. However, I do not think in any way paragraph 2 should be used to moderate or modify paragraph 1. As hard as we negotiate at Doha regarding paragraph 2, I hope in no way will it undercut our determination as expressed in paragraph 1 of this resolution.

In that regard, I comment next on the ministerial language that has been drafted. It is not acceptable. Essentially what it does is to commit the parties to a renegotiation. It may not say that directly, but that is the implication. It is the implication because, unlike for other provisions where there is first a discussion and then a decision on negotiation, the way the present draft language reads, there would essentially be a commitment to renegotiation, and that is not acceptable.

I want to close by indicating that while I support this resolution, and I very much support it, I do not want anyone to think that it is a substitute for clear language in any Fast Track/TPA bill. It is important that any Fast Track/TPA have, in unambiguous principal negotiating objectives, a statement that there will not be, as far as the U.S. is concerned, any renegotiation of the language in the Uruguay Round document that we negotiated it in good faith, and we will not agree to renegotiate it now.

The bill that the gentleman from New York (Mr. RANGEL) and others and I have presented states clearly among the principal negotiating objectives that there will be, as far as the U.S. is concerned, no such renegotiation, while the bill of the gentleman from California (Mr. THOMAS) does not say that clearly as a principal negotiating objective. I think it is important that whatever might come out of Doha, and I think it is critical that there be no renegotiation, that we state in Fast Track/TPA language what is the position of this Congress. One bill does that and another bill, the Thomas bill, does not.

I rise in support. I hope we will have a strong vote for this bill. Again, I regret that some of my colleagues who otherwise would be here to speak on this will not be able to do so because they did not have notice that it was coming up.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH. Madam Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER), a strong supporter of this resolution and a strong advocate of American interests in trade.

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

Mr. OTTER. Madam Speaker, I rise today in support of this resolution offered by my good friend, the gentleman from Pennsylvania (Mr. ENGLISH). This resolution urges Ambassador Zoellick to defend the ability of the United States to use antidumping and countervailing duty laws to protect against unfair trade practices.

I am and have always been a supporter of free and fair trade. In my previous career, I was an international businessman and traveled to some 81 foreign countries. I know that Idaho and all U.S. businesses can successfully compete against products from anywhere in the world. Government intervention, rather than foreign competition, is the only threat to the productivity of my constituents.

Today, Idaho and U.S. computer chip manufacturers are threatened by the Government of South Korea. In violation of international trading rules, South Korea is forcing its banks to exchange thousands of dollars of loans in Hynix for worthless shares in the company. Hynix even gets $500 million in new loans from government-controlled banks at much lower rates. Two private banks who are creditors refused to give additional credit as they saw the futility of doing so.

This massive injection of capital into Hynix makes it possible for them to undercut the prices offered by other private companies. Competitive chip manufacturers within both the United States and overseas will be driven out of business by these actions if positive steps, such as we are suggesting in this resolution today, are not taken to oppose them.

The ability of the United States to bring antidumping and countervailing duty cases against foreign manufacturers is an important shield against the actions taken by the South Korean Government and others who would try to bail out their failing companies and industries. While the World Trade Organization plays a very vital and important role in ensuring that international trading nations play by the rules, it currently lacks the speed and the flexibility to protect nations against unfair trade practices. Our antidumping and countervailing duty legislation gives this Nation the ability to protect itself from all unfair competition.

□ 1545

I am pleased to rise before this House and give my full support to this resolution. I also offer this warning to those nations who would seek to undermine fair trade: this Congress will not stand for and will be prepared to take whatever steps are necessary to defend itself against economic aggression.

I will support, nay, Madam Speaker, I will champion, any additional authorities that our trade representatives need to defend America's workers and industries.

Mr. LEVIN. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman for yielding

me time, and I rise in support of H. Con. Resolution 262, offered by the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN).

As thousands of steelworkers have discovered, the United States has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by a record 36 million tons. The trade deficit in steel was a record $11 billion dollars, accounting for nearly 7 percent of our overall trade and growing trade imbalance. The vast majority of these imports were subsidized by foreign governments and dumped at below-market prices in our country.

The American steel industry relies on anti-dumping laws as their last line of defense against unfairly traded imports. Unfortunately, since the Uruguay Round agreements, the steel industry's ability to defend itself has been severely weakened.

At the upcoming World Trade Organization ministerial in Doha, Qatar, several nations that export steel to the United States have set the weakening of international rules on trade laws as a major priority to be negotiated. Robert Zoellick, the U.S. Trade Representative, simply cannot be allowed to travel to Qatar and negotiate away the remaining safety measures the steel industry has.

That is why I support this resolution. Many of us are concerned about this WTO ministerial. We are, first of all, concerned because of the place it is located. It is located in a country which does not allow free elections. It is located in a country which does not allow freedom of expression. It is located in a country where women are treated not much differently from the way women are treated by the Taliban in Afghanistan. It is held in a country where public worship by non-Muslims is banned.

The message that that sends to people around the world, that the trade ministers are meeting in a city and country where public protests will not be allowed, where free speech is not allowed, where public expression is not allowed, where freedom of worship is not allowed, where free elections are not allowed, is troubling.

It is troubling because all too often our own trade minister, in this case Mr. Zoellick, has used in the past language to suggest that those of us that do not support his free trade agenda, his agenda to weaken environmental and labor standards around the world, that do not support his agenda are in some way unpatriotic or somewhat indifferent to the counterterrorism efforts promoted by the administration.

While all of us I believe in Congress support the President's efforts to combat terrorism, both domestically and abroad, we do not subscribe to the values that Mr. Zoellick and others, and in part of the U.S. Trade Representative's office journey to Qatar, tend to suggest.

That means that we hope coming out of this ministerial, again, even though it is located in a place that sends a message not of freedom, but of much less than that, we hope that the message that comes out of this meeting in Qatar is sort of the opposite of what goes in in terms of the message that holding in Qatar means, that we care about labor standards, environmental standards, free elections, freedom of worship, all the values that we in this country fight for and we in this country hold dear.

That is another reason I think it is important to join the efforts of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. ENGLISH) in support of H. Con. Res. 262. I ask House support for the resolution.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Speaker, I appreciate the gentleman yielding me time; and I also want to compliment the gentleman and my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), who has introduced this resolution. The gentleman is the chairman of the Congressional Steel Caucus in the House.

The resolution that we have here before us today is very important because the industry, as I think all of my colleagues understand, is imploding as we debate this resolution today. I think the first order of business is to make sure that we do not backslide in any way, shape, or form as far as the existing protections that are put into law.

Why do we need the gentleman's resolution today? First of all, we want to ensure that there is a clear message from the House of Representatives to the new administration that preserving our trade laws as they exist today is a primary focus and of primary importance to us.

Second, it is clear that some would like to see our antidumping and antisubsidy laws changed, and it is important to also send our trading partners a clear message that we will not tolerate this.

Finally, some of our strongest allies, because of travel uncertainties, may not be at the WTO conference in the coming week to assist us in ensuring that there is no backsliding on this issue.

But while I am here to congratulate my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), and to fully support the legislation he has introduced, which I am a cosponsor of, I would also use my time today to remind our colleagues that the task is not yet finished as far as assistance to the domestic steel industry.

I would point out to my colleagues that Al Tech Specialty Steel Corporation of the State of New York ceased operations on June 29 of this year. Laclede Steel Company in the State of Missouri ceased operation in August this year. I would remind Members that Qualitech Steel in Indiana ceased operations on January 26 of this year. I would remind my colleagues that Gulf States Steel in the State of Alabama ceased operations in this year, the month of January. I would remind my colleagues that on May 18 of this year, Northwestern Steel and Wire, located in the State of Illinois, ceased operations. I would remind my colleagues that CSC Limited in the State of Ohio ceased operations this year. I would further remind my colleagues that Trico Steel also in the State of Alabama ceased operations this year. Great Lakes Metals, Limited, in East Chicago, Indiana, my congressional district, ceased operations in July of this year. Edgewater Steel, Limited, of Oakmont, Pennsylvania, ceased operations on September 28 of this year, as well as Acme Steel Corporation, also of the State of Illinois.

It is not just companies that have ceased operations. It is not just the 10 million additional tons of steel that are no longer melted and produced in the United States of America that are important to all of us. What is important are the 140 people that lost their job in Pennsylvania on September 28. What is important are the 40 people in East Chicago, Indiana, who lost their jobs this year. What is important are the 320 people in Alabama who lost their jobs this year. What is important is the 1,225 people in Warren, Ohio, who lost their jobs this year, or the 1,600 people who lost their jobs at Northwestern Steel and Wire. What is important are the 1,906 people in Gadsden, Alabama, who lost their jobs this year, or the 350 people who used to have a job at Qualitech Steel in the State of Indiana, or those who also worked at Al Tech Specialty Steel, 790 individuals who lost jobs.

I would emphasize that these are individual citizens we are here to represent, and those are good-paying jobs with good benefits; and there are families and households and mortgages that attach to this issue.

We have jobs, we have people, and we have a national defense issue here. Over the last 23 years we have seen 30 million tons of steel capacity closed in the United States of America. In the last 12 to 18 months, we have added another 10 million tons of capacity that have now closed. The problem as I see it is we are the only industrialized Nation on the planet Earth who cannot produce enough steel now to meet our own needs.

I am very pleased that because of the pressure many of us brought with H.R. 808, that the gentleman is also a cosponsor of, that more than a majority of the House have cosponsored, the administration has initiated an investigation by the ITC.

The ITC last month found, to no one's surprise, that serious injury has occurred to the domestic steel industry. There is a remedy phase, and then

the administration must make a decision as far as the implementation of that remedy.

We have also seen an improvement as far as changing the existing loan guarantee program that was put in place in 1999, increasing that guarantee from 85 percent to 95 percent to give qualified steel companies who have a good business and a reasonable chance of success of making it.

But the industry also needs financial help. Several weeks ago I attempted to have an amendment offered on the House floor to provide $800 million a year for 3 years to help ameliorate the problems that the industry is facing as far as their legacy costs. My concern is if we do not act between now and the middle of December in this body to provide this industry with those dollars, it will cease to exist.

I have five major facilities along the southern shore of Lake Michigan. I would not represent to the Speaker or to any of my Members that those facilities are going to disappear. But my great fear on behalf of the people involved, on behalf of the communities involved, and on behalf of our national defense is when they cease to operate, foreign investors will buy parts. They will close all of our melting capacity. We will no longer make steel in the Great Lakes States. We will process steel in the Great Lakes States. I think that would be a travesty, and I would use my time allotted by the gentleman from Michigan to make that point and implore my colleagues to consider the financing that is necessary for the domestic steel industry to solve their problems.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on strengthening our antidumping and countervailing duty laws. I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his strong leadership in this area.

Madam Speaker, I strongly support this resolution. We must make sure that in negotiating in the next trade rounds, that we do not do anything that can compromise our current laws that we have in effect that deal with antidumping and countervailing duties.

Madam Speaker, I must say we even have to go further than that. We need to strengthen our laws consistent with our World Trade Organization obligations. I think that we need to strengthen those laws. It is interesting that the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) are both cosponsors and sponsors of legislation in order to do that.

The problem is it takes too long to provide relief to industries that have been hurt by dumped products. The steel industry, of course, is a classic example. Too many of our steel companies have gone out of business because it has taken over 3 years since we have had illegal imports for the system to provide the appropriate relief. So we should be talking about strengthening those laws, not weakening them.

I think this resolution makes it clear that we are going to draw a line in the sand that we are not going to weaken our current protections that we have against illegally dumped steel. It is an important statement for us to go on record.

I applaud my colleagues for bringing forward this resolution and urge all my colleagues to support it.

Mr. LEVIN. Madam Speaker, I believe we have covered our position well; and, therefore, I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentlemen who have participated in this debate today, because their presence here has highlighted the importance of this resolution in sending a message to the world that the United States Congress feels very strongly that the U.S. needs to have strong antidumping protections, needs to have a strong trade policy, and is fully prepared to take that position and stress it this coming weekend in Doha.

□ 1600

I particularly want to thank the American Iron and Steel Institute for their support of our resolution. I want to thank the Steel Caucus, of which I am chairman and of which the gentleman from Indiana (Mr. VISCLOSKY) is vice chairman. I want to particularly single him out for thanks for his participation not only in this effort, but in all of the efforts of the Steel Caucus and his photo finish appearance on the floor today from traveling. I want to thank the gentleman from Michigan (Mr. LEVIN) for his wisdom and his institutional memory. He has been a major figure in all of our trade debates of the last few years, and we look forward to his major contribution in the coming days to the trade debates that are before us.

I also want to thank the gentleman from Maryland (Mr. CARDIN), my friend, who has really been an extraordinary advocate of strengthening the antidumping laws, and I have had the privilege of the working with him on this issue now in two different Congresses. I also want to thank the gentleman from Ohio who spoke earlier for giving me the opportunity to correct the record, since he created the impression that this resolution was in some way binding the Bush administration, restricting the Bush administration and the position they might take in the negotiations on the next WTO Round. Nothing could be further from the truth.

Madam Speaker, what is fairly clear from the record is that this administration has consistently come out against putting our antidumping laws on the chopping block and negotiating them away. They have consistently been advocates of a stronger trade policy for America. They have been consistently willing to stand up for steel. As chairman of the Steel Caucus, I would like to take a moment right now to thank them for having the courage to stand up at considerable political expense in some circles to themselves and being willing to fight for American steel workers, fight for our basic capacity to produce our own steel. That is so fundamental to us as a strategic asset and our American steel-making capacity, if it survives in coming years, will be much through the effort of this Bush administration.

So Mr. Zoellick, when he goes to Doha, will have a strong record as a friend of steel, as a friend of American workers and American manufacturers, and also as a strong advocate of a firm U.S. position when it comes to the antidumping laws.

Madam Speaker, in conclusion, I think we all look at the trade issue from the perspective of our local communities. I come from northwestern Pennsylvania, from a community with the largest concentration of manufacturing jobs in our entire State, also the largest concentration of export-related jobs in our State. We have seen a winnowing out of this manufacturing capacity. Over the last few months, we have lost permanently 6 percent of our manufacturing base, and that was before the announcement of just a week ago that International Paper is closing a plant that has sustained our community as a major source of jobs for the last 100 years.

Madam Speaker, looking at this from northwestern Pennsylvania, we know we have neighbors in need. We know we have workers throughout America who have had good skilled jobs, whose jobs have been at risk; and in many cases, they have recently lost them. Madam Speaker, I imagine many of those workers are at home watching this debate; and I would like to be able to reassure them, send them a strong message, even as we send our trading partners a strong message, that this Congress will not stand by while some of our trading partners try to get us to negotiate away an important part of the trade protections that we are currently allowed to have under international law.

Madam Speaker, I urge the passage of this resolution to send a strong, bipartisan message that this Congress is committed to a strong trade policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair would remind that all comments should be addressed to the Chair.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the

rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 45 minutes p.m.

AVIATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1447) to improve aviation security, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

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 ''Aviation Security Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.
Sec. 102. Transportation security function.
Sec. 103. Aviation Security Coordination Council.
Sec. 104. Improved flight deck integrity measures.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Improved airport perimeter access security.
Sec. 107. Enhanced anti-hijacking training for flight crews.
Sec. 108. Passenger and property screening.
Sec. 109. Training and employment of security screening personnel.
Sec. 110. Research and development.
Sec. 111. Flight school security.
Sec. 112. Report to Congress on security.
Sec. 113. General aviation and air charters.
Sec. 114. Increased penalties for interference with security personnel.
Sec. 115. Security-related study by FAA.
Sec. 116. Air transportation arrangements in certain States.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Increased funding flexibility for aviation security.
Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
Sec. 121. Encouraging airline employees to report suspicious activities.
Sec. 122. Less-than-lethal weaponry for flight deck crews.
Sec. 123. Mail and freight waivers.
Sec. 124. Safety and security of on-board supplies.
Sec. 125. Flight deck security
Sec. 126. Amendments to airmen registry authority.
Sec. 127. Results-based management.
Sec. 128. Use of facilities.
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.
Sec. 130. Voluntary provision of emergency services during commercial flights.
Sec. 131. Enhanced security for aircraft.
Sec. 132. Implementation of certain detection technologies.
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.
Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

''(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

''(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

''(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

''(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

''(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

''(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

''(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

''(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

''(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

''(C) To establish uniform national standards and practices for transportation during a national emergency.

''(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

''(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

''(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the

Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

''(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

''(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).''.

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking ''x-ray'' in paragraph (4);

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

(3) by striking ''passengers.'' in paragraph (5) and inserting ''passengers;''; and

(4) by adding at the end the following:

''(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

''(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.''.

(d) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

''(f) AVIATION SECURITY COORDINATION COUNCIL.—

''(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

''(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

''(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

''(4) MEMBERSHIP.—The members of the Council are:

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

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

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

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

''(E) The Director of the Central Intelligence Agency, or the Director's designee.

''(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

''(g) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

''(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

''(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

''(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.''.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking ''international''.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking ''consider placing'' and inserting ''place''.

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) DEPLOYMENT.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''With'';

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

(3) by adding at the end the following:

''(2) The Secretary—

''(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

''(B) shall place them on every such flight determined by the Secretary to present high security risks.

''(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.''.

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

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

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

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking ''supplies and'' and inserting ''supplies, personnel, services, and''.

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

''(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

''(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

''(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.''.

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

''(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.''.

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking ''weaknesses by January 31, 2001;'' in subparagraph (A) and inserting ''weaknesses;'';

(2) by striking subparagraph (D) and inserting the following:

''(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;'';

(3) by striking ''program by January 31, 2001;'' in subparagraph (F) and inserting ''program;''; and

(4) by striking subparagraph (G) and inserting the following:

''(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.''.

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.''.

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

''§ 44901. Screening passengers, individuals with access to secure areas, and property

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

''(b) DEPLOYMENT OF ARMED PERSONNEL.—

''(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

''(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

''(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

''(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

''(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

''(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

''(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

''(D) the Attorney General has consulted the airport sponsor.

''(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

''(A) the types of aircraft that use the airport;

''(B) seasonal variations in air traffic and types of aircraft that use the airport; or

''(C) other factors that warrant modification of otherwise applicable security requirements.

''(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

''(A) may provide or require additional security measures;

''(B) may conduct random security inspections; and

''(C) may provide assistance to enhance airport security at that airport.

''(d) MANUAL PROCESS.—

''(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

''(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

''(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of understanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.''.

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking ''purpose of'' in subsection (b)(1)(A) and inserting ''purposes of (i)'';

(2) by striking ''transportation;'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;'';

(3) by striking ''NOT FEDERAL RESPONSIBILITY'' in the heading of subsection (b)(3)(b);

(4) by striking ''shall not be responsible for providing'' in subsection (b)(3)(B) and inserting ''may provide'';

(5) by striking ''flight.'' in subsection (c)(2) and inserting ''flight and security screening functions under section 44901(c) of title 49, United States Code.'';

(6) by striking ''General'' in subsection (e) and inserting ''General, in consultation with the Secretary of Transportation,''; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

''(e) SECURITY SCREENERS.—

''(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

''(2) HIRING.—

''(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

''(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

''(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

''(iii) to have passed an examination for recent consumption of a controlled substance;

''(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

''(v) to meet such other qualifications as the Attorney General may establish.

''(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

''(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

''(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

''(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

''(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

''(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

''(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

''(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

''(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

''(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

''(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

''(C) The individual shall be able to read, speak, and write English well enough to—

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

''(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

''(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

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

''(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

''(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

''(A) is closely supervised; and

''(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

''(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

''(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

''(A) continues to meet all qualifications and standards required to perform a screening function;

''(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

''(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

''(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

''(g) TRAINING.—

''(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

''(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

''(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

''(B) has completed 60 hours of on-the-job instruction; and

''(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

''(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

''(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting ''as a security screener under section 44935(e) or a position'' after ''a position''.

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting ''the Attorney General,'' after ''subsection,'' in paragraph (1); and

(B) by striking ''An'' in paragraph (3) and inserting ''The Attorney General, an''.

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting ''is or'' before ''will'' in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking ''complete an intensive review of'' and inserting ''periodically review'';

(2) by striking ''commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;'' in subparagraph (B) and inserting ''aircraft in air transportation;''; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;''.

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.''.

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44939. Training to operate jet-propelled aircraft

''(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States

unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

''(b) INVESTIGATION.—

''(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

''(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

''(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

''(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

''(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

''(B) A determination of the status of the alien under the immigration laws of the United States.

''(C) A determination of whether the alien or individual presents a national security risk to the United States.

''(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

''(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

''(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

''(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

''(1) each alien to whom such training is provided; and

''(2) every other individual to whom such training is provided as the Secretary may require.

''(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''44939. Training to operate jet-propelled aircraft.''.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

''§ 46503. Interference with security screening personnel

''An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

''46503. Interference with security screening personnel''.

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

''§ 48114. User fee for security services charge

''(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

''(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement.

''(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

''48114. User fee for security services''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the

date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

''CHAPTER 483. AVIATION SECURITY FUNDING.

''Sec.

''48301. Aviation security funding

''§ 48301. Aviation security funding

''There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.''.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

''483. Aviation Security Funding ..... 48301''.

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

''(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.''.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking ''or'' in subparagraph (B);

(B) by inserting ''or'' after ''executed;'' in subparagraph (C); and

(C) by adding at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;''.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

''(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.''.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking ''and'' in paragraph (3);

(B) by striking ''47134.'' in paragraph (4) and inserting ''47134; and''; and

(C) by adding at the end the following:

''(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).''.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''§ 44940. Immunity for reporting suspicious activities

''(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

''(b) APPLICATION.—Subsection (a) shall not apply to—

''(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

''(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

''§ 44941. Sharing security risk information

''The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.''.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committe on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''44940. Immunity for reporting suspicious activities.

''44941. Sharing security risk information.''.

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

''(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

''(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

''(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

''(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.''.

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal

agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) SHORT TITLE.—This section may be cited as the ''Flight Deck Security Act of 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''pilots'' and inserting ''airmen''; and

(B) by striking the period and inserting ''and related to combating acts of terrorism.''; and

(2) by adding at the end, the following new paragraphs:

''(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

''(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.''.

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44942. Performance Goals and Objectives

''(a) SHORT TERM TRANSITION.—

''(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

''(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

''(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

''(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

''(1) PERFORMANCE PLAN AND REPORT.—

''(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

''(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

''(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

''(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

''§ 44943. Performance Management System

''(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

''(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

''(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

''(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

''(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

''(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

''(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

''(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

''(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

''(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.''.

SEC. 128. USE OF FACILITIES.

(a) EMPLOYOMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44944. Exemption of volunteers from liability

''(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

''(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''44944. Exemption of volunteers from liability.''.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term ''alien'' has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting ''; and''; and

(C) by inserting after clause (ix) the following new clause:

''(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.''.

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

''(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

''(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

''(B) review the effectiveness of increased surveillance at access points;

''(C) review the effectiveness of card- or keypad-based access systems;

''(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

''(E) specifically target the elimination of the ''piggy-backing'' phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

''(2) 90-DAY REVIEW.—

''(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

''(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

''(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the ''watch list'' for any Federal law enforcement agencies who could present an aviation security threat.

''(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of ''watch list'' information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

''(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and ''smart'' cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.''.

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development,

testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

MOTION OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Alaska moves to strike all after the enacting clause of the Senate bill, S. 1447, and insert in lieu thereof the text of H.R. 3150 as passed by the House, as follows:

H.R. 3150

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

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

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

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

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Transportation Security Administration.
Sec. 102. Screening of passengers and property.
Sec. 103. Security programs.
Sec. 104. Employment standards and training.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Enhanced security measures.
Sec. 107. Criminal history record check for screeners and others.
Sec. 108. Passenger and baggage screening fee.
Sec. 109. Authorizations of appropriations.
Sec. 110. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
Sec. 111. Passenger manifests.
Sec. 112. Transportation security oversight board.
Sec. 113. Airport improvement programs.
Sec. 114. Technical corrections.
Sec. 115. Alcohol and controlled substance testing.
Sec. 116. Conforming amendments to subtitle VII.
Sec. 117. Savings provision.
Sec. 118. Budget submissions.
Sec. 119. Aircraft operations in enhanced class B airspace.
Sec. 120. Waivers for certain isolated communities.
Sec. 121. Assessments of threats to airports.
Sec. 122. Requirement to honor passenger tickets of other carriers.
Sec. 123. Sense of Congress on certain aviation matters.

TITLE II—VICTIMS COMPENSATION

Sec. 201. Limitation on liability for damages arising out of crashes of September 11, 2001.

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

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

''§ 114. Transportation Security Administration

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

''(b) UNDER SECRETARY.—

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

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

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

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

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

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

''(d) FUNCTIONS.—

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

''(A) carrying out chapter 449 relating to civil aviation security; and

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

''(2) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

''(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

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

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

''(2) assess threats to transportation;

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

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

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

''(6) supervise all airport security and screening services using Federal uniformed personnel;

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

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

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

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

''(11) ensure the adequacy of security measures for the transportation of cargo;

''(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

''(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

''(14) develop standards for the hiring and retention of security screening personnel;

''(15) train and test security screening personnel; and

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

''(f) ACQUISITIONS.—

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

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

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

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

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

''(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

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

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

''(h) REGULATIONS.—

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

''(2) EMERGENCY PROCEDURES.—

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

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

''(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

''(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

''(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

''(j) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

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

''(l) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.''.

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

''114. Transportation Security Administration.''.

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

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

(d) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by inserting ''personnel and'' before ''supplies and equipment''.

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(1) in subsection (a) by striking ''Administrator of the Federal Aviation Administration'' and inserting ''Under Secretary of Transportation for Security''; and

(2) in subsections (b) and (c) by striking ''Administrator'' each place it appears and inserting ''Under Secretary''.

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

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

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

(3) in section 44916(a)—

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

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

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

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

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

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

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

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

SEC. 102. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a)—

(A) by striking ''a cabin of''; and

(B) by striking ''a weapon-detecting'' and all that follows through the period at the end of the second sentence and inserting ''persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary).''; and

(2) by adding at the end the following:

''(d) ASSUMPTION OF SCREENING FUNCTION BY UNDER SECRETARY.—

''(1) IN GENERAL.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

''(2) ADDITIONAL SCREENING AUTHORITY.—The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

''(e) SUPERVISION OF SCREENING.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

''(f) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

''(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under

common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.''.

SEC. 103. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''a law enforcement presence'' and inserting ''a law enforcement or military presence''; and

(B) by inserting after ''at each of those airports'' the following: ''and at each location at those airports where passengers are screened''; and

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

SEC. 104. EMPLOYMENT STANDARDS AND TRAINING.

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

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

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

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

(4) by adding at the end the following:

''(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

''(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

''(8) minimum compensation levels, when appropriate;

''(9) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces; and

''(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.''.

(b) FINAL RULES ESTABLISHING TRAINING STANDARDS FOR SCREENERS.—Section 44935(e)(1) is amended by striking ''May 31, 2001'' and inserting ''6 months after the date of enactment of the Airport Security Federalization Act of 2001''.

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

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

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

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

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

''(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.''.

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of the enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a ''screener''):

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

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

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

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

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

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

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

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

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

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

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

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

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

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

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

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

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

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

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

''§ 44917. Deployment of Federal air marshals

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

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

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

''(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey;

''(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

''(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

''(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

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

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

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

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

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

''(E) availability pay—

''(i) received by a criminal investigator under section 5545a of this title; or

''(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;''.

SEC. 106. ENHANCED SECURITY MEASURES.

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

''§ 44918. Enhanced security measures

''(a) IN GENERAL.—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

''(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the

flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

''(2) After consultation with the Administrator, develop and implement methods to—

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

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

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

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

''(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

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

''(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

''(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

''(7) Establish performance goals for individuals described in paragraph (6), provide for the use of threat image projection or similar devices to test such individuals, and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

''(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

''(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

''(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

''(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

''(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

''(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

''(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

''(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

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

''(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

''(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

''(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

''(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

''(b) AIRWORTHINESS OBJECTIONS BY FAA.—

''(1) IN GENERAL.—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

''(2) REVIEW BY SECRETARY.—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

''(c) VIEW OF NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

''(d) PROPERTY SECURITY PROGRAM.—

''(1) CHECKED BAGGAGE.—

''(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

''(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

''(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

''(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

''(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as practicable after the date of enactment of this paragraph.

''(e) LIMITATION ON CERTAIN ACTIONS.—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

''(f) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).''.

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

''44918. Enhanced security measures.''.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

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

(A) in the section heading by striking ''**REPORTS**'' and inserting ''**REPORT**''; and

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

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

''44938. Report.''.

SEC. 107. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

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

(2) by adding at the end of paragraph (1) the following:

''(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before

the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations.''; and

(3) in paragraph (2)—

(A) by striking ''or airport operator'' and inserting ''airport operator, or certificated screening company''; and

(B) by adding at the end the following: ''In this paragraph, the term 'certificated screening company' means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.''.

SEC. 108. PASSENGER AND BAGGAGE SCREENING FEE.

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

''§ 44939. Passenger and baggage screening fee

''(a) GENERAL AUTHORITY.—

''(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

''(2) AIR CARRIER FEES.—

''(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

''(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

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

''(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

''(d) IMPOSITION OF FEE.—

''(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

''(2) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

''(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(e) ADMINISTRATION OF FEES.—

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

''(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

''(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

''(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

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

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

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

''(3) shall remain available until expended.

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

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

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

(c) EXEMPTIONS.—Section 44915 is amended by striking ''and 44936'' and inserting ''44936, and 44939''.

SEC. 109. AUTHORIZATIONS OF APPROPRIATIONS.

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

''§ 44940. Authorizations of appropriations

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

''(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 for the Secretary of Transportation to make grants to air carriers to—

''(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

''(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

''(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

''(4) provide for the use of other innovative technologies to enhance aircraft security.

''(c) AIRPORT SECURITY.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

''(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

''(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

''(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.''.

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

''44940. Authorizations of appropriations.''.

SEC. 110. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

''(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.''.

SEC. 111. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

''(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2).

''(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

''(A) The full name of each passenger and crew member.

''(B) The date of birth and citizenship of each passenger and crew member.

''(C) The sex of each passenger and crew member.

''(D) The passport number and country of issuance of each passenger and crew member if required for travel.

''(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

''(F) The passenger name record of each passenger.

''(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

''(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

''(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.''.

SEC. 112. TRANSPORTATION SECURITY OVERSIGHT BOARD.

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

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''§ 44951. Transportation Security Oversight Board

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

''(b) MEMBERSHIP.—

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

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

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

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

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

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

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

''(c) DUTIES.—The Board shall—

''(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

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

''(3) review—

''(A) plans for transportation security;

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

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

''(D) procurement of security equipment;

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

''(F) waivers granted by the Under Secretary under section 120 of the Airport Security Federalization Act of 2001 and may ratify or disapprove such waivers; and

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

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

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

''(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

''§ 44952. Advisory council

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

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

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

''(d) ADMINISTRATIVE MATTERS.—

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

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

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

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

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

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

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

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''44951. Transportation Security Oversight Board.

''44952. Advisory council.''.

SEC. 113. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.''.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

''(J) hiring, training, compensating, or reimbursement for law enforcement personnel at a non-hub or small hub airport (as defined in section 41731).

''(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

''(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.''.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 47110(b)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) ''or''; and

(3) by inserting at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.''.

(d) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking ''and'' at the end of paragraph (3);

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

(3) by adding at the end the following:

''(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).''.

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting ''or the Airport Security Federalization Act of 2001'' after ''21st Century''.

SEC. 114. TECHNICAL CORRECTIONS.

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

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting ''in the interest of air commerce or national security'' before ''to carry out foreign policy''.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking ''representatives'' and inserting ''representations''.

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

''(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

''(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

''(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.''.

SEC. 115. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

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

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

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

(4) by inserting after section 45106 the following:

''§ 45107. Transportation Security Administration

''(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to

testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

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

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

''45107. Transportation Security Administration.''.

SEC. 116. CONFORMING AMENDMENTS TO SUBTITLE VII.

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

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

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

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

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

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

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

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

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

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

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

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

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

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

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

(2) in subsection (d)—

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

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

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

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

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

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

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

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

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

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

(5) in section 46303(c)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration'';

(6) in section 46311—

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

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

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

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

(8) in section 46505(d)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration''.

SEC. 117. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his

official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term ''Act'' includes the amendments made by this Act.

SEC. 118. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 119. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of the enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 120. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

SEC. 121. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

''(d) PASSENGER VEHICLES.—

''(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

''(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.''.

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41722. Requirement to honor passenger tickets of other carriers

''Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.''.

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

''41722. Requirement to honor passenger tickets of other carriers.''.

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

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

''SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.'';

(2) by amending subsection (a) to read as follows:

''(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.'';

(3) in subsection (b), by adding at the end the following new paragraphs:

''(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

''(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

''(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

''(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

''(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.'';

(4) by amending subsection (c) to read as follows:

''(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

''(1) hijacks any aircraft or commits any terrorist act; or

''(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act.''; and

(5) by adding at the end the following new subsections:

''(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

''(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.''.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3150) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1447, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment on the bill (S. 1447), to improve aviation security, and for other purposes, be instructed to make every effort to resolve all differences between the two Houses as soon as possible, and no later than Friday, November 9, 2001.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, we had a very lively and in-depth debate last week on the aviation security measure pending before us, and I again wish to express my appreciation to the chairman for the distinguished manner in which he conducted the debate on his side, and to the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for the evenhanded manner in which the debate was conducted.

I am also very grateful for the kind words that both gentlemen expressed toward me and toward other Members on our side at the conclusion of debate. I think that is the spirit in which this body operates at its best.

Last week, it was widely agreed that we needed to act on aviation security. We should have acted on the 14th. We tried. We got a compensation bill to the floor. It was objected to.

We came back a week later on the 21st. We should then have, I think it was agreed that it would be ideal to have dealt with restoration of airline finances and security in the same moment, in the same piece of legislation. For other reasons, that could not be done at the time.

Now, time has passed, and the issue has become more complicated.

In the time since enactment of the Airline Financial Stabilization package, which was necessary, we had to do that, but to get people back on airplanes requires more than financially stable air carriers. It requires travelers who are confident that when they board an aircraft, they will arrive at their destination safely. Those who were white-knuckle flyers before September 11 are now gripping their seats in fear and concern for their lives.

We have also seen highly publicized incidents where the private screener work force have allowed guns and knives through security checkpoints. The FAA has had to step in, and in one incident reported in the course of debate last Thursday at JFK Airport, had to take people off airplanes, put them back in the terminal, search the aircraft, review all passengers once again, and delay flights for hours. That is unacceptable, to say the very least.

We have assurances from the administration that it was not necessary to pass the bill that originated in the other body and sent to the President, because the House and the Senate both could act quickly to resolve their differences and that we would have a resolution of this issue within a week. Well, that week is nearing its close. Conferees should have been appointed last week before we concluded.

I asked the majority leader late in the evening when conferees would be named, and he said, well, it would be done first thing in the week. Well, this is first thing in the week. We have a lot of ground to cover. Conferees need to be named. We have to move quickly to get a bill through conference and through both bodies and to the President, and we have a big mountain to climb.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the words of the gentleman from Minnesota (Mr. OBERSTAR) and his role and his dedication to security. I too want to move this legislation as quickly as possible. I do compliment him on the motion to instruct, because we all want to get this job done.

Unfortunately, I cannot control everything that happens in this House, although I would like to. I will tell my colleagues that up front. I cannot control what the other body does. But I intend myself, personally, to see if we cannot expedite this process, and that means going to conference and working with the Senate conferees, with them hopefully having an open mind to the proposal which passed this House overwhelmingly last week.

I am confident that that can occur. I hope it will occur very rapidly. It is our intent to draft the perfect legislation for the security of the traveling public in the United States.

Again, we are doing what we can do in this House. I cannot speak for the other body, but we will do our job. With the working relationship I believe we have, we will be able to accomplish that.

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

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), and I yield myself 10 seconds to express my great appreciation to the gentleman for his 15 years of effort on aviation safety and security issues and for his leadership in fashioning the legislation that we crafted in committee.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time. I share the sentiments of the chairman of the committee that we should engage the Senate immediately and aggressively and get a bill done this week. I do not believe that we can do any less for the American people. We are coming up on what is traditionally the busiest travel time of the year, Thanksgiving, but we have yet to enact any more comprehensive measures on the issue of aviation security since the attacks on September 11.

Mr. Speaker, we acted with great dispatch, although I did not support the legislation, to provide financial support to the industry. At that time, I attempted on a motion to recommit to include some security measures, and although a substantial number voted for that, it did not pass. But here we are now almost 2 months later, still waiting.

When I was flying out to Oregon on Friday, I was on a plane with a number of first responders, firefighters and medics who had been back here at the fire academy; and they were all sitting on the aisle, they were together, but they were all sitting along the aisle. And I said, you guys are all together, but you are not sitting together. They said, no, we are ready here on the aisle. If someone comes down this aisle, they are not getting past us to the flight deck.

Now, that kind of occurrence I think many frequent flyers are hearing almost every week. The passengers, the night crews, they are all making their own plans because they are waiting for Congress to act.

They watched the debate last week. They are disappointed that we did not go and adopt legislation that could have been immediately signed by the President. I had that flight crew tell me they were very disappointed and they hoped that this week, finally, Congress would act. The same thing I heard from the firefighters and many other frequent flyers. We have to act this week.

There are a number of myths that came out last week about the provision most in contention. It was alleged that there would be 31,000 new Federal employees. Well actually, if we federalize the screeners, that would be 16,200; that is as many as there are now. There has been a concession on the other side that there will be a Federal security officer at every screening point, so we cannot add in the supervisors, the checkpoint law enforcement officers, and all the other things the CBO used to get to this fantastical number of 31,000. So we are arguing over the status of 16,000 people.

Some are saying, perpetuate the status quo. Argenbright proved it again last weekend. The managers of that company should be in jail and fired, not the employees necessarily. How many times do they have to falsify documents? How many times do they have to hire known felons, maintain known

felons on staff, and run a slipshod organization until we realize that these private security companies are not getting the job done.

They have not gotten the job done for 30 years, and no amount of Federal oversight is going to get us there with these same companies. It just is not going to happen. These people are so used to abusing the system with impunity and profiting from it that they just want to perpetuate that.

At the minimum, we should at least disqualify companies who commit felonies from any further Federal contract, and the bill does not even do that that passed the House.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight and support the motion to instruct conferees. I think my colleagues on the minority side, the Democrat side have a good motion to instruct conferees. I think we all want to see this question resolved. The Congress wants to see it resolved, and I know the House Members here want to see it resolved. Most importantly, the American people want to see aviation and transportation security in place in time for Thanksgiving.

Let me respond to a couple of things that have been said. First, I want to thank the Democrat staff and the Republican staff on the House side for already meeting, and I think they have met for some time and have begun to work together; and that shows the bipartisan cooperation that is so necessary to draft, again, a comprehensive solution to our aviation and transportation security problems. I am very pleased that they have met.

I am sorry that the Senate staff has canceled several meetings to date, and I hope that they will come forward, because we do not want to delay.

I know we have some question right now about the number of conferees being appointed, and I think that that is important to resolve. The House is ready to go to work. I know the Democrat side is ready, and the Republican conferees stand ready, and I hope that Members in the other body will resolve their differences and get their conferees here as soon as possible. So I think this is a timely resolution, and I commend the minority for bringing it forward.

There are some questions about security in the interim, and I am pleased to be here tonight to say that these questions need to be answered. The American people need to know that this President and this administration have acted with due speed. Soon this week there will be an announcement that almost every major aircraft in the country has already had the cockpit doors secured; that, in fact, the President acted, and the Congress actually set up a program, and the airlines will be reimbursed for this cost, but the airlines also acted with speed. So the flying public will know that, in fact, when they take to the air this holiday that, in fact, these changes have been made.

We have been training Federal air marshals from the very beginning. This Congress appropriated funds. That program, I am also pleased to announce, is well under way at the direction of the President.

□ 1800

The President has also issued some intervening directives, and those are in place. We have National Guard at most of our airport locations. We have secured, with both local law enforcement and National Guard and Federal officials, our airports.

We have also put into place interim rules. But the gentleman is right, these are only interim solutions; and what we need is a long-term fix.

But I must say that for the American people, and as far as security is concerned, for Thanksgiving and their travel for the holidays, we do not want to deliver a turkey as far as aviation and transportation security legislation. We want a sound and a comprehensive plan; and we want it sooner, rather than later. So I am pleased to join my colleagues in that regard.

We introduced as a Congress in 1996 legislation to solve our aviation security problems, and it did not solve our problems. Again last year, this Congress acted with an aviation security bill, and that bill did not do the job.

President Bush has given us one directive. He said that it may take a little bit longer, but he has put in place these interim measures that did work. In fact, they worked at O'Hare, if we look at the case of the problems in O'Hare. The redundancy did in fact work, and that is important to take note of, that these protections the President and the administration have put in place on a temporary basis have worked.

We are not here to frighten the American people. We are telling them that we are here to do a responsible and comprehensive job. We are not here to sprinkle parsley around the turkey and say that this is a job well done, this is a beautiful piece of work. Everyone knows beyond the turkey that has been sprinkled with parsley that it did not do the job.

As far as the issue of the number of baggage screeners, I did not rate the other body's bill, the Congressional Budget Office did. They came up with the number of 31,000.

I would venture to say that if we take the legislation that we passed, with even stronger checked-baggage screening requirements, and if we had passed that with the Senate language, we would have a huge bureaucracy involved in this.

Do the American people want a huge bureaucracy, or do they want aviation security? That is really the question at hand.

We want a comprehensive plan. We take away the question and responsibility of aviation security from airlines. All of the legislation that is proposed, House, Senate, Republican, and Democrat, does that. But it is important that beyond that that we do not focus just on the issue of establishing a huge bureaucracy.

I think we need to look at these issues carefully. We may need a few more days. However, I do support strongly the motion to direct the conferees that is before us today.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

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

Mr. Speaker, let me begin by acknowledging the gentleman's hard work, and as a matter of fact the hard work on both sides of the aisle. I think both the chairman and the ranking member worked very hard, and it was a well-intentioned effort.

Unfortunately, I have to take exception to the product that the House passed calling itself airport security.

Mr. Speaker, I strongly support the motion to instruct. I think we all do. We want to move quickly on this matter, and certainly by the end of this week we ought to have it resolved.

As I said, I do not believe the House product is the one that ought to be adopted. We have seen a virtual litany of security breaches over the last months. We would think that after September 11, that the private agencies that my Republican colleagues would like to rely on would have tightened up their ships. That has not been the case.

On October 23 out of New Orleans, a gun was brought on. Last week, at Kennedy Airport, there were massive breaches of security. Then this past weekend at Chicago Airport, a stun gun, seven knives, and a can of mace, through private security.

Mr. Speaker, my colleague interestingly says this redundancy at O'Hare shows that the system worked. Let me pose a question: What if the person who got through the first level of private security had used those weapons, those knives, that stun gun, that mace? We could have had the loss of life. We could have had serious injury. The fact of the matter is, private security has not worked.

If we want good screeners, we have to have good pay. We have to have benefits. It is clear that private companies, looking at the bottom line, will not provide this kind of pay, this kind of benefit, and provide us with the kind of quality screeners that we need.

If airport screening is truly an important job, and it absolutely is, we should have Federal employees out of the Justice Department performing this task.

Members will hear that we ought to adopt the European model. Clearly, the European model is not comparable. In Europe, each country perhaps has two or three airports. In this country, we have ten times that many. We cannot compare ourselves with the European

model that in fact has not worked as efficiently as some of my Republican colleagues would suggest.

What we do know is this: eighty-two percent of the American public wants a federalized security force. The Senate voted 100 to nothing for security at a Federal level. We ought to adopt a federalized security system, and we ought to do it quickly.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the gentleman yielding time to me, Mr. Speaker.

Just to respond about the O'Hare incidents, as we look into the O'Hare incident, we find first of all Federal officials failed to detect this individual who was here on an expired visa. We find that Federal officials failed and let go this individual after he committed these violations. Actually, he was arrested when he came back.

We also find that Federal officials failed because Federal officials are the ones that decided on the level of technology, and the level of technology now deployed is flawed. We have even better technology that will detect all kinds of weapons.

Mr. Speaker, as I said in the debate last week, we can have someone with a Ph.D. If we have X-ray technology of the 70s and 80s, we cannot detect. That is part of the problem.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), a member of our committee.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this motion to instruct conferees, Mr. Speaker. Aviation security is national security, and our government has the ultimate responsibility to ensure our national security.

Last week, at the very time when we were debating this bill on the floor, the FAA closed one of the terminals at JFK Airport after screeners were allowing passengers to enter the concourse without being adequately checked.

Yesterday, screeners allowed a man to bring seven knives and other weapons through a security checkpoint at O'Hare International Airport.

This system is broken. Passengers and baggage screeners are the front line of law enforcement in our airports. Law enforcement is a public responsibility. Highway troopers are public employees, not subcontractors of the road building industry. When we call 911, we are calling public law enforcement. Firefighters, police, and emergency personnel are public, not private, employees.

The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

It is time that the House answers the call of our constituents who are demanding airline security and pass legislation as soon as possible.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

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

Mr. Speaker, let me just say that the House legislation, and our proposal, calls for Federal takeover of airport security. We admit there are defects in the present system and that no longer will the airlines, under our legislation, handle the issue of airport security.

The House proposal also requires Federal supervision of the screening process and the whole security plan. The Federal background checks are also required under our legislation, Federal testing and Federal oversight.

Let me just read from what the gentleman who I consider an expert, James E. Hall, chairman of the National Transportation Safety Board from 1994 until earlier this year, just said.

He said, ''Far too much time has been spent on the issues of screeners. We have got to address everything in the system.''

A comprehensive plan is so important. That is what we need to develop. We need to do it in a hurry. That is why I support the motion before us.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of our Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I wanted to get back to this O'Hare situation, Mr. Speaker, that the chairman of the subcommittee were talking about.

The gentleman volunteered at security that he had two knives. They put his bag through the X-ray machine; and they did not find the mace, the stun gun, or the other four knives.

He goes up to the counter or the gate at United. They were warned ahead of time that he bought a one-way ticket with cash, so they do stop him. They do talk to him. They then discover all of these other items.

Now, he also had a checked piece of luggage. No one bothered to go through that checked piece of luggage. It was put through a machine all right, but no one bothered to go through it.

He, because of all the confusion and everything going on regarding him, misses his flight to Omaha. His checked piece of luggage goes on that plane to Omaha.

Now, to me that is a total breakdown in the existing system that we have. We can blame the airlines, we can blame portions of the Federal Government, we can blame the screeners, we can blame everyone; but believe me, this is why we have to pass a new aviation security bill as quickly as possible, to protect the American people from things like this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In somewhat of a response, let us keep in mind that, unfortunately, we keep talking about the past. We all admit, including Secretary Mineta, President Bush, and myself, the chairman of the subcommittee, that the existing system does not work. What we are trying to do is pass the best system that will work.

I said it last week and I will say it this week: if I thought for one moment that the so-called bill from the other body, I am not going to say whatever it was, if I thought it would do a better job than what we have been able to put together, the gentleman from Minnesota (Mr. OBERSTAR) and myself, the gentleman from Florida (Mr. MICA), then I would have been supporting the other bill. It is that simple.

I hope we keep this on a level playing field tonight. In fact, what we are trying to do, and why I support the motion, is we are trying to expedite the process and send a message to the Senate to get off what they had, because in my heart, it will never happen on my watch, 100 percent their bill, because it does not do the job.

I want good security. We have a good product. We will go to conference. If they can improve it for better security, then I will support it. But I am not in this business just to make the talk shows on Sunday. A lot of that has been going on. I think that is not good for either body. Let us get the security that is necessary for the traveling public.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds.

I think we have the same goals at heart, but we cannot ignore what is happening. I realize that the chairman says this is in the past. We can only talk about what is in the past. If we talk about what is going to happen in the future, people will say we are just speculating.

But look what happened today. Our colleague, the gentleman from California (Mr. WAXMAN), reported a woman boarding a flight at Dulles Airport was unaware that her boarding pass had been mistakenly issued in a man's name. Her name is Maryann. The boarding pass was issued to Lester, with a different last name.

Maryann showed her photo ID at three checkpoints. No screening company employee noticed the difference between the ID and the boarding pass.

Mr. Speaker, these things keep happening. The idea of a piece of luggage going on an airplane without the passenger on board is a repetition of Pan Am 103. Unacceptable.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, unacceptable is what this bill is; but I rise to support the motion to instruct and am pleased to see that we can get bipartisanship on something on this motion to instruct.

Mr. Speaker, we do need quick resolution of this matter; but we have dug ourselves a hole, because if we look at the way the Congress has voted overwhelmingly, the Congress has voted against the House bill. If we put the Senate together with the House Democrats, how are we going to get some kind of compromise? My hat is off to those who try, but we must do so.

We must do so in no small part because this industry is failing because people will not get in planes. Why should they? People want one system. The reason they want Federal employees is they think they will get one system.

□ 1815

This industry is failing at a time when it was already in trouble and when the latest unemployment figures tell us that the whole Nation is in trouble. We knew the unemployment figures would be bad. They are much worse than we thought they would be.

Getting people into these planes, giving them the confidence to get into these planes is indeed just the kind of stimulus we need. We need it before Thanksgiving. What has happened to the District of Columbia is going to happen to your town as well. When people will not get in planes, then tourism goes down.

Virtually every place, large and small, in the country today is a tourist destination. If my colleagues have a rock in their district then it is a tourist destination, but nobody is coming there.

Our tourism industry is flat, broken down, gone, because of fear of flying. What will it take to get people in the air? What will it take to get them to the pre-September 11 notion that they can fly wherever they want to? We have got to get to the notion that we have a bill that means they are safe. We have got to fix this bill with Federal employees. We have got to let this bill fly, but it must fly right.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind people we did pass this bill with 269, I believe, votes in the House and that is an overwhelming majority. I am very proud of that; and again, I will say and repeat it again and again: just to do something to have a charade conveyed upon the people I will not be part of, just to say we passed something and say it does something when it does not do it. I am not going to rehash what happened last week in the sense that the other body's bill does not do it, and we do a disservice when we sell something to the public that is not really factually doing what we say it does.

Let us go to conference and see if we can solve this problem; but I also urge my colleagues to talk to the other body and suggest that since they have their feet dug in concrete, it is going to be a little difficult. But what we did last week was the right thing to do, was the right thing for the public, and it will be the right thing for the public in the future, not only today but in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for yielding the time, and I think if anyone looks at the proposal that was developed by the other side of the House and by the Republicans, it was almost identical, and most of it dealt with solving the problems that we see; and these problems will continue to reoccur, and we should not panic every day.

I did say that the President put in place a redundant system and the redundant system worked. United Airlines employees in their screening process, final screening process, detected this; but it did point out that the equipment, and I have a complete chronology of what took place at O'Hare, but the equipment, after again this luggage was placed through a second time, did not detect the weapons even at that point. The FAA set the parameters for that equipment, and that is why it is so important that the House legislation puts in place that rules be adopted.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair the time remaining on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota (Mr. OBERSTAR) has 15¼ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 17 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees.

Mr. Speaker, I am appalled. It has been 7 weeks since the tragic events of September 11, and we have yet to make any concrete progress in the House to instill the confidence in our aviation system that American travelers require and deserve.

While we stand here in this Chamber bickering over agency jurisdiction, the need to federalize and funding concerns, our aviation security apparatus continues to be breached at will.

On September 11, 19 hijackers boarded American airliners which led to the murder of thousands of innocent Americans. What has the House done in response to improve aviation security? Absolutely nothing yet.

Seven Dulles Airport employees failed a test initiated by airport security officials, allowing weapons through the heightened security checkpoint. How did we react? We did not do anything.

Just a few days ago, a man clears the security checkpoints at O'Hare Airport with knives, mace and a stun gun; and once again, we have done nothing.

Our unwillingness to move on this issue has put the safety of American people in extreme peril. It is clear the current system does not work.

The bill we passed in the House last week does not call for Federal law enforcement personnel to be entrusted with aviation security. Only the Senate version does.

The House bill simply calls for the oversight of private firms that have already proven themselves incapable of doing the job. It is time to face the facts. The underpaid, undermotivated, undervetted security personnel are not getting the job done.

We found out the hard way that the status quo was totally inadequate. Fool us once, shame on them. Fool us twice, shame on us.

The immediate Federal enforcement of the safety in our skies is required, and the Senate version of this bill accomplishes just that. We have dawdled long enough. Let us go to conference and pass legislation that achieves the goal which we all share: the safety and security of the flying public.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, the picture is clear: our airlines and airports simply lack the capacity and funding to fulfill this vital police function.

We have heard it from all of our colleagues at Louis Armstrong Airport where a man boarded a plane with a gun, learned in midair he had a revolver in his briefcase which sensibly or I guess presumably ran through the security checkpoint. At O'Hare Airport yesterday and certainly at JFK not long ago where the entire concourse was closed, all of this underscores the urgent need for increased security measures.

My colleague, the gentleman from Alaska (Mr. YOUNG), whom I have great respect for, has indicated he cannot in any way sign on to a federalization or what the Senate 100 to zero, all Republicans and all Democrats, supported. He simply cannot support that legislation.

Let me remind all of my colleagues that federalization is nothing more than a word for uniformity here: uniformity in training, standards and equipment. I do not suggest that my colleagues on the other side are driven by anything other than a desire to fix airport security installations, but how asinine and revolting to hear my friends and colleagues in this Chamber suggest that someone on this side, including the 49 Republicans in the Senate, are motivated by nothing more than an effort to increase political revenue and political support.

The generous and legal contributions that we enjoy from unions and my colleagues enjoy from these private companies, none of that should influence

the outcome of legislation, and we should separate that from this debate. If we want to fix that problem, let us pass campaign finance, but we are here today to discuss a motion to instruct the conferees.

I have heard some of my colleagues on the other side say, well, private companies are able to protect nuclear reactors, where there is secondary as well as back-up and increased back-up measures to ensure that those private companies have no access to what happens at those nuclear reactors.

I close on this note. For the first time in a long time the Congress is actually viewed favorably by the public. The week after the attacks on September 11, we acted as a body together. We stood on the steps and sang ''God Bless America'' and came together to support our President here in this Chamber. Let us not revert to the days in which we were viewed so unfavorably by the public. Let us have an airport security bill that protects the public. We have a Capitol Hill Police, a Secret Service, security for cabinet members. All of them are Federal law enforcement officials. The public deserves the same at our airports.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to attribute motives to the Senate.

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

Mr. OBERSTAR. Mr. Speaker, could I inquire of my distinguished chairman how many speakers are on the other side?

Mr. YOUNG of Alaska. Mr. Speaker, we probably have one closing statement by myself or the gentleman from Florida (Mr. MICA) and that is it.

Mr. OBERSTAR. Mr. Speaker, they are a little sparse on the other side.

Mr. YOUNG of Alaska. Mr. Speaker, no, we know we are on the right side and we are not doing some of the other things that are being done. The gentleman knows what I am talking about.

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

Mr. OBERSTAR. Mr. Speaker, the gentleman is on the right-hand side of this Chamber; that is true.

Mr. Speaker, I yield 2 minutes and 20 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I cannot understand why we can be so nonchalant about what happened over the weekend. It should be a red flag.

After having debated an entire day and narrowly passing a bill at great contradiction with what the Senate passed 100 to nothing, deciding to give responsibility for the security of the people who fly in our Nation's airlines to the very same firms that are now responsible for that security. Apparently it was a victory for that industry, a $700 million a year industry. But look what happened over the weekend.

The very firm that has already gotten fined over $1 million because they were not training their people, when the Inspector General of the Department of Transportation went to Dulles Airport, they found 87 percent of the people that had been hired by Argenbright, a British firm, I am sure they want to do the right thing, but they had hired 87 percent not U.S. citizens. It is almost impossible to do adequate background checks. A number of them will be illegal felons, and a number of them had not received any training. And yet we go back and we entrust the security of the people of the United States to these very same firms in the House bill. And then over the weekend we find this guy, this Indiana Jones character with knives, with stun guns, with mace getting on to a plane having gone through the same Argenbright security system, the same system to which the House would entrust the security of the public that wants to use our airlines.

We have more flights going out of the airport at our Nation's capital, but it is not the number of flights. It is the number of passengers on those flights. And there are not a sufficient number of passengers.

Our airlines are going broke because the American public understands what the majority of the House seems unprepared to accept. It is not safe to fly on airlines unless we have professional people.

All we were trying to do is to have professional people, adequately trained, adequately compensated with sufficient background checks. It is the weakest link in our system. It has got to stop. The Senate bill repairs that leak. We should pass the Senate bill. Obviously, we should pass this resolution because we need security at our Nation's airports and we need it now.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sometimes wonder what it is on that side of the aisle that everybody has to yell. That disturbs me. Is there a microphone breakdown somewhere?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No, I will not yield.

Mr. Speaker, I cannot understand it because I can hear them perfectly well, and I think they can hear me.

Maybe sometimes when there is a lot of noise, maybe there is, what I call a cumulation of facts.

Our bill says nothing, nothing about keeping the same contractors. Our bill sets high standards. Our bill requires new standards. Our bill requires federalization. I just do not quite understand why people will not accept that fact. If one truly has read the bill that was proposed last year and some would suggest we accept; and one truly believes that will give you security, then God bless you.

If one looks at what the gentleman from Minnesota (Mr. OBERSTAR) and I have been able to do, and the work product we put together, that will give us good security.

I even got my voice a little high this time. It must be the microphones. That is all I can suggest.

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

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore. Fifteen and a half minutes for the gentleman from Alaska (Mr. YOUNG); 9 minutes for the gentleman from Minnesota (Mr. OBERSTAR). Under the rules, the gentleman from Minnesota has the right to close.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today also in support of the motion to instruct. And, specifically, I would like to voice my strong support for this section that would strike an egregious immigration provision in the Senate version of the bill. In essence, the category that would be created would require that anybody hired as a baggage screener to be a U.S. citizen and then wait 5 years to be able to be approved as one of those screeners.

I think this sets a double standard. We do not currently do that for Members of Congress or Senators. Why should we create a double standard there?

I do not believe that the other Chamber intentionally meant to segregate one class of citizens over the other; and if this immigration provision is included in the aviation security conference report, it would be a terrible precedent; and I view it as unconstitutional.

I would request that we remove that provision and that we vote for this motion to instruct.

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

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

□ 1830

Mr. ALLEN. Mr. Speaker, I rise in support of the motion to instruct. What we have here across the country is a system with private companies hiring people at the lowest possible wages with no benefit. The system is broken, it does not work, and the public knows that.

For example, the turnover in these screening positions is 126 percent a year. That means the average screener is on the job for 9 months. It is not possible to have a well-trained, well-educated work force with that kind of turnover.

At the root of this debate is a deep and profound suspicion of the Federal Government. For 20 years, my friends on the other side have been pounding away at the Federal Government and Federal employees, and now we need those employees. This job needs to be one where we have well-trained, professional Federal employees protecting the public.

I will just end by saying that in Portland, Maine, where I come from, they have not been able to hire enough security screeners to deal with the crush of people because they pay $7.50 an hour and they will not pay a penny more. It needs to change.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferees to convene and complete a conference by this Friday, November 9. I was hopeful that the House would pass the Senate version of the airport security legislation last week so a conference could be avoided and the President could have signed a comprehensive bill by now.

Now that a conference is convening, I am hopeful that conferees will strike the provision requiring that airport security screeners must be a citizen for 5 years before being eligible for employment. We should not have a double standard for U.S. citizens that creates different levels of citizenship.

Mr. Speaker, we do not require people seeking to serve in our military or join the National Guard to be citizens for a certain period of time to be eligible. I might add that the National Guard is serving on the front line of airport security today, posted next to the screeners and heavily armed. Once someone becomes a U.S. citizen, they are a citizen, period.

Mr. Speaker, clearly the latest security breaches highlight the need to make radical and swift changes to our airport screening procedures. I am hopeful the conferees can reach a compromise as soon as possible. The American people are waiting.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we had 9 million passengers prior to September, 5 million afterwards. We have got a real problem and we all recognize it. Yes, this is not the answer that is going to save everything, but it definitely is headed in the right direction.

I was listening to the comments of the chairman about the redundancy in what we are creating. I think the gentleman is creating redundancy. It is the status quo. It submits the same low bids, submits the same private screeners, submits the same low wages, submits the same high turnover rates in terms of the workers.

The bottom line is that right now we have a real serious problem and we need to come to grips with the situation that is before us, and that is that we need well-trained law enforcement people there. We all recognize that if we have to travel, we are doing it, but for the average person and our families we are real concerned under this situation and we need to do the right thing.

The right thing to do is to put good law enforcement people there to make sure we do the right thing. So as we move forward, we need to recognize that and realize that we do have a problem.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Democratic motion to instruct conferees.

Mr. Speaker, the American people will not allow themselves to be bamboozled. I know the airlines are not safe. Every Member of this body knows the airlines are not safe. The American people know that the airlines are not safe. The American people are demanding that the Congress, this body, make our airlines safe again. And allowing private companies to screen and search our bags is totally unacceptable. The American public deserves better than simple excuses.

Airline safety is a national security issue that deserves national security responses. The way to accomplish this is simple: We must federalize our airport security. There must be clear lines of accountability, and this cannot be delegated to the private sector.

Mr. Speaker, Christmas is upon us. America's families want to travel home and they must have safe and secure air travel.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of his motion to instruct conferees. We know how to get a good airline security bill through Congress. We could have had the law by now. It is so straightforward, we can have it this week.

Americans are pragmatic. They know that the current system of low-bid, low-wage contractors does not work. It does not catch knives, it does not catch mace, and it does not catch stun guns. And the American public do not like Members of Congress who are so caught up in their ideology, so sure of themselves, that they will not listen to the other side and they will not listen to the American people.

Americans look at us in wonder. How can we be divided, stalled on this? We pass a $15 billion bailout bill for the airlines, but we cannot get around to simple airline security legislation? We might as well throw away the $15 billion of bailout money if we do not restore the confidence of passengers.

Empty planes, well-paid executives, and well-financed airlines is not the prescription for economic recovery.

Mr. OBERSTAR. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota has 3 minutes remaining.

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

Mr. YOUNG of Alaska. May I inquire of the gentleman if he has any other speakers, other than himself? I know he has the right to close.

Mr. OBERSTAR. I will have two speakers on our side, and we have 3 minutes left.

Mr. YOUNG of Alaska. Mr. Speaker, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 15½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we all want comprehensive aviation security legislation.

Some of the things that have been said may play well on television or with the media. I hope they are not really meant to make the public feel that it is unsafe to fly.

I have outlined what this administration has done. The President has put in place directives, and this week almost every major passenger aircraft in the country will have the cockpit doors secured. The President has ordered our air marshals to be trained; they are being trained. Other law enforcement personnel are being assigned to our aircraft. Secretary Mineta has announced a zero tolerance policy. That is why we have had the redundancy in place.

Even if we adopted the Senate's plan to employ some 31,000 new Federal employees, it will take 3 to 5 years to train them and get them in place. We need an interim plan.

We all agree that the current system does not work. No one is proposing we keep the current system. We are all proposing that the Federal Government take over that responsibility. So this is not the time to demagogue the issue. This is the time to pass comprehensive legislation.

We heard some of the speakers just a minute ago talk about taking away rights of citizens or not honoring rights of citizens. That was in the Senate bill, not our bill. We heard people talking about the same private screeners continuing. That is not in our bill. Our bill has Federal supervision, Federal management, Federal background checks, and a comprehensive ability to put in place the rules to get the best technology to detect this equipment.

We have waited years and years for the Federal Government to act. We have to have someone with both the responsibility and the authority to get in place emergency regulations dealing with equipment, dealing with screeners, dealing with all of these items, and do this in a businesslike fashion so that we have in place a long-term, comprehensive plan for aviation and transportation security.

We all want the same thing. I support this resolution. I think we should all move forward. We urged the other body to move forward, and I urge my colleagues to urge the other Members to move forward. I think we can do this. We all want to get to the same place. It is important that we have the best possible product in the end. The American people want nothing less, and I think that they expect us to come here and deliver that package.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI)

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

I think the chairman, the gentleman from Alaska (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and myself all have the same goal in mind: We want to produce the best possible security bill for aviation that we can.

I would simply like to go back once again to the O'Hare situation, though, so everyone realizes that the system is broken and the system has to be repaired as quickly as possible. Of the eight screeners who were suspended last Saturday by the FBI, three of them have criminal background records and one of them is a gang member. We cannot continue to allow people like this to handle the screening at our airports.

I am confident that very soon we can resolve this with the cooperation of all the conferees.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 12½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the debate, which is sort of an extension of the debate that happened last week.

I wanted to come down to the floor to congratulate the chairman and the ranking member for bringing this motion to instruct. I support the motion to instruct, but I wanted to explain a little bit about my perspective in this and, hopefully, clear the air.

What people need to understand, and I hope this House would understand, is that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) came to an agreement on a bill. The bill of the gentleman from Minnesota (Mr. OBERSTAR) is basically identical to the bill of the gentleman from Alaska (Mr. YOUNG), except for one part, and that is whether to nationalize the baggage screeners or to federalize them.

From our perspective, we think we ought to federalize them. From the point of view of the gentleman from Minnesota, he thinks they should be nationalized and Federal employees. That is the only real bone of contention on this bill.

The two men, the three men came together, as well as the gentleman from Illinois (Mr. LIPINSKI) too, came together and wrote a very good, strong security bill, which I congratulate everyone for doing. Of course, it got mired in the discussion of whether we ought to have the Senate bill, which is a fatally flawed piece of legislation, or the legislation that was almost worked out by the Committee on Transportation and Infrastructure.

So we get down to this one issue, because the difference between the House bill and the Senate bill is miles apart. It is a huge difference, because the Senate bill did not cover the airports, it only covered airlines and screeners. It did not cover the Tarmac. It did not provide security for the perimeter, the parking lots, the vendors, the caterers, and everything else. They did not do anything about other modes of transportation: bridges, ships, trains and others. The House bill did.

So it comes down to the screeners. Now, some, particularly in the other body, Mr. Speaker, they are comparing screeners to Capitol Hill Police. I have heard people say that the Capitol Hill Police protect us; why can the American people not at least have that kind of protection?

□ 1845

Mr. Speaker, I have to say that is an insult to the Capitol Hill Police. I have worked very closely with the Capitol Hill Police. They are highly trained law enforcement officers that deal with all kinds of issues. They are police that carry guns. In fact, there were two wonderful Capitol Hill officers that died in this building, one of them in my office; so I have the utmost respect for the Capitol Hill Police.

We are not asking highly qualified and highly trained law enforcement officers to stand by a screening machine and watch bags go through. We are saying those people should be highly trained, comply with the standards laid out by the Department of Transportation, comply with the criteria laid out by the Department of Transportation, and they should be certified by the Department of Transportation. And once we do that, we add value to that person. That person has a certification. That person is worth more, and it will attract highly qualified people.

The second issue, most people do not understand that the entire judicial branch contracts out their security. The Supreme Court contracts out their security. Even the DEA, the Drug Enforcement Agency, contracts out their security. So the Federal Government understands for specific cases they might want to use the private industry, and those kinds of individuals that are brought to this issue in the private industry.

My point is what we are trying to do is to design a model, a very good model by the way, according to the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), a model that brings security to all of our modes of transportation, part of that being the airlines and the airports.

What we are asking is to follow a model that has already been tried in Europe and Israel. A nationalized model is the model that they tried back in the 1970s and 1980s, and it was a disaster.

This model brings the flexibility of private industry under the accountability of the Federal Government. We will have badged law enforcement Department of Transportation people at each station where bags are being screened. We will have baggage screeners that are well trained and certified sitting there screening the baggage.

Mr. Speaker, my point is and what this argument is over is whether we nationalize these employees or federalize them. Nationalize them means, as an example, we want to nationalize all of the pilots that fly these planes. Right now we have a federalized system. The Department of Transportation through the FAA licenses these pilots; yet these pilots work for a private company. The same with flight attendants and mechanics. It works quite well. In fact, I would submit that it would be horrible if we nationalized the airlines and nationalized flight attendants and mechanics. The point here is that we have tried a nationalized system, as examples in Europe show us, and it does not work.

To bring the best security that we know how, we have designed in the House bill that is going to conference a system that actually brings security to the flying public and now people on the ground, a system that the President of the United States understands and supports and will bring us the security that the American people deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to suggest that we go to conference. We should be talking about this motion. It is a good motion. It will expedite the process.

I would also like to suggest that the product we put together covers more than just airport security. The other body's bill is just airport security. We have ports, we have railroads, we have bridges, and we have pipelines. We have all forms of transportation that we have to make sure are secure.

I believe very strongly that the product that we voted on last week, 269 votes in favor of, does that job. Our job is to go to conference and see whether we can meld with what the other body wishes to do together into a comprehensive bill. I urge my colleagues to consider that. This is about working together and being able to compromise and understanding that we are all seeking the same thing, and that is a secure way of all forms of travel in the United States.

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

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

Mr. Speaker, I share the objective of the distinguished chairman to get to an early resolution. I do have to cite some misconceptions about the number of screeners that would be required in the proposal that I offer on behalf of

the Members on our side and the committee.

The number of 30,000-some people is just way beyond any imaginable number. The Congressional Budget Office number of 16,200 screeners is followed by a recitation of a whole series of supervisory personnel that totals 7,000 supervisors for 16,000 screeners. Maybe that is what they need in the private sector, but it is certainly not what we need in the public sector. That is simply not necessary. The distinguishing feature of the private sector approach is the profit that those companies have to make on each of those 23,000 or 31,000, whatever the number is. It kept getting inflated last week.

Furthermore, this so-called good system, in the private screeners, there are 1,700 civil penalties assessed against the airlines and their screening companies over the last 5 years for a total of $8 million in fines. The system failed. What failed miserably was not the system in Europe of government oversight. They simply shifted to smaller numbers of screeners with more vigorous and heavy, intensive government oversight and involvement and background screening and passenger profiling and positive passenger bag match to a more intensive screening system with fewer numbers of people.

Mr. Speaker, we need to move quickly to a resolution of the differences between the House and the Senate bills. The other body should yield on their insistence on the Justice Department, and move to our position of putting this position in the Department of Transportation; and we ought to reach compromises and yield on the screener workforce issues.

Mr. UDALL of Colorado. Mr. Speaker, I wish that we did not have to adopt this motion—but I strongly support it.

We should not have to have a conference on this legislation. Instead, the House should have approved the bill that was unanimously approved by the Senate—the bill I voted for last week—and sent to the President for signing into law. Unfortunately, that bill was rejected by a narrow margin.

This motion instructs the conferees to resolve their differences with the Senate version of this legislation and return a bill for the House's consideration by this Friday, November 9th.

In other words, it reminds the House conferees that with the normally busy holiday travel season just around the corner, it is urgent that Congress act to improve the safety of airline passengers and the health of our air transportation system.

No such reminder should be needed. But it has been nearly a week since the House Republican leadership defeated the Senate bill, thereby preventing improved aviation safety procedure from being immediately launched. And, as we saw with yesterday's security failure at Chicago O'Hare Airport, we can't afford to wait another week.

Aviation security is a matter of national security and public safety. It is part of the front line of our national defense and Congress should put in place an effective, federally managed system. I believe that baggage screeners should be part of a professional, highly skilled, highly trained law enforcement workforce and serve as the front line of our nation's defense. We would never consider contracting out the war in Afghanistan, and we shouldn't contract out airline security.

As I said last week, we need to put people before politics and action before acrimony. We need a strong aviation security bill—and we need it without more delay.

The conference committee must quickly produce a bill that improves the House bill and that holds contractors accountable for the aviation security system. The safety of airline passengers and of our air transportation system depends on it.

Mr. TIERNEY. Mr. Speaker, yesterday United Airlines and Argenbright Security were embarrassed to admit that they cleared a man through Chicago O'Hare Airport with seven knives and a stun gun. After enormous public outcry and international media exposure, they vowed to immediately take corrective action.

Yet only a couple of hours ago, they failed again.

A woman named Marianne went to Dulles Airport this afternoon to board a United Airlines flight to San Francisco. Marianne checked in at the United ticket counter, showed her ID, and cashed in miles from her account for an upgrade. United issued the upgrade, checked her luggage and issued Marianne a boarding pass.

From the United ticket counter Marianne proceeded to the Argenbright security checkpoint. She presented her ID and her boarding pass for inspection. Argenbright checked her through security.

Marianne arrived at the United gate. Again she was asked to show her ID and her boarding pass. Again she was cleared through security.

Marianne boarded the plane and sat in her seat.

A few minutes later, a man boarded the plane and said, ''you are sitting in my seat.'' Turns out, United had issued them both the same boarding pass—2 passes with the same name—HIS name—Lester.

United took Marianne off the plane, and told her that United had no record of her name in the system despite the fact that she had used miles from her account to get the upgrade; that there were 2 boarding passes issued to Lester and no seat listing for Marianne. Moreover, Marianne's luggage was checked in Lester's name and still headed to San Francisco.

United booked Marianne on a later flight to San Francisco. When her 3:30 flight lands in a few minutes from now, she will not only suffer the inconvenience of being several hours late through no fault of her own, but Marianne will have to go searching for her luggage under Lester's name. And who knows what will happen to her miles?

If the people in San Francisco pay as little attention as those at Dulles, that won't be a problem. But if they actually look at the name on her ID and the name on her baggage tags; if they actually deduce that Marianne, a female, is not Lester, a male, then she will have a lot of explaining to do.

The truth is, it's United and Argenbright who have a lot of explaining to do. It's the Republican majority, who voted last week to continue the status quo of contracting out airport security checkpoint work to the lowest bidder, who have some explaining to do.

Ms. MILLENDER-McDONALD. Mr. Speaker, today we have yet another chance to address aviation security exactly eight weeks after the tragic events of September 11th. It is the federal government's job to protect our country during times of war and from threats to our national security.

I want to urge my colleagues to support the motion to instruct conferees. This motion simple asks the conferees to resolve the differences between the Senate and House aviation security bills. This will finally enable Congress to produce an aviation security bill necessary to reassuring the traveling public that it is safe to use our aviation system.

This motion is particular prudent in light of the continuing failures at our nation's airports. The bill that the House adopted last week accepted more of the status quo. What does status quo equal, it equals more incidents like that at Chicago O'Hare on Sunday. Where once again the private contractor, Argenbright, charged with the security at the gate failed.

This is the same company that was fined a million dollars and placed on 36 months probation for failing to conduct required background checks and for hiring convicted felons and improperly training workers which provide security at U.S. airports. This is the same private contractor that the House version of the security bill will entrust with the security of your wife or husband, your son or daughter, your brother or sister, your best friend. Enough is enough let us fix aviation security the right way, support the motion to instruct conferees.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Suspend the rules and concur in the Senate amendments to H.R. 768, by the yeas and nays;

Suspend the rules and pass H.R. 1408, by the yeas and nays; and

Agree to the motion to instruct on Senate 1447, by the yeas and nays.

Votes on motions to suspend the rules on H.R. 2998, H.R. 582 and House Concurrent Resolution 262 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NEED-BASED EDUCATIONAL AID ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 768.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 426]

YEAS—400

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Bonior
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Napolitano
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney

□ 1914

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings and on the motion to instruct conferees, if ordered.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 4, not voting 36, as follows:

[Roll No. 427]

YEAS—392

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Davis, Jo Ann
Flake
Paul
Smith (TX)

NOT VOTING—36

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Largent
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Maloney (NY)
McCollum
McKinney
McNulty
Meeks (NY)
Menendez
Nadler
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney
Watkins (OK)
Weiner

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE DEATH OF THE HONORABLE EDWARD P. BOLAND

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

Mr. NEAL of Massachusetts. Mr. Speaker, I have the sad responsibility this evening of reporting to this Chamber that a very distinguished former Member of this institution, Edward P. Boland, died on Sunday evening.

Ed Boland served in this House for 36 years with distinction as a member of the Committee on Appropriations and as a chairman of the House Permanent Select Committee on Intelligence. He served in an institution that he revered. He represented the people of western and central Massachusetts with distinction. He was a patriot of the highest order and an individual who loved the notion that politics had meaning in American life.

In addition to that, for all of us that are gathered here tonight, just two quick lessons that have stuck in my mind for a long period of time as one who even served as an intern for him many years ago.

Mr. Speaker, in 36 years, Eddie Boland had one fund-raiser, and he was mad that he had to go to it. In 36 years, Mr. Speaker, Eddie Boland had one press conference when he announced that he was retiring. He would not issue a press release, and when members of the national press over the Boland amendment attempted to secure his favor, he simply said he would report to the hometown paper and to the people back home what he was doing, and that was about the size of it.

This institution mourns his passing. He was a great confidant of Tip O'Neill and of President Kennedy, as well as the Kennedy family, and this institution could not have had an individual who carried its reputation in better form.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY), the dean of the Massachusetts delegation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Springfield, Mr. Boland's successor in Congress.

Eddie was elected as a State Representative in 1932 when Franklin Delano Roosevelt was elected President, and left in 1988 as George Bush was about to be elected President. He carried the same values throughout all of those years, and he came to be known, for all of those who are still here who served with him, as a legislative giant.

He lived with Tip O'Neill for 24 years as roommates in an apartment here in Washington, for the first 24 years of his career, before Tip brought Millie down when he was elected Speaker; and they said for those 24 years, the only thing that was ever in the refrigerator were cigars and orange juice.

In a lot of ways, with his passing, for Massachusetts politics, passes an era as well, that Tip O'Neill and John McCormick and Eddie Boland span the years in representing.

Mr. NEAL of Massachusetts. Mr. Speaker, 50 years without having lost an election, a terrific wife in Mary and four wonderful children, this institution tonight mourns his passing.

APPOINTMENT OF CONFEREES ON S. 1447, AVIATION SECURITY ACT

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBERSTAR

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the motion to instruct conferees on the Senate bill, S. 1447, offered by the gentleman from Minnesota (Mr. OBERSTAR).

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 397, noes 0, not voting 35, as follows:

[Roll No. 428]

AYES—397

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner

Flake
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Fossella
Frank
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Obey
Pallone
Pascrell
Payne
Riley
Rothman
Serrano
Sessions
Shays
Strickland
Sweeney
Tiahrt
Weller

□ 1934

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I am unable to be present for legislative business scheduled for today, Tuesday, November 6th. Had I been present, I would have voted ''aye'' on the following motions on which a recorded vote was ordered: (1) Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act; (2) Rollcall No. 427, H.R. 1408, the Financial Services Antifraud Network Act; and (3) Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Airline Security Act.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act. Had I been present I would have voted ''yea.''

I was unavoidably detained for Rollcall No. 427, H.R. 1408, The Financial Services Antifraud Network Act. Had I been present I would have voted ''yea.''

I was unavoidably detained for Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Aviation Security Act. Had I been present I would have voted ''yea.''

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, PETRI, DUNCAN, MICA, EHLERS, OBERSTAR, LIPINSKI and DEFAZIO.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3167, GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–271) on the resolution (H. Res. 277) providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK IS THE WRONG ISSUE AT THE WRONG TIME FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. BROWN) for arranging a discussion this evening of the fast track issue that is pending now before this body.

For several months now, lawmakers and corporate executives have been pushing to grant President Bush fast track authority, which is basically the authority to negotiate trade deals and not have the Congress to any extent really participate in the decision-making process, taking away Article I, Section 8 of our constitutional responsibilities. This push has not been slowed by the attacks of September 11, and what we have seen is unemployment soaring, layoffs are multiplying, workers are hurting, and still, week in and week out, we hear that fast track is coming to the floor.

Well, Mr. Speaker, right now this Nation needs to remain unified. We need to act with a common purpose. Fast track will only divide us. It is one of the most divisive issues that this Congress faces on a regular basis. It is a controversial issue at a time when we least can afford to be controversial.

I have heard the arguments that fast track will stimulate our economy. Nothing, nothing could be further from the truth. The fast track bill at issue now is designed to speed complex trade agreements through Congress without a real debate in our country or a real debate and scrutiny in this institution. No one in this House could offer an amendment to improve the deal that is negotiated. And, making matters worse, this fast track bill includes no guarantees or provisions to ensure that the rights or jobs of American workers are protected.

The reality is that fast track accelerates an already flawed trade policy through Congress. Once these deals are

enacted, companies have greater leeway, even incentive, to relocate overseas, taking advantage of weak or nonexistent labor and environmental standards. That can only be demonstrated vividly by what we did in NAFTA and what happens when these jobs in our country go to Mexico. They export their products back to our market is what happens.

The upshot for our workers? Lost jobs, lower wages, and not only do we lose these great-paying jobs here in this country, and by the way, over the last 14 months, we have lost 1.2 million manufacturing jobs in this country. Hello. If anybody is listening, we are losing at an accelerated pace our whole manufacturing base in America. Not only do we lose those great-paying jobs, but once we lose those jobs, we cripple whole communities. We take away their tax base. They do not have the resources for fire and police and education and health care and all of the other pieces that make our communities work.

A recent report underscores these points. Economic data show that NAFTA passed on a fast track, and WTO, World Trade Organization, policies have taken a devastating toll on American industry. We have lost 3 million jobs in this country as a result of these unfair trade deals. Many of those workers were in well-paying manufacturing sectors.

In my own State of Michigan we have lost over 150 jobs. They have simply evaporated.

So when fast track proponents argue that this fast track authority will boost the economy, we need to be clear. If we pass fast track, the only thing we will boost is the unemployment rate, and it is already going up too fast. Fast track is a divisive issue being pushed on American workers at a time when they can least afford it. While unemployment soars and more layoffs are in sight, we cannot put even more jobs in jeopardy and undermine an already weak economy.

There are many ways that we can work together to help American workers and get our economy moving again. Fast track simply is not one of them. This is not the time to pull the rug out from underneath American workers just as they are struggling to get back on their feet.

If we want to do something to help them, let us do a decent unemployment compensation benefit. Only 40 percent of the people who are laid off in our country get any unemployment compensation, and in many States like my State of Michigan, the payout has been frozen for 6 or 7 years. It is pathetically low. People cannot make their mortgage payment. They cannot make their insurance premium. They cannot make their health care premium on what they are given through unemployment if they are lucky to be part of the 40 percent that gets something at all. Let us do something on unemployment compensation.

Let us do something on health care, making sure that they get a benefit that will take care of their premium so that they can have health care for themselves and their families. Let us do something about retraining to make the transition.

Mr. Speaker, fast track is the wrong issue at the wrong time for the American people, and I hope my colleagues will see to it, it never reaches this floor.

□ 1945

CELEBRATING THE LIFE OF JOHN B. HYATT FROM COLUMBIA, MISSOURI

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise to celebrate and acknowledge the life and memory of John B. Hyatt, a constituent and friend, a longtime Columbia, Missouri, businessman, a devoted husband and father, an avid golfer, a passionate Missouri Tiger fan, a community activist.

John Hyatt was born in the small Missouri town of Fayette in 1924. He served our country, enlisting in the Navy at the age of 19. He was stationed in the Pacific during World War II and was honorably discharged in 1946.

Upon his return home, John attended Central Missouri State University and excelled in basketball. In fact, Mr. Speaker, after graduation, he began his professional career as a high school coach.

In order to supplement his modest coach's salary, John began selling life insurance. It became apparent that his prowess as a coach was only surpassed by his innate abilities as a salesman. He concluded a successful 40-year career with State Farm Insurance in 1994.

John's greatest sale, however, was reserved for his personal life. It was in 1953 that he convinced his best friend's sister, Mary, to become his life's partner. Together they had two children, Vicky and Bill.

On Wednesday, November 7, the Boone County Citizens for Good Government will pay tribute to John Hyatt posthumously with the Guardian of Good Government award. There can be, I think, no greater tribute. He was to me a good friend, a confidante, a sage political adviser, but not just in words, but in deeds.

The 17th century philosopher Francis Bacon said this: He that gives good advice builds with one hand; he that gives good counsel and example builds with both. That describes the essence of my friend, John Hyatt.

It was, in fact, John Hyatt who cofounded the Boone County Citizens for Good Government in the 1980s. In those early days, the group, under his watch, took a bold stand on some controversial issues and had a few setbacks. John remained undeterred. He was unafraid to challenge the status quo. Good government, John explained to me simply, deserves nothing less. John took those political lessons to heart, and the Boone County Citizens for Good Government resurfaced with a renewed commitment to candidates and community causes.

He was then and remained fiercely independent. John believed strongly in the two-party system, and supported individuals in either party. It was our principles that John looked for, our integrity, our character. So to have John Hyatt in one's corner for an upcoming election was a strong ally for any candidate.

John kept politics in perspective, however. It was, after all, family and friends that made life's journey worthwhile. He was an eternal optimist.

Mr. Speaker, I am quite confident John never read the works of A.A. Willitts, yet the words of the author are descriptive of the man being honored by this tribute: ''Get into the habit of looking for the silver lining of the cloud, and when you have found it, continue to look at it, rather than at the leaden gray in the middle. . . . There is no path but will be easier traveled, no load but will be lighter, no shadow on heart or brain but will lift sooner for a person of determined cheerfulness.''

Mr. Speaker, that is the legacy of John Hyatt. For those of us blessed to have known him, our lives have been enriched beyond measure. The less fortunate among us have been comforted by his generosity. Our community and its leaders have become better guardians of the public trust through his quiet challenges.

Mr. Speaker, I add my name to those who gather and salute the memory of John Hyatt as a guardian of good government.

FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in recent weeks U.S. Trade Rep Bob Zoellick has attempted to link fast track legislation to antiterrorism efforts. Some say he has questioned the patriotism of those of us who opposed fast track by pointing out that we are indifferent to terrorism, saying we do not share American values if we do not support fast track, because that is the way, he says, to combat terrorism around the world.

Fast track does not embody, Mr. Speaker, those American values that our U.S. trade rep has indicated. Fast track so often means weaker environmental standards. It means dealing with countries without free elections. It means dealing with wealthy families who usurp worker rights, oppress people in developing countries, and ultimately take American jobs.

Supporters of fast track argue that the U.S. is being left behind. They tell us we need fast track to increase American exports and to increase new jobs for American workers. But our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to a record $369 billion. The 2000 trade deficit is 39 percent higher than the previous record set in 1999.

The Department of Labor has reported that the North American Free Trade Agreement alone has been responsible for the loss of 300,000 jobs in this country. While our trade agreements go to great lengths to protect investors and protect property rights, these agreements rarely include enforceable provisions to protect workers or to protect the environment.

CEOs of multinational corporations tell Members of Congress that globalization stimulates development and allows nations to improve their labor and environmental records. They say interaction with the developing world spreads democracy.

The facts speak differently. Democratic nations such as India are losing out to more totalitarian nations, such as China. Democratic nations such as Taiwan are losing out to authoritarian regimes, such as Indonesia.

In 1989, 57 percent of developing country exports and manufacturing came from developing democracies; 10 years later, only 35 percent of developing country exports and manufacturing came from developing democracies. It is clear that corporations are relocating their manufacturing bases to more totalitarian regimes, where even the most minimal labor and environmental standards are often ignored.

The fact is, Western business investors want to go to China, they want to go to Indonesia; they want to go to countries which are dictatorships, which have docile work forces, authoritarian governments and they are very predictable for Western investors.

They do not go to India, they do not go to Taiwan, not to South Korea; they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because good wages are paid, and because we have free elections.

Western corporations instead want to invest in countries that have weak environmental standards, unenforced labor law, below-poverty wages, and where workers have no opportunities to bargain collectively.

Flawed trade policies cost American jobs, put downward pressure on U.S. wages and working conditions, and erode the ability of local, State, and Federal governments to protect public health and to protect the environment.

If we fail to include important labor and environmental provisions in future trade agreements, multinational corporations will continue to dismiss labor and protection of the environment as discretionary and wholly unnecessary expenses. Global working conditions will continue to suffer.

We need in this body to press for provisions that promote workers' rights in all countries and promote economic advancement in all countries. The U.S. must continue to be a leader in setting standards for worker rights, for fair wages, for worker safety, and for environmental protection.

In the last year, in this country, we have lost, since President Bush took office, 1 million industrial jobs. We have experienced economic slowdown, and we have experienced a drop in the stock market that we have not seen in a decade. Fast track will not solve that problem; fast track will make that problem worse.

Our Nation cannot afford to sell its principles to the highest bidder. The global race to the bottom must be stopped and turned around.

In 1998, fast track was defeated in this Congress 243 to 180. Fast track should be defeated again in Congress this year.

WITH FALL HARVEST COMES FALLING PRICES IN FARM COUNTRY AND FALLING HOPES FOR OUR NATION'S FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, local commodity prices are becoming an everyday story for Kansas farmers and ranchers. Last week was no exception, with headlines like ''October Farm Prices Show an Abrupt Drop'' and ''Farm-Price Index Suffers the Biggest Drop on Record.''

Last Wednesday, data showed that farmers' prices were reduced the largest amount in 1 month, 9.5 percent. The decline between September and October is the sharpest month-to-month price drop in 91 years, since USDA began recording farm prices in 1910.

The corn price, $1.79 for October, was down 12 cents from September. Twelve cents may not sound like much, but for the State of Kansas, that is a loss of $50 million to the State's economy. Soybean prices plunged 43 cents to $4.10 cents a bushel, 35 cents below the price just 1 year ago. For the average Kansas farmer who plants about 150 acres of soybeans, that is a 1-month loss of about $1,500 on his or her fall harvest.

Farmers know that grain prices always drop around harvest time, but even the Department of Agriculture admitted last week that ''the breadth of this downturn is unanticipated.''

Grain producers were not the only ones affected. The index of meat prices fell 4.2 percent, hog prices at $41 per hundredweight declined $4.10, and cattle prices fell to $67.50, down $1.50.

The news of this dramatic price drop is bad not only for agricultural producers, but for all of us who depend upon American agriculture for the security of our food supply. However, to farmers whose grain incomes have grown steadily smaller, it is no surprise, nor is it a surprise when the price continues to drop.

More headlines just from yesterday tell that story: ''Wheat Export Commitments Second Lowest on Record,'' ''Corn Sales Lagging.'' Our farmers want to be able to continue feeding our Nation and others around the globe with the safest, most abundant food supply in the world, but with record low prices and trade barriers hindering the export market, times are tough in agriculture country.

My farmers tell me that they want to get their income from the market to raise prices through increased exports to willing consumers in nations around the globe, yet political barriers distort international trade. And so our farmers need short-term assistance just to continue farming and to pass the family farm to their sons and daughters.

The House has acted to assist farmers by passing the Farm Security Act last month. Now it is up to the U.S. Senate to realize the need for legislation.

Last Thursday, the Secretary of Agriculture stated that she was pleased by the newly developed Senate plans to proceed with a farm bill this session. That statement was followed by the President's announcement Friday of his appointment of a new special assistant for ag trade and food assistance.

The President said that he is not opposed to signing a farm bill into law this year, and the addition to the administration's agriculture team is a positive step to further coordinate farm bill efforts between Congress and the White House.

I am encouraged to once again hear the administration's commitment to farm policy, and I am glad to see the Senate Committee on Agriculture responding by beginning to mark up their version of a farm bill.

I look forward to working together on farmers' priorities: caring for the environment, a farm income safety net, and greater trading opportunities.

With the tragic events of September 11, the battle against terrorism is continuing. Our Nation has many vital defense priorities right now both at home and abroad. However, food security is one of the most important elements of homeland security, and we must not overlook our Nation's farmers before this session ends.

Farmers are counting on us to deliver the promise of a farm bill, and with all that they do every day to provide us with food, clothing, and shelter, we must not let them down.

EXPRESSING REGARD AND SYMPATHY TO UKRAINE AT 68TH ANNIVERSARY REMEMBRANCE OF GREAT FAMINE OF 1932 AND 1933

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today I rise for the record to express my deepest regard and sympathies to the new Nation of Ukraine at its 68th anniversary remembrance of the tragic great famine of 1932 and 1933.

Ukraine, always known as the breadbasket of Europe, lost nearly a quarter of its population as the Stalinist-led government, headquartered in Moscow then, forcibly exported Ukraine's wheat and spent the money earned on industrialization.

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Only God knows the true count of the millions of Ukrainian peasants and village dwellers who were systematically starved to death as collectivization of the countryside made independent farming impossible.

Inside the borders of the Soviet Union, over 50 million people ultimately perished through the end of the Second World War, beginning with upwards of 8 million innocent people who died during forced famine of the early 1930s. The totalitarian regime of Joseph Stalin understood the power of food as the most fundamental weapon and used it cruelly.

For several centuries, Ukraine then fought for its freedom. When forced to join the U.S.S.R. in the 20th century, Ukrainians resisted with valor. The forests of Western Ukraine are filled with the bones of their sacrifice. Every family suffered permanent losses. Yet no threats or punishments could deter Ukraine from its constant attempts to leave the Soviet Union and restore its independence.

Fearing for the integrity of its empire, the Soviet regime then decided to simply eliminate Ukrainian culture by destroying the intellectual and military elite that pursued ideals of freedom and liberty. The regime falsified history and finally starved millions upon millions into submission.

Genocide of this magnitude is unparalleled in human history. It is almost impossible to comprehend a political system that would contemplate and plan the deaths of millions of its citizens. These deaths of men, women, children and elderly were executed in the most tortuous ways imaginable. Young men were forcibly inducted into the military, taken from their farms and villages. Families that did not cooperate were shot. The remaining millions were starved to death. Women and children scratched in the frozen earth to find even an onion to make soup in the winter. Mothers died to give their last shreds of food to their children.

History shows even in the face of such brutality, Ukrainians did not retreat. They continued to fight for freedom. Deep in their souls their spirits remained unbent and steadfast.

When Ukrainian independence finally was declared in 1991, Ukrainian patriots did not rest. They refused to forget their roots and live like tumbleweeds. Life without a homeland for them was life not worth living. Finally, they prevailed; but the memory of the earlier horrors remained always and drives them in their sense of duty.

Many of my own ancestors died miserably inside what is now Ukraine during the 1930s. Our family well knows that this horror occurred.

We, history, must never forget that such profound events happened. We must remember. We must prevent such evil from happening again. We must also recognize that such hatred can be perpetrated only when freedom does not reign in a land. Therefore, we must maintain our dedication to freedom and representative government.

We must resist anyone who attempts to take it from us. We must help those in the world who have gained their democratic freedoms to keep them alive and nurture them into maturity. We must not rest until such seemingly simple gifts as a right to life and the right to pursue happiness are guaranteed for every person in the world.

Democratic freedoms must prevail more now than ever. Recent events make us more aware of precious endowments of our known Nationhood. Now we have an additional reason to continue our work for democratization and defense of human rights. The memory of those who died defenselessly in this struggle so long ago deserve to be honored.

For several centuries, Ukraine has fought for its freedom. When forced to join the U.S.S.R., Ukrainians resisted with valor. In furtherance of this remembrance, I would strongly encourage the United States Commission for the Preservation of America's Heritage Abroad, and the U.S.-Ukraine Joint Cultural Heritage Commission, each funded annually by the Congress of the United States on behalf of the people of the United States, to accurately reflect the great famine in their historical documentations, including cemeteries, massacre sites and other hallowed grounds in Ukraine. Those commemorations should also give proper tribute and restore the lost heritage resulting from the mass immigration of writers and scholars to the West.

In closing, Madam Speaker, we will mourn the lives of these innocent people lost to history on November 17, 2001, when a commemorative service will be held in St. Patrick's Cathedral in New York City. Let us never forget them. Let us work ever harder to build a world free of terror for our children.

COMMEMORATION OF THE 68TH ANNIVERSARY OF THE UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, I rise today to honor the memory of millions of innocent Ukrainians who were systematically starved to death by the Soviet Government in 1932 and 1933.

A comprehensive campaign to kill Ukrainian citizens and to destroy all vestiges of Ukrainian nationalism was carried out by Joseph Stalin, the dictator of the Soviet Union; and his policies of forced collectivization of both agriculture and industry was part of the problem. Although almost a quarter of the Ukrainian population died in those 2 years, 1932 and 1933, their tragedy remained unknown to the rest of the world for almost 60 years.

Joseph Stalin's collectivization policy to finance Soviet industrialization had a disastrous effect on agricultural productivity. In fact, between the First World War and the Second World War productivity in agriculture doubled, but not with the industrialization and the collectivization. The Northern Caucasus and the Lower Volga River area were part of that famine that occurred.

Without regard for the negative consequences of this policy, Stalin raised Ukraine's grain quotas by 44 percent. Because Soviet law required that the government's grain quota be filled before no other food distribution, peasants were effectively starved to death. Stalin enforced this law absolutely mercilessly. Those who refused to give up their grain were executed or deported. The death toll from the famine is estimated to be 6 to 7 million people. That is quite a bit when Stalin, the dictator, had killed about 25 million in his own country.

Yet, despite this atrocity, Ukrainians still struggled to restore their independence and freedom. There is no doubt that when Ukraine declared its independence on August 24, 1991, it vindicated the deaths of so many Ukrainians during the famine.

Madam Speaker, during the difficult time in our own country, it is important to recognize the courage of other peoples and other generations in the long struggle for freedom. It is equally important that we build on this example by teaching compassion to our young people and reinforcing our resolve to prevail over evil.

We must never forget that many innocent lives have been taken to undermine our commitment to the ideals of freedom and democracy. With this commemoration, we honor the memory of Ukrainians whose lives were lost in the struggle to gain independence; and we renew our commitment to justice for all.

In this week, Ukrainian Prime Minister Viktor Yushchenko will be here, and I hope many Members in the House would have an opportunity to meet the new Prime Minister and its former pro-market reform. We hope that never again on Russia at all or Ukraine should such brutal murders and such wrong groups take place.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEATH WITH DIGNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, we know that Attorney General Ashcroft is very busy. His Department is attempting to track down the perpetrators of the anthrax attacks on our citizenry. And there are more than 1,000 Federal detainees who need to be interrogated and investigated for possible links to terrorism. There are other possible terrorist cells he tells us that are at work in the United States to be exposed and uprooted. He has recently warned us of other potential impending attacks.

He is a very, very busy gentleman, obviously. But unfortunately not busy enough to keep him from making mischief. Today he took a day off from the war against terrorism in a detour to launch his own attack on the people of the State of Oregon.

Oregon twice passed a law to provide death with dignity, assisted suicide. We built in extraordinary protections. People had to have a terminal diagnosis within 6 months. It had to be confirmed by more than one physician. They had to undergo psychological evaluation. No one could administer the prescription to them, but a physician could provide it if they so chose.

He sees this as an assault on the American people and feels that it takes priority, I guess, even in these busy times for him, to undo. And unfortunately, the mischief of the work he is doing here goes far beyond the State of Oregon. Because what he is doing will chill the aggressive management of pain for people with terminal illnesses across the United States.

This is an area in which we have made a little bit of progress in the last quarter of a century. It is no longer considered that someone has to die in extraordinary pain. More and more physicians will treat that aggressively, even at the risk of potentially shortening someone's life by a tiny bit just to make them more comfortable.

But because of this decision and this action by Attorney General Ashcroft, that is not going to happen anymore. Because physicians across America and most assuredly in Oregon are going to have to worry that the Drug Enforcement Administration using the Controlled Substances Act, people totally unqualified in the practice of medicine, are going to be looking over their shoulder and wanting to know what was their intent in writing that prescription.

Now, Mr. Ashcroft rather innocently says in his memorandum here that they will just probably prosecute people by looking for the required paperwork in the State of Oregon, but he does not limit the lengthy opinion here to that extent. There is lots more mischief to be done by this zealotry.

Thirty people last year in Oregon, 30 people chose to use the Death With Dignity Act by their own hand, humanely ending their lives just a bit early to avoid horrible suffering. Now, what is wrong with that? What is so dangerous about that that the Attorney General has to take a full day off from the war on terrorism and divert some of his staff from the war on terrorism to an attack on the initiative of the State of Oregon, of the people of Oregon, and the idea of death with dignity?

This is extraordinary to me. And doing it by manipulating the Controlled Substances Act and injecting the Drug Enforcement Administration into these extraordinarily sensitive end-of-life decisions which should involve an individual, their loved ones, their minister, pastor, priest, rabbi, a counselor, psychologist, friends. But why does the Drug Enforcement Administration have to be in that room? Why should they be involved and intervene in this sort of decision? They have no qualifications. They have no right. They have no place. Leave the people of Oregon alone.

In fact, I would suggest that perhaps Attorney General Ashcroft would want to focus his efforts on defending the people of Oregon and the people of the United States against all unwarranted attacks and also protect our civil liberties and our states right at the same time, which he is certainly not doing with this decision.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GREATER AIRLINE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, we must pass as soon as possible an aviation security bill. It has been over 6 weeks since we passed the bail-out bill for the airline industry. I said at the time that I could not vote for that bill, not because it was a bad bill, but because it did not do anything to protect laid-off workers in the aviation community. And it did nothing to upgrade security in this country.

Today we still have that problem. People are still not willing to get back into planes to any great degree.

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Just this past Saturday at O'Hare, we had another incident that shows that we have to change security in this country. An individual carrying a stun gun, a can of Mace, and several knives in his carry-on luggage bag passed through screening at the airport without anyone stopping him whatsoever. That was after he had actually shown them two knives that he was carrying on the plane. This did not alert them whatsoever. They let him proceed right through that security point.

He was stopped at the gate. He was stopped by a United Airlines employee who had been informed by some other United employees that he had purchased a one-way ticket with cash. That United person at the gate stopped him, went through his bag, did find the Mace, did find the stun gun, did find the other knives. He was taken into custody by the Chicago Police Department. He was turned over to the FBI. He was then released by the FBI. By that time, though, he missed his flight to Omaha, a flight that he had put checked luggage on that wound up going to Omaha. After all of this, no one thought to remove his bag from the plane that went to Omaha.

This shows that we have to get rid of the status quo. We have to start with something brand new as far as aviation security. That is why we have to pass a bill as quickly as we possibly can. Thanksgiving is the greatest travel day we have in this Nation. We must have a new security bill in place before that so the American flying public will feel secure.

There were eight screeners that the FBI said were fired at O'Hare Airport because of this incident. Argenbright, the security company, simply said that they were suspended. Of those eight individuals, three of them have criminal records. One of them is a known member of a gang. That is why we must change the status quo in aviation security as quickly as possible.

Since September 11, the aviation industry has contracted to a very, very significant degree. At Newark, Reagan National, and Houston, flights are down by 35 percent; at Kennedy, 34 percent; Seattle, Boston, LaGuardia, Portland, and San Francisco, they are all down by over 25 percent. The Nation's top 31 airports are all down a minimum of 18 percent. Since September 11, United Airlines and American Airlines have cut 22 percent of their flights; Northwest, 15 percent; U.S. Airways, 25 percent; Delta, 15 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

We are never going to get this economy going until we pass an upgraded aviation security bill, and we must pass that as quickly as possible. The House has named their conferees, the House has made a motion to instruct those conferees to go to conference, and we are waiting for the Senate. The Senate must move as quickly as possible and join the House in conference so we can work out a bill to protect all the American flying public by the end of this week, so people will know the skies are safe when they are flying at Thanksgiving.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HART). The Chair must remind all Members not to urge Senate action.

CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH submitted the following conference report on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–272)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) ''making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: Provided, That not to exceed $17,940,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,135,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: 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, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: 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, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, as amended: 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, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,331,164,000, plus reimbursements: Provided, That of the funds made available under this heading, $675,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2003: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this

account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2003, $371,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $66,731,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,195,728,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $60,000,000 shall be available for obligation until September 30, 2003: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $15,665,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $52,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: Provided, That of the amount made available under this heading for CARES activities, up to $40,000,000 shall be for construction of a blind and spinal cord injury center at the Hines Veterans Affairs Medical Center pursuant to the Veterans Integrated Service Network (VISN) 12 CARES study, and construction of such center is hereby deemed authorized pursuant to title 38, United States Code: Provided further, That the amounts designated in the previous proviso shall be available for obligation only after the Secretary of Veterans Affairs has initiated all actions necessary to implement fully Option B of the July 19, 2001 VISN 12 Service Delivery Options after consulting with interested and affected parties, and has initiated Phase II of the CARES process: Provided further, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2002, for each approved project (except those for CARES activities and the three land acquisitions referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,900,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government

Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: Provided, That the Franchise Fund, established by Title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2002 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $28,555,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. The Secretary of Veterans Affairs shall treat the North Dakota Veterans Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in expanding or improving veterans cemeteries under section 2408 of title 38, United States Code. This section shall take effect on the date of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur on or after that date.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,280,975,000, of which $640,000,000 shall be from unobligated balances from amounts recaptured from fiscal year 2000 and prior years pursuant to a reduction in the amounts provided for Annual Contributions Contract Reserve Accounts, and amounts that are recaptured in this account to remain available until expended: Provided, That not later than October 1, 2001, the Department of Housing and Urban Development shall reduce from 60 days to 30 days the amount of reserve funds made available to public housing authorities: Provided further, That of the total amount provided under this heading, $16,071,975,000, of which $11,231,975,000 and the aforementioned recaptures shall be available on October 1, 2001 and $4,200,000,000 shall be available on October 1, 2002, shall be for assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437 et seq.): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That amounts available under the second proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $143,979,000 shall be made available for incremental vouchers under section 8 of the Act, of which $103,979,000 shall be made available on a fair share basis to those public housing agencies that have no less than a 97 percent occupancy rate; and of which $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That up to $195,601,000 from amounts made available under this heading may be made available for contract administrators: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,200,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2001 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2002, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,843,400,000, to remain available until September 30, 2005: Provided, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: Provided further, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $550,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998 and 1999 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2002, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, or 2002: Provided further, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, or 2002 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: Provided further, That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $10,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $52,700,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of

Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,494,868,000, to remain available until September 30, 2003: Provided, That of the total amount provided under this heading, $5,000,000 shall be provided to the Office of Inspector General: Provided further, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing: Provided further, That funds made available in the previous proviso shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the unobligated balances remaining from funds appropriated in fiscal year 2001 and prior years under the heading ''Drug elimination grants for low-income housing'' for activities related to the Operation Safe Home Program, $11,000,000 is hereby rescinded.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $52,726,000: Provided further, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,987,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $277,432,000, to remain available until September 30, 2003: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $45,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $3,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2004: Provided, That of the amount provided, $4,341,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That $70,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be available as a grant to the Housing Assistance Council; $2,600,000 shall be available as a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $42,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate and equip their facilities: Provided further, That $9,600,000 shall be made available to the Department of Hawaiian Homelands to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs): Provided further, That no less than $13,800,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $22,000,000 shall be for

grants pursuant to the Self Help Housing Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'', as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $29,000,000 shall be made available for capacity building, of which $25,000,000 shall be made available for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $42,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish Youthbuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $294,200,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2003, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: 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, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2003: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,846,040,000 to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $50,000,000 shall be available for the Downpayment Assistance Initiative, subject to the enactment of subsequent legislation authorizing such initiative: Provided further, That should legislation authorizing such initiative not be enacted by June 30, 2002, amounts designated in the previous proviso shall become available for any such purpose authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided further, That of the total amount provided under this heading, up to $20,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,122,525,000, to remain available until September 30, 2004: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $2,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That $6,600,000 of the funds appropriated under this heading shall be available for technical assistance: Provided further, That no less than $5,600,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,024,151,000, to remain available until September 30, 2004: Provided, That $783,286,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $240,865,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That no less than $1,200,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive

any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,566,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2002 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2002, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $336,700,000, of which not to exceed $332,678,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which no less than $118,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $197,779,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which no less than $41,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $50,250,000, to remain available until September 30, 2003: Provided, That $1,500,000 shall be for necessary expenses of the Millennial Housing Commission, as authorized by section 206 of Public Law 106–74, with the final report due no later than May 30, 2002 and a termination date of August 30, 2002, notwithstanding section 206 (f) and (g) of Public Law 106–74: Provided further, That $1,000,000 shall be for necessary expenses of the commission established under section 525 of the Preserving Affordable Housing for Senior Citizens and Families in the 21st Century Act, with the final report due no later than June 30, 2002 and a termination date of September 30, 2002, notwithstanding section 525 (f) and (g) of Public Law 106–74: Provided further, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the amounts provided under this heading, $3,500,000 shall be for a one-time grant to the National Center for Lead-Safe Housing.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $25,000 for official reception and representation expenses, $1,097,292,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development loan guarantees program'' account, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: Provided, That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by January 15, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector

General Act of 1978, as amended, $93,898,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $5,000,000 shall be provided from the appropriation for the ''Public housing operating fund'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act, $6,700,000 is rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: Provided further, That this Office shall submit a staffing plan to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2002 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by inserting ''and fiscal year 2002'' after ''fiscal year 2001''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2002 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is repealed.

SEC. 206. Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (b), by striking ''issue regulations'' and all that follows and inserting the following: ''require that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act.''; and

(2) by adding the following new subsection at the end:

''(d)(1) The Secretary may insure under this subsection a mortgage that meets the requirements of subsection (a), except that the effective rate of interest—

''(A) shall be fixed for a period of not less than the first 3 years of the mortgage term;

''(B) shall be adjusted by the mortgagee initially upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, is subject to the 1 percent limitation only if the interest rate remained fixed for five or fewer years.

''(2) The disclosure required under subsection (b) shall be required for a mortgage insured under this subsection.''.

SEC. 207. (a) Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (1), by striking ''and (k)'' and inserting ''or (k)''; and

(2) in paragraph (2)—

(A) by inserting after ''subsection (v)'' the following: ''and each mortgage that is insured under subsection (k) or section 234(c),''; and

(B) by striking ''and executed on or after October 1, 1994,''.

(b) The amendments made by subsection (a) shall—

(1) apply only to mortgages that are executed on or after the date of enactment of this Act; and

(2) be implemented in advance of any necessary conforming changes to regulations.

SEC. 208. (a) During fiscal year 2002, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 209. Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended to read as follows:

''SEC. 533. REVIEW OF MORTGAGEE PERFORMANCE AND AUTHORITY TO TERMINATE.—

''(a) PERIODIC REVIEW OF MORTGAGEE PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

''(b) COMPARISON WITH OTHER MORTGAGEES.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee in an area with the rate of early defaults and claims for other mortgagees originating or underwriting insured single family mortgage loans in the area. For purposes of this section, the term 'area' means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

''(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c) of this Act, the Secretary may terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgage loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

''(2) The Secretary shall give a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period, unless the Secretary withdraws the termination notice or extends the notice period. If requested in writing by the mortgagee within 30 days of the date of the notice, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official). At the informal conference, the mortgagee may present for consideration specific factors that it believes were beyond its control and that caused the excessive default and claim rate.''.

SEC. 210. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 211. Public housing agencies in the States of Alaska, Iowa, and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2002, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments

under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 213. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively;

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(1) by striking ''$33,638'', ''$38,785'', ''$46,775'', ''$59,872'', and ''$66,700'' and inserting ''$42,048'', ''$48,481'', ''$58,469'', ''$74,840'', and ''$83,375'', respectively; and

(2) by striking ''$35,400'', ''$40,579'', ''$49,344'', ''$63,834'', and ''$70,070'' and inserting ''$44,250'', ''$50,724'', ''$61,680'', ''$79,793'', and ''$87,588'', respectively.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,536'', ''$52,135'', and ''$59,077'' and inserting ''$37,843'', ''$42,954'', ''$51,920'', ''$65,169'', and ''$73,846'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$48,029'', ''$57,798'', ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

SEC. 214. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106–554), for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina, such funds shall be available to the University of South Carolina to fund an endowment for the operation of an historical archive at the University of South Carolina, without fiscal year limitation.

SEC. 215. Section 247 of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) NATIVE HAWAIIAN.—The term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands before January 1, 1778, or, in the case of an individual who is awarded an interest in a lease of Hawaiian home lands through transfer or succession, such lower percentage as may be established for such transfer or succession under section 208 or 209 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 111), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).

''(2) HAWAIIAN HOME LANDS.—The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).''; and

(2) by adding at the end the following:

''(e) CERTIFICATION OF ELIGIBILITY FOR EXISTING LESSEES.—Possession of a lease of Hawaiian home lands issued under section 207(a) of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), shall be sufficient to certify eligibility to receive a mortgage under this section.''.

SEC. 216. Notwithstanding the requirement regarding commitment of funds in the first sentence of section 288(b) of the HOME Investment Partnerships Act (42 U.S.C. 12838(b)), the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall approve the release of funds under that section to the Arkansas Development Finance Authority (in this section referred to as the ''ADFA'') for projects, if—

(1) funds were committed to those projects on or before June 12, 2001;

(2) those projects had not been completed as of June 12, 2001;

(3) the ADFA has fully carried out its responsibilities as described in section 288(a); and

(4) the Secretary has approved the certification that meets the requirements of section 288(c) with respect to those projects.

SEC. 217. Notwithstanding any other provision of law with respect to this or any other fiscal year, the Housing Authority of Baltimore City may use the remaining balance of the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for the rehabilitation of the Claremont Homes project and for the provision of affordable housing in areas within the City of Baltimore either (1) designated by the partial consent decree in Thompson v. HUD as nonimpacted census tracts or (2) designated by said authority as either strong neighborhoods experiencing private investment or dynamic growth areas where public and/or private commercial or residential investment is occurring.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,466,000, to remain available until expended.

In addition, for the partial cost of construction of a new interpretive and visitor center at the American Cemetery in Normandy, France, $5,000,000, to remain available until expended: Provided, That the Commission shall ensure that the placement, scope and character of this new center protect the solemnity of the site and the sensitivity of interested parties including families of servicemen interred at the cemetery, the host country and Allied forces who participated in the invasion and ensuing battle: Provided further, That not more than $1,000,000 shall be for non-construction related costs including initial consultations with interested parties and the conceptual study and design of the new center.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, $5,350,000 of which to remain available until September 30, 2002 and $2,500,000 of which to remain available until September 30, 2003: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $80,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities, and up to $9,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to

$1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $51,800,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $55,200,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $401,980,000, to remain available until September 30, 2003: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That notwithstanding any other law $2,500,000 of the funds made available by the Corporation to the Foundation under Public Law 106–377 may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc., only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc., to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA of the USA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: Provided further, That not more than $1,000,000 of the funds made available under this heading shall be made available to Teach For America: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc., to support literacy activities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, to remain available until September 30, 2003.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $13,221,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $22,537,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $698,089,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships

in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,054,511,000, which shall remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,0000 shall not become available until September 1, 2002), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,867,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2003, and $36,891,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $73,000,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,733,276,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $343,900,000, in addition to $124,725 previously appropriated under this heading in Public Law 106–377 and $498,900 previously appropriated under this heading in Public Law 106–554, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the managers accompanying this Act; and $1,074,376,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, $25,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2002, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2002 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2002, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2002, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''$14,000,000'' and inserting ''$17,000,000''; and, by striking ''each'' and inserting ''2002'' after ''fiscal year'';

(2) in subsection (i)(5)(H) by striking ''2001'' and inserting ''2002'';

(3) in subsection (i)(6) by striking ''2001'' and inserting ''2002''; and

(4) in subsection (k)(3)(A) by striking ''2001'' and inserting ''2002''; and, by striking ''1/7'' and inserting ''1/10''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,267,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,974,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $664,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; $25,000,000 shall be transferred to the Flood Map Modernization Fund; $25,000,000 shall be transferred to ''Emergency management planning and assistance'', for pre-disaster mitigation activities; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

In addition, for the purposes under this heading, $1,500,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request,

that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: 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, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $233,801,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $254,623,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available for project grants under this heading by transfer from ''Disaster relief'', shall be available until expended.

For an additional amount for ''Emergency management planning and assistance'', $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): Provided, That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''the Act''), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $76,381,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2003. In fiscal year 2002, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $536,750,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $7,000,000 in fees collected but unexpended during fiscal years 2000 through 2001 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2002.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''2001'' and inserting ''2002''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2003, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund. Of the amount provided, $2,500,000 is to be used for the purchase of flood-prone properties in the city of Austin, Minnesota, and any cost-share is waived.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,912,400,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and technology'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,857,100,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Human space flight'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377, except that no funds may be transferred to the program budget element for the Space Station.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,700,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space

flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2002 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2002 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,598,340,000, of which not to exceed $300,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $138,800,000 to remain available until expended: Provided, That the Director shall submit a report to the Committees on Appropriations by February 28, 2002 on the full life-cycle costs of projects funded through this account since fiscal year 1995.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $875,000,000, to remain available until September 30, 2003: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,760,000, to remain available until September 30, 2003.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $105,000,000, of which $10,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $750 for official reception and representation expenses; $25,003,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. 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. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (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.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2002 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 421. Unless otherwise provided for in this Act or through reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 423. The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2001.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 8, 2002 for 30 days of review.

SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. Section 104(n)(4) of the Cerro Grande Fire Assistance Act (Public Law 106–246) is amended by striking ''beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.'' and inserting ''within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003.''.

SEC. 429. None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an ''irrevocable choice'' for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106–398).

SEC. 430. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations).

SEC. 431. Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197–5197g) is amended by adding at the end the following:

''SEC. 629. MINORITY EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—The Director shall establish a minority emergency preparedness demonstration program to research and promote the capacity of minority communities to provide data, information, and awareness education by providing grants to or executing contracts or cooperative agreements with eligible nonprofit organizations to establish and conduct such programs.

''(b) ACTIVITIES SUPPORTED.—An eligible nonprofit organization may use a grant, contract, or cooperative agreement awarded under this section—

''(1) to conduct research into the status of emergency preparedness and disaster response awareness in African American and Hispanic households located in urban, suburban, and rural communities, particularly in those States and regions most impacted by natural and man-made disasters and emergencies; and

''(2) to develop and promote awareness of emergency preparedness education programs within minority communities, including development and preparation of culturally competent educational and awareness materials that can be used to disseminate information to minority organizations and institutions.

''(c) ELIGIBLE ORGANIZATIONS.—A nonprofit organization is eligible to be awarded a grant, contract, or cooperative agreement under this section with respect to a program if the organization is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code, whose primary mission is to provide services to communities predominately populated by minority citizens, and that can demonstrate a partnership with a minority-owned business enterprise or minority business located in a HUBZone

(as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))) with respect to the program.

''(d) USE OF FUNDS.—A recipient of a grant, contract, or cooperative agreement awarded under this section may only use the proceeds of the grant, contract, or agreement to—

''(1) acquire expert professional services necessary to conduct research in communities predominately populated by minority citizens, with a primary emphasis on African American and Hispanic communities;

''(2) develop and prepare informational materials to promote awareness among minority communities about emergency preparedness and how to protect their households and communities in advance of disasters;

''(3) establish consortia with minority national organizations, minority institutions of higher education, and faith-based institutions to disseminate information about emergency preparedness to minority communities; and

''(4) implement a joint project with a minority serving institution, including a part B institution (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), an institution described in subparagraph (A), (B), or (C) of section 326 of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), and a Hispanic-serving institution (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))).

''(e) APPLICATION AND REVIEW PROCEDURE.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an organization must submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director shall establish a procedure by which to accept such applications.

''(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2002 and such funds as may be necessary for fiscal years 2003 through 2007. Such sums shall remain available until expended.''.

SEC. 432. None of the funds made available by this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437j(c)) relating to community service, except with respect to any resident of a public housing project funded with any amounts provided under section 24 of the United States Housing Act of 1937, as amended, or any predecessor program for the revitalization of severely distressed public housing (HOPE VI).

SEC. 433. Section 1301 of title XIII of Division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554, is amended by striking ''facilities'' and inserting in lieu thereof ''facilities, including the design and construction of such facilities,''.

SEC. 434. The amounts subject to the fifth proviso under the heading, ''Emergency Response Fund'', in Public Law 107–38, which are available for transfer to the Department of Housing and Urban Development 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for the Department, may be used for purposes of 'Community Development Block Grants', as authorized by title I of the Housing and Community Development Act of 1974, as amended: Provided, That such funds may be awarded to the State of New York for assistance for properties and businesses damaged by, and for economic revitalization related to, the September 11, 2001 terrorist attacks on New York City, for the affected area of New York City, and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: Provided further, That the State of New York is authorized to provide such assistance to the City of New York: Provided further, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002''.

And the Senate agree to the same.

JAMES T. WALSH,
TOM DELAY,
DAVID L. HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
ROBERT B. ADERHOLT,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID PRICE,
ROBERT E. CRAMER, Jr.,
CHAKA FATTAH,
DAVID OBEY,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
TOM HARKIN,
ROBERT C. BYRD,
HERB KOHL,
TIM JOHNSON,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY E. CRAIG,
(except for general provision on arsenic),
PETE V. DOMENICI,
(except for general provision on arsenic),
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

The language and allocations set forth in House Report 107–159 and Senate Report 107–43 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Unless specifically addressed in this statement of the managers or in the House or Senate reports accompanying H.R. 2620, the conferees agree to retain the reprogramming thresholds for each department or agency at the level established by the fiscal year 1999 reports.

RELATIONSHIP WITH BUDGET OFFICES

Through the years, the Appropriations Committees have channeled most of their inquiries and requests for information and assistance through the budget offices of the various departments, agencies, and commissions. The Committees have often pointed out the natural affinity and relationship between these organizations and the Appropriations Committees which makes such a relationship workable. The conferees reiterate their position that while the Committees reserve the right to call upon all offices in the departments, agencies, and commissions, the primary conjunction between the Committees and these entities must normally be through the budget offices. The Committees appreciate all the assistance received from each of the departments, agencies, and commissions during this past year. The workload generated by the budget process is large and growing, and therefore, a positive, responsive relationship between the Committees and the budget offices is absolutely essential to the appropriations process.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Of the amounts approved in the appropriations accounts in this title, the Department must limit transfers of funds between objectives to not more than $500,000, except as specifically noted, without prior approval of the Committees. No changes may be made to any account or objective, except as approved by the Committees, if it is construed to be policy or change in policy. Any activity or program cited in the statement of the managers shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees. It is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above. The Department is expected to comply with all normal rules and regulations in carrying out these directives. Finally, the Department should continue to notify the Committees regarding reorganizations of offices, programs, or activities prior to the planned implementation of such reorganizations.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $24,944,288,000 for compensation and pensions as proposed by both the House and the Senate, of which not more than $17,940,000 is to be transferred to general operating expenses and medical care.

READJUSTMENT BENEFITS

Appropriates $2,135,000,000 for readjustment benefits as proposed by both the House and the Senate. Deletes bill language proposed by the Senate allowing funds to be payable for any court order, award or settlement.

VETERANS INSURANCE AND INDEMNITIES

Appropriates $26,200,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the veterans housing benefit program fund program account as proposed by both the House and the Senate, plus $164,497,000 to be transferred to and merged with general operating expenses.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000 for the costs of direct loans from the education loan fund program account as proposed by both the House and the Senate, plus $64,000 to be transferred to and merged with general operating expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $72,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate, plus $274,000 to be transferred to and merged with general operating expenses.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Appropriates $544,000 for administrative expenses of the Native American housing loan program account to be transferred to and merged with general operating expenses as proposed by both the House and the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

Provides up to $750,000 of the funds available in medical care and general operating expenses to carry out the guaranteed transitional housing loans for homeless veterans program as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $21,331,164,000 for medical care instead of $21,282,587,000 as proposed by the House and $21,379,742,000 as proposed by the Senate.

Retains bill language proposed by the Senate delaying the availability of $675,000,000 for equipment and land and structures until August 1, 2002 remaining available until September 30, 2003. The House proposed delaying $900,000,000 for the same purposes.

Retains bill language making $900,000,000 available until September 30, 2003 as proposed by the Senate instead of $500,000,000 as proposed by the House.

Deletes bill language limiting $3,000,000,000 for maintenance and operations expenses as proposed by the House. The conferees strongly support the redirection of medical resources from the maintenance and operations of unneeded buildings to support direct patient care and encourage the efforts to reduce those expenditures as the Capital Asset Realignment for Enhanced Services (CARES) process moves forward.

Provides $15,000,000 from medical funds for CARES projects instead of $30,000,000 as proposed by the Senate. The House did not identify any funds in this account for CARES.

Retains language proposed by the Senate transferring collected receipts in the medical care collections fund to the medical care account. The House provided transfer authority in a separate medical care collections fund appropriating paragraph.

For a number of years GAO and the Congress have been encouraging the VA and Department of Defense (DOD) to work together to find ways to share resources and provide better health care for our Nation's military, military retirees, and veterans. The conferees direct the Secretary of Veterans Affairs, in cooperation with the Secretary of Defense, to submit to the Committees on Appropriations a credible plan by September 1, 2002 for no less than three demonstration sites where the VA and DOD will fully integrate operations, pharmacy services, billing and records, and treatment. Further, the conferees direct the VA to include in the plan VA–DOD sharing options that complement CARES principles. The conferees direct both Secretaries to consider the opportunity presented at the Tripler Army Medical Center for this demonstration program.

The conferees are dismayed by GAO reports outlining the dismal state of VHA's record on third party collections. The conferees direct the Secretary to undertake a demonstration project for a minimum of two years utilizing not less than $3,000,000 to obtain a private sector contractor to install and operate a total patient financial services system. In addition to the guidelines set forth in House Report 107–159, the demonstration should be developed in a manner that recognizes that this problem exists in all VISNs and any solution for a single VISN must be usable and exportable in an efficient manner to all VISNs. The conferees believe an essential element of this demonstration is the effective use of private sector business services in concert with VA employees.

The conferees are troubled by the abundance of conflicting information and lack of uniformity across VA's health system in regard to atypical anti-psychotic medications. Providing care for the seriously mentally ill is one of VA's top priorities and requires a special level of commitment, as this population is especially vulnerable and difficult to treat. Atypical anti-psychotic medication prescribing practices must not be used as performance indicators when evaluating a physician's work; nor should price, market share, and corporate interest factor into choosing the best drug to treat mental illness. To this end, the conferees direct the Secretary to communicate clearly to each doctor, facility director and pharmacy manager that atypical anti-psychotic pharmaceutical prescribing practices are not to be used as a measure of job performance and reiterate the Department's policy that physicians are to use their best clinical judgment when choosing atypical anti-psychotic medications. However, the conferees are aware that there is a wide price disparity between the currently available atypical anti-psychotic drugs and the Department should feel free to also communicate relative cost data for all atypical anti-psychotic drugs to its physicians.

The conferees direct the VA to keep an open policy with regard to formulating new schizophrenia and serious mental illness treatment protocols as new treatments become available, but those protocols should be based on scientific and clinical studies showing improvements in treatment efficacy or a decrease in side-effects, with cost savings as a subordinate goal to appropriate treatment options.

The conferees are aware of a proposal to establish a Center for Healthcare Information at the Office of Medical Information Security Service at the Martinsburg VAMC to improve the security of VA's computerized medical records. The conferees direct the VA to report to the Committees by March 1, 2002 on the feasibility of establishing this Center.

The conferees direct the VA to report to the Committees on Appropriations by August 2, 2002 on the VA's application of viscosupplementation as an alternative means of treating degenerative knee diseases in veterans. The report should include the potential costs and benefits of the procedure as a part of VA's health care delivery and VA's recommendations for future use of the procedure.

The conferees are aware of local concerns regarding the elements of the April 2001 report titled ''Plan for the Development of a 25–Year General Use Plan for Department of Veterans Affairs West Los Angeles Healthcare Center.'' The conferees strongly urge the VA to work with the local community when formulating a plan to best use the campus for improving veterans' access to VA-provided services.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Deletes the medical care collections fund paragraph as proposed by the House and instead provides transfer authority in medical care as proposed by the Senate.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $371,000,000 for medical and prosthetic research as proposed by the House instead of $390,000,000 as proposed by the Senate.

The conferees understand that the VA has developed an agreement for intellectual property sharing with university research institutions. Some universities have expressed concerns about a university's right to inventions that are developed from supported research. Further, there are concerns whether the VA's agreements are consistent with the Bayh-Dole Act and similar agreements utilized by other Federal agencies. Accordingly, the conferees direct the VA to report to the Committees on Appropriations by February 1, 2002 regarding these concerns. In responding to the Committees, the VA should consult with universities and university associations, including the American Association of Medical Colleges, the Association of University Technology Managers, and the Council on Government Relations.

The conferees direct the continued partnership with the National Technology Transfer Center at the current level of effort.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriates $66,731,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $67,628,000 as proposed by the Senate. The conferees agree to retain language proposed by the Senate providing a limitation on the availability of funds from Management Field Service reimbursements of September 30, 2002.

The conferees agree that there is concern about the guidance and leadership provided by headquarters to guarantee quality healthcare and sound fiscal management across the system. The VA is directed to submit with the fiscal year 2002 operating plan the signed performance agreements of all 22 VISN directors, action plans for each VISN on how that VISN will improve collection

rates, and financial reports from the three VISNs which received supplemental loans and funding for the second consecutive year summarizing how those VISNs have become financially sound.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,195,728,000 for general operating expenses as proposed by the House instead of $1,194,831,000 as proposed by the Senate. Retains language proposed by the House allowing funds to be used for the administrative expenses of department-wide capital planning, management and policy activities.

The conferees agree to fund the Veterans Benefits Administration at not less than $955,352,000. The conferees are optimistic about the recommendations put forward by the Department of Veterans Affairs Compensations and Pensions Task Force and commend the Secretary for announcing his intentions to implement most of the recommendations. The conferees look forward to the fiscal year 2003 budget hearings in hopes that implementation of the short-term recommendations will yield improvements in claims processing times by spring 2003.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $121,169,000 for the national cemetery administration as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $52,308,000 for the Office of Inspector General as proposed by the House instead of $48,308,000 as proposed by the Senate. The conferees have agreed to provide the higher funding level due to the nation-wide benefit payment review planned in response to the recent benefits fraud investigation in Atlanta, Georgia.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $183,180,000 for construction, major projects as proposed by the House instead of $155,180,000 as proposed by the Senate.

The conferees agree to the projects included in the budget estimate plus $125,000 for planning a national cemetery in the Albuquerque, New Mexico area to be offset from the working reserve. The conferees have provided up to $125,000 to start initial cemetery planning activities in Albuquerque, but direct that further funding for cemetery construction activities must be considered in the greater context of funding the country's national veterans cemetery needs as presented in the Department's needs assessment report due December, 2001.

The conferees agree that the electrical fire at the Miami VAMC presents a unique situation compromising VA's ability to provide patient care in an environment safe for patients and employees and agree to provide $28,300,000 for the emergency repair project even though VISN 8 has not undergone a CARES review.

The conferees remain strongly supportive of CARES. This nation-wide review is critical to ensuring VA's capital assets can support current and long-term health care needs and are rehabilitated and aligned for optimal efficiency and access. The conferees agree to provide $60,000,000 from construction, major projects, for CARES initiatives, of which $10,000,000 is for Phase III studies. If less than $10,000,000 is required for Phase III, the balance may be used for construction.

The conferees are strongly encouraged by the recommendations from Phase I of CARES, which if implemented, could re-invest at least $270,000,000 over the next 20 years from capital costs to improving direct access and care for veterans in the region. In support of the Phase I recommendations, the conferees have identified $40,000,000 of the $60,000,000 provided in construction, major projects to move forward with the blind and spinal cord injury center at the Hines VAMC conditional upon the Secretary certifying that a full and open consultation process was conducted regarding the VISN 12 recommendations, implementing Option B of the CARES VISN 12 Service Delivery Options with a developed implementation plan including milestones, and initiating Phase II of CARES.

As a part of the CARES process in VISN 12, VA recently completed a formal comment process where VA solicited input from a large number of affected and interested parties. The conferees direct the Secretary to certify to the Congress that he has carried out a full and open consultation process with all affected stakeholders and after submission of such certification, finalize decisions regarding CARES in VISN 12 not later than January 15, 2002.

The conferees strongly urge that the Secretary consider the needs for improvements and safety upgrades to the West Virginia National Cemetery in Grafton, West Virginia in the formulation of the Department's fiscal year 2003 budget requirements. The conferees are aware that initial planning documents have been prepared for this initiative and encourage the completion of design and architectural plans within available funds pending this review.

FACILITY REHABILITATION FUND

Deletes $300,000,000 for establishment of the facility rehabilitation fund as proposed by the House. The Senate did not include this account.

CONSTRUCTION, MINOR PROJECTS

Appropriates $210,900,000 for construction, minor projects instead of $178,900,000 as proposed by both the House and the Senate. Retains language proposed by the House limiting additional CARES funds upon notification of and approval by the Committees on Appropriations.

PARKING REVOLVING FUND

Appropriates $4,000,000 for the parking revolving fund as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $25,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Retains eight administrative provisions proposed by both the House and the Senate, seven of which were included in the fiscal year 2001 bill.

Deletes language proposed by the House eliminating the health services improvement fund.

Retains language proposed by the House allowing VA to deduct associated administrative expenses from enhanced use proceeds and use those receipts in the same fiscal year the receipts are received.

Retains language proposed by the House allowing the Department to reimburse from fiscal year 2002 salary and expenses accounts for services rendered to the Office of Resolution Management up to $28,555,000 and the Office of Employment Discrimination Complaint Adjudication up to $2,383,000. The Senate proposed a similar provision with technical differences.

Deletes language proposed by the Senate directing the VA to conduct a cost and benefit study on viscosupplementation as a treatment option for knee replacements. The conferees have agreed to instead include report language in the medical care account directing the VA to complete such a study.

Retains language proposed by the Senate recognizing the North Dakota Veterans Cemetery as a state cemetery eligible under the Grants for State Veterans Cemeteries Program.

Deletes language proposed by the Senate establishing a 60-day wait period for any action related to VISN 12 realignment. The conferees have agreed to instead include report language in the construction, major projects account.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees restate the reprogramming requirements with respect to amounts approved for each appropriations account within this title. The Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this statement of managers or committee reports, the most detailed allocation of funds presented in the budget justifications shall be considered to be approved, with any deviation from such approved allocation subject to the normal reprogramming requirements outlined above. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and deobligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity.

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $15,640,975,000 instead of $15,694,242,000 as proposed by the House and $15,658,769,000 as proposed by the Senate.

The conference agreement assumes an additional $640,000,000 in prior year carryover is available to meet section 8 renewal requirements based upon a reduction in reserve funds available to public housing authorities (PHAs) as proposed by the House and the Senate. Language is included to implement the change in reserve funds as proposed by the House. The conferees understand that HUD has the authority to provide PHAs with the necessary funds to administer their section 8 contracts, nevertheless the conferees direct HUD to ensure that PHAs have the funds to administer all section 8 contracts in a normal manner, including vouchers that turn over during the year. In cases where PHAs require additional funds for approved uses and amounts, HUD shall provide to these PHAs the necessary section 8 funds. The conferees also direct HUD to make quarterly reports to the Committees on Appropriations on the status and availability of all section 8 reserves maintained by PHAs.

The conference agreement includes the following:

Contract Renewals.—$15,725,153,000, of which $640,000,000 is derived from prior year carryover, for expiring section 8 housing assistance contracts, section 8 amendments, enhanced vouchers, and contracts entered into

pursuant to section 441 of the McKinney-Vento Homeless Assistance Act. Funds for the renewal of section 811 tenant-based assistance is provided under the housing for special populations account as proposed by the House.

The conferees reiterate the direction included in the Senate report requiring renewal costs for section 8 project-based programs to be discretely identified in the fiscal year 2003 budget justifications.

Incremental Vouchers.—$143,979,000 to provide ''incremental'' section 8 housing assistance vouchers to increase the number of low-income individuals and families receiving assistance. Of this amount, $103,979,000 is provided for 18,000 vouchers to be distributed on a fair share basis to PHAs having a voucher utilization rate of at least 97 percent, instead of $157,334,000 as proposed by the House and $98,623,000 as proposed by the Senate. HUD is expected to distribute these vouchers within 90 days of enactment of this Act, and to report to the Committees on Appropriations of the House and the Senate on compliance with this requirement no later than February 15, 2002. The remaining $40,000,000 is provided for 7,900 new vouchers for distribution to non-elderly, disabled residents who are affected by the designation of public and assisted housing as ''elderly-only'' developments, instead of $39,912,000 as proposed by the House. Bill language is included, as proposed by the House and the Senate, to earmark funds for this purpose in recognition of the fact that people with disabilities are often unable to find affordable housing absent section 8 tenant-based assistance.

The conferees reiterate the House reporting requirement related to identification and remediation of PHAs designated as troubled under the Section Eight Management Assessment Program (SEMAP).

Contract Administrators.—$195,601,000 for section 8 contract administrators as proposed by the House. Modified language is included, similar to language proposed by the House, to designate funds for this purpose. The Senate bill did not include a similar provision.

Tenant Protection.—$202,842,000 for tenant protection vouchers to replace lost project-based section 8 assistance. Funding for new vouchers under the HOPE VI program is provided within the revitalization of severely distressed public housing (HOPE VI) account as proposed by the House and the Senate.

Includes language transferring no less than $13,400,000 to the Working Capital Fund for development and maintenance of information technology systems as proposed by the Senate, instead of no less than $11,000,000 as proposed by the House.

Rescinds $1,200,000,000 from unobligated balances available from the recapture of excess section 8 funds, instead of $886,000,000 as proposed by the House and $615,000,000 as proposed by the Senate. Language is included requiring that the rescission be applied against available funds appropriated in fiscal year 2001 and prior years for any account under title II as proposed by the House, instead of requiring that the rescission be applied against available funds appropriated in fiscal year 2002 and prior years in this account as proposed by the Senate.

Includes language proposed by the House to prohibit the rescission of funds governed by statutory reallocation provisions. The Senate did not include a similar provision.

Does not include language proposed by the Senate requiring that the renewal of expiring section 8 contracts subject to the Emergency Low Income Housing Preservation Act of 1987 (ELIHPA) and the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) are to be capped at current rents. This means that the rents for these projects shall be renewed on a one-year basis consistent with the plans of action that were approved as part of the efforts to preserve these projects as low-income housing under ELIHPA and LIHPRHA. Nevertheless, the conferees remain concerned that many of these projects were over-subsidized through these preservation efforts. The conferees believe HUD needs to review all these preservation projects and look at restructuring the mortgages and contract requirements where appropriate. The conferees direct HUD to report to the Committees on Appropriations on this review and the status of these projects no later than June 15, 2002.

Does not include language proposed by the Senate requiring that additional unobligated balances from this account be rescinded and reallocated to other accounts in title II and title III of this Act. The House bill did not include a similar provision.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $2,843,400,000 for the public housing capital fund instead of $2,943,400,000 as proposed by the Senate and $2,555,000,000 as proposed by the House.

Includes modified language designating $550,000,000 to be allocated only to those PHAs which utilized their funds in compliance with statutory timeliness requirements pursuant to the Quality Housing and Work Responsibility Act of 1998 (QHWRA), similar to language proposed by the House, to enable those PHAs to address their backlog of maintenance needs in addition to their annual maintenance requirements. The Senate did not include similar language.

Includes modified language making funds available for four years instead of two years as proposed by the House and the Senate.

Includes language restating the applicability of the QHWRA timeliness requirements to fiscal year 1999 funds as proposed by the House. The Senate did not include a similar provision.

Includes modified language allowing the Secretary or Deputy Secretary to waive QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes modified language requiring the recapture of funds from PHAs not in compliance with QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes language to define obligations as proposed by the House. The Senate did not include a similar provision.

The conferees reiterate the House direction requiring quarterly reports on PHA utilization of capital funds, delineated by PHA and fiscal year, with the first report due no later than February 1, 2002.

Includes $51,000,000 for technical assistance as proposed by the House, instead of $50,000,000 as proposed by the Senate. Of this amount, $10,000,000 is for remediation services to troubled PHAs as proposed by the House. The Senate did not include a similar provision.

Transfers no less than $52,700,000 from this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of no less than $43,000,000 as proposed by the House and the Senate.

Includes new language designating $15,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in and around public housing to enhance resident self-sufficiency, employability, and economic self-reliance. These amounts, combined with $5,000,000 provided for under the revitalization of severely distressed public housing (HOPE VI) account, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002. The conferees support efforts to close the digital divide, and believe that the needs of public housing residents must be an important part of any initiative to achieve that goal and can help ameliorate drug and crime problems in public housing through new opportunities for education growth and employment opportunities. The conferees expect HUD to work with other Federal agencies to develop a comprehensive approach to address the digital divide, and encourages HUD to submit a proposal as part of the fiscal year 2003 budget to address comprehensively the needs of public and federally-assisted housing residents.

The conferees remain concerned over the long-term capital needs and viability of public housing projects. The conferees believe that reforms included in the public housing capital fund account will result in a more effective and targeted use of these capital funds and help preserve the investment that has been made in public housing over the years. In addition, the conferees continue to support funding for the HOPE VI program as a complementary program targeted to the revitalization of distressed public housing. The conferees direct HUD to provide by June 15, 2002, a report on the lessons learned from HOPE VI, including best practices and the impact of HOPE VI on surrounding communities as well as the extent to which HOPE VI projects have leveraged private investments and revitalized economic redevelopment in these communities. In addition, the conferees request that HUD provide an analysis of the extent to which the HOPE VI program can be a model for the replacement of the older and distressed section 8 housing stock.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $3,494,868,000 for the public housing operating fund as proposed by the House instead of $3,384,868,000 as proposed by the Senate.

The conferees have provided an 8.1 percent increase over the fiscal year 2001 level for this account to reflect the merger of funds previously provided for drug elimination activities through the public housing drug elimination program (PHDEP) into this account. The conferees note that PHAs are authorized to use their operating and capital funds for anti-crime and anti-drug activities. It is the conferees understanding that two-thirds of all PHAs fund these activities from within their operating and capital funds, while the remaining one-third of PHAs receive supplemental funding through PHDEP in addition to their regular operating and capital fund allocations. In lieu of continuing to provide a supplementary funding source for selected PHAs, the conferees have instead increased funding for operating subsidies to be distributed to all PHAs. To the extent that additional assistance is required to combat issues and activities related to crime and drugs, the conferees have included modified language designating $10,000,000 to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to effectively fight crime and drugs as proposed by the House. The Senate bill did not include similar language.

The conference agreement assumes the termination of the Operation Safe Home program as recommended by the Senate. Of the

amount provided, $5,000,000 is available to the Office of Inspector General to support the closeout of this program and to transition personnel previously participating in Operation Safe Home to other investigative activities. The House bill proposed $10,000,000 for the Office of Inspector General exclusively for Operation Safe Home, while the Senate did not propose any funding for this activity. In addition, $6,500,000 from prior year funds appropriated under PHDEP for Operation Safe Home operational costs remain available for operational costs necessary to complete on-going activities. Includes new language rescinding $11,000,000 from prior year funds made available for Operation Safe Home which are in excess of amounts necessary to complete on-going activities.

The conferees do not concur with the language in the Senate report related to the June 7, 2000, settlement agreement with the Puerto Rico Public Housing Authority (PRPHA). However, the conferees expect HUD to ensure that PRPHA is treated in a manner consistent with similar PHAs as HUD develops a final rule implementing a new operating fund formula for all PHAs based upon the results of the public housing operating cost study mandated in Public Law 106–74.

The conferees expect HUD to provide the Chicago Housing Authority (CHA) with maximum regulatory flexibility as provided for in the Moving to Work Demonstration agreement dated February 6, 2000, as amended, as proposed in the Senate report. The conferees direct HUD to determine CHA's funding allocation in the same manner as all other PHAs.

The conferees have included direction under the public housing capital fund account in lieu of the direction included in the Senate report under this account related to the long-term capital needs for public housing.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

The conferees do not provide funding for this account. The conferees have instead merged funding for these activities into the public housing operating fund account, and increased operating funds to accommodate this merger. All activities permissible under the public housing drug elimination program (PHDEP) are authorized activities under the operating and capital fund accounts. In addition, the conferees are aware that some PHAs currently have unspent PHDEP funds available. The conferees intend that PHAs be allowed to continue to spend their PHDEP funds as PHAs transition their anti-crime and anti-drug programs into their annual operating budgets, and encourage PHAs to continue to support such programs.

The conferees understand that PHDEP was created in 1989, to provide supplemental funding to address the gaps in services and programs available to combat serious crime and drug problems which existed in some areas of public housing, particularly severely distressed public housing. At the time PHDEP was created, Federal assistance to States and localities to address crime and drug problems in local communities, including public housing, was limited. The conferees note that since that time, however, Federal funding to States and localities for police, crime, and drug prevention programs has grown dramatically, particularly through the Department of Justice. Over the last six years, over $9,000,000,000 in new Federal assistance has been provided through the Department of Justice, including funds to deploy over 110,000 new police officers into local communities and funds to establish 1,000 new Boys and Girls Clubs exclusively in public housing.

The conferees further note that over the last six years, funds have been provided to demolish over 100,000 units of the most severely distressed public housing through the HOPE VI program and the capital fund program, resulting in the revitalization of entire neighborhoods previously adversely impacted by the presence of severely deteriorated housing.

To the extent that additional assistance is required, the conferees have also included $10,000,000 under the public housing operating fund account to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to combat crime and drugs.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $573,735,000 for the revitalization of severely distressed public housing program (HOPE VI) as proposed by the House and the Senate. Includes language designating $6,250,000 for technical assistance and contract expertise instead of $5,000,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Includes new language designating $5,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in conjunction with fiscal year 2002 HOPE VI applicants to enhance resident self-sufficiency, employability, and economic self-reliance. These funds are not intended to limit the Secretary's ability to award additional funds for these activities as part of the regular HOPE VI process. These amounts, combined with $15,000,000 provided under the public housing capital fund, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002.

The conferees are aware of the valuable efforts made by the Housing Research Foundation to collect and disseminate objective information on the HOPE VI program. The conferees encourage HUD to continue this initiative.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $648,570,000 as proposed by the House and the Senate. Transfers no less than $3,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the Senate instead of no less than $2,000,000 as proposed by the House.

Includes language to establish a total loan volume of not to exceed $52,726,000 for title VI loans as proposed by the House instead of $54,600,000 as proposed by the Senate.

Includes modified language, similar to language proposed by the Senate, to allow the Secretary to provide assistance to Indian tribes and tribally-designated housing entities to address the problem of black mold consistent with the terms of NAHASDA. The Secretary is directed to work with FEMA, the Indian Health Service, the Bureau of Indian Affairs, and other appropriate Federal agencies in developing a plan to maximize Federal resources to address emergency housing and related problems associated with black mold. The House did not include similar language.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $5,987,000 for guaranteed loans for Native American housing on trust lands as proposed by the House and the Senate.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000,000 for guaranteed loans for Native Hawaiian housing as proposed by the Senate. Includes language establishing a total loan volume of not to exceed $40,000,000 and provides $35,000 for administrative costs as proposed by the Senate. The House did not propose funding for this program.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $277,432,000 for housing opportunities for persons with AIDS (HOPWA) as proposed by the House and the Senate.

Includes modified language similar to language proposed by the Senate requiring HUD to renew all expiring HOPWA contracts for permanent supportive housing funded under the non-formula component of the HOPWA program so long as the projects meet all other program requirements. The House did not include a similar provision.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development as proposed by the Senate. Includes language requiring funds to be awarded competitively by June 1, 2002 as proposed by the Senate. The House did not propose funding for this program.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriates $45,000,000 for grants to the second round of empowerment zones instead of $75,000,000 as proposed by the Senate. Includes language designating $3,000,000 for each empowerment zone to be used in conjunction with economic development activities detailed in the strategic plans of each empowerment zone instead of $5,000,000 for each zone as proposed by the Senate. The House did not propose funding for this program. The conferees believe that this program should be funded as a mandatory program as originally contemplated.

The conferees direct the HUD Inspector General to review the use of empowerment zone funds and report the findings to the Committees on Appropriations no later than April 1, 2002.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $5,000,000,000 for various activities funded in this account, instead of $4,811,993,000 as proposed by the House and $5,012,993,000 as proposed by the Senate. The conferees agree to the following:

—$4,341,000,000 for formula grants under the Community Development Block Grant program (CDBG), instead of $4,339,300,000 as proposed by the House and the Senate;

—$70,000,000 for grants to Indian tribes instead of $69,000,000 as proposed by the House and $71,000,000 as proposed by the Senate;

—$42,500,000 for section 107 grants, instead of $34,434,000 as proposed by the House and $45,500,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conference agreement provides the following earmarks:

$7,000,000 for insular areas;

$10,500,000 for historically black colleges and universities;

$3,000,000 for community development work study;

$7,500,000 for Hispanic serving institutions;

$7,500,000 for the Community Outreach Partnerships program;

$3,000,000 for tribal colleges and universities; and

$4,000,000 for Alaska Native serving institutions and Native Hawaiian serving institutions;

—$3,300,000 for the Housing Assistance Council as proposed by the House instead of $3,000,000 as proposed by the Senate;

—$2,600,000 for the National American Indian Housing Council as proposed by the Senate instead of $2,794,000 as proposed by the House;

—$5,000,000 for the National Housing Development Corporation for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing, including $2,000,000 for operating expenses as proposed by the House. The Senate did not propose funding for this program;

—$5,000,000 for the National Council of La Raza HOPE Fund, of which $500,000 is for technical assistance and fund management and $4,500,000 is for investments and financing as proposed by the House. The Senate did not propose funding for this program;

—$9,600,000 for the Department of Hawaiian Homelands for assistance as authorized by title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, with not more than five percent for administrative costs, as proposed by the Senate. The House did not propose funding for this program;

—$22,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program, instead of $21,956,000 as proposed by the House and $20,000,000 as proposed by the Senate;

—$29,000,000 for the Capacity Building for Community Development and Affordable Housing program, authorized by section 4 of the Department of Housing and Urban Development Demonstration Act, as in effect before June 12, 1997, instead of $29,387,000 as proposed by the House and $28,450,000 as proposed by the Senate. Of the amount provided, at least $5,000,000 shall be for capacity building activities in rural areas as proposed by the Senate instead of $4,989,000 as proposed by the House. Additionally, $4,000,000 is for Habitat for Humanity International, instead of $4,442,000 as proposed by the House and $3,450,000 as proposed by the Senate;

—$55,000,000 for supportive services, congregate services and service coordinators for residents of public and Indian housing as proposed by the Senate, instead of $54,879,000 as proposed by the House;

—$65,000,000 for Youthbuild instead of $69,868,000 as proposed by the House and $70,000,000 as proposed by the Senate. This amount includes $2,000,000 for capacity building activities as proposed by the House and the Senate, and $10,000,000 for underserved and rural areas as proposed by the Senate;

—$42,000,000 for the Neighborhood Initiatives program instead of $25,000,000 as proposed by the House and the Senate. Does not include language proposed by the House related to unobligated prior year balances. The Senate did not include a similar provision. Targeted grants shall be provided as follows:

$500,000 for the County of Tulare, California, for development of the Dinuba regional vocational training facility;

$250,000 for the City of Oceanside, California for the Crown Heights neighborhood revitalization project;

$1,000,000 for the Colorado Mountain Housing Coalition;

$700,000 for the City of Miami, Florida, Model Homeownership Zone Pilot Project;

$200,000 for McHenry County, Illinois, for economic development along the Fox River;

$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative;

$750,000 for the City of Brewer, Maine for the redevelopment of its waterfront;

$750,000 for the City of St. Paul, Minnesota, for the Phalen Village Superblock project;

$2,500,000 for the Grand Avenue Redevelopment Project in Kansas City, Missouri;

$1,000,000 for Urban Strategies for the construction of affordable, mixed-income housing for disabled individuals in the Central West End area of the City of Saint Louis, Missouri;

$750,000 for the City of St. Louis, Missouri, for development of the Forest Park Master Plan;

$1,000,000 for Beyond Housing, a St. Louis Missouri non-profit to preserve homes in the Castle Point, Pagedale and NE University City areas;

$250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District;

$1,000,000 to the City of Syracuse, New York for the Neighborhood Initiative Program;

$5,000,000 to Home Headquarters in Syracuse, New York for a Home Equity Assurance Pilot Program and other Neighborhood Initiative projects;

$200,000 to the City of Canandaigua, New York, for Lagoon Park development;

$200,000 to the City of Albany, New York, for the Corning Park Revitalization Project;

$300,000 to the City of Philadelphia, Pennsylvania to support the Neighborhood Transformation Initiative, which will demolish many abandoned homes as well as revitalize the areas;

$200,000 to Universal Community Homes, Philadelphia, Pennsylvania to continue the conversion of more than 500 parcels of land into for-sale units to low-and moderate-income families;

$250,000 for the City of Anderson, South Carolina for the Murray/Franklin Street neighborhood revitalization project;

$10,000,000 for the State of South Dakota to maintain the physical integrity of the Homestake Mine in preparation for the potential development of a major research facility on that site;

$400,000 for the City of Watertown, South Dakota, for a community revitalization project;

$300,000 for Campbell County, South Dakota, for economic development activities;

$1,000,000 for the City of Bellingham, Washington, for the Holly Street landfill redevelopment project;

$1,000,000 for the City of Milwaukee, Wisconsin, for the Menominee River Valley redevelopment project;

$500,000 for the City of Madison, Wisconsin to develop affordable low income housing;

$6,000,000 to the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives;

$1,000,000 for the City of Beckley, West Virginia, to revitalize a blighted area;

$2,000,000 for the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing.

—$294,200,000 for economic development initiatives. Targeted grants shall be made as follows:

$490,000 to the Kenai Peninsula Borough in Alaska for construction of low-income housing for senior citizens;

$990,000 for Catholic Community Services for its Adult Day Care facility in Juneau, Alaska to provide day care for the elderly persons;

$1,250,000 for the United Way community services facility in Anchorage, Alaska to complete construction of a social service facility to serve low-income people;

$1,500,000 for Alaska Pacific University for the restoration of a historic property in Anchorage, Alaska;

$1,500,000 for the Municipality of Anchorage, Alaska for the expansion of the Alaska Zoo;

$2,250,000 for Fairbanks, Alaska to provide winter recreation opportunities for military and civilian persons at the Fairbanks North Star Borough Birch Hill recreation area;

$45,000 to the Hillsboro-Lawrence County, Alabama Boys and Girls Club;

$50,000 to Guntersville, Alabama to extend sewer lines to the Marshall-Jackson Mental Health Center;

$50,000 to the City of Decatur, Alabama for improvements to Delano Park;

$50,000 to the City of Hollywood, Alabama for wastewater infrastructure improvements;

$50,000 to the Housing Authority of the City of Huntsville, Alabama for the continuation of a music education program;

$50,000 to Walker County, Alabama for assembly costs of the Walker County Center of Technology;

$80,000 to Leesburg, Alabama for sewer and water infrastructure expansion to the city boat dock;

$85,000 to The Whole Backstage Marshall County Theater Group in Marshall County, Alabama for renovation of facilities;

$100,000 to the City of Selma, Alabama for the acquisition of the Lovelady Building on historic Water Avenue in Selma, Alabama;

$100,000 to the Northwest Alabama Council of Local Governments for the development of a master plan for the Florence-Lauderdale County Port Authority;

$100,000 to the Tuskegee Area Health Education Center in Alabama for a rural HIV/AIDS program;

$115,000 to the Birmingham Building Trade Towers, Inc. for renovation the Birmingham Building Trades Tower in Alabama;

$115,000 to the University of Montevallo, Alabama for repair of historic structures;

$125,000 to Brilliant, Alabama for access road improvement and water line extension to industrial park;

$125,000 to Winfield, Alabama for site work preparation of land for industrial use;

$150,000 to Family Connection, Inc. in Alabaster, Alabama to construct a facility to house a new diversionary program for first time juvenile offenders in Shelby County, Alabama;

$150,000 for the City of Mobile, Alabama for the building renovation for the Mobile Opera/Symphony Collaboration;

$190,000 to Albertville, Alabama for a civic center;

$200,000 to Jasper, Alabama for recreational park construction;

$200,000 to the Clark County Commission, Alabama for establishment of the Forestry Museum;

$400,000 to the Shoals Economic Development Authority in Florence, Alabama for the construction of a joint economic development facility to be used by SEDA and the Shoals Chamber of Commerce;

$240,000 for the Patient One Medical Transport System of Alabama for wheelchair accessible vehicles, drivers, and program expenses;

$250,000 to Oakwood College of Alabama for the establishment of a Wellness Center;

$250,000 for Eufala, Alabama for downtown revitalization;

$300,000 to BizTech located in Huntsville, Alabama for the construction of a business development facility;

$300,000 to the City of Mobile, Alabama for improvements to a recreational pier and facilities at McNally Park;

$300,000 to the Covington County Commission in Alabama for the construction of the second phase of the Covington County Farm Center;

$350,000 to the Housing Authority of the City of Andalusia to expand their existing preschool programs and facility to accommodate more low-income, high risk children in Andalusia, Alabama;

$400,000 to the Alabama Historical Commission for the renovation of the Historic Green County Courthouse in Green County, Alabama;

$500,000 to the American Village for the construction of Federal Hall and the Liberty Square Expansion in Montevallo, Alabama;

$500,000 to the City of Hamilton, Alabama for the construction of a call center facility;

$500,000 to the City of Winfield, Alabama for the construction of a call center facility;

$500,000 to the Cleveland Avenue YMCA so that they may expand their existing programs to serve more young people in Montgomery, Alabama;

$500,000 to the Lakeshore Foundation in Birmingham, Alabama to expand their existing facilities to serve a larger population of Alabamians with physical disabilities;

$500,000 to the National Children's Advocacy Center in Huntsville, Alabama for the establishment of a research and training facility;

$500,000 to the USS Alabama Battleship Commission for a restoration initiative;

$1,000,000 to Spring Hill College in Mobile, Alabama for construction of the Regional Library Resource Center;

$300,000 for Studio for the Arts of Pocahontas, Arkansas, for a new facility;

$1,000,000 or the City of DeQueen, Arkansas for the development of a cultural awareness center;

$50,000 to the Tohono O'odham Tribe in Arizona for development of a veterans memorial monument and park;

$300,000 Boys and Girls Club of the East Valley, Temple Arizona for its Guadalupe Branch;

$740,000 to Arizona State University for the establishment of the Center for Basic Research and Applied Research within the Barry M. Goldwater Center for Science and Engineering;

$1,000,000 to the City of Tucson, Arizona for the Fox Tucson Theatre and Archive Project to restore and renovate a historic theater;

$30,000 to the City of Temecula, California for the Job Skills and Commuter Census;

$30,000 to the Cuban Resource Center in Los Angeles, California for community center improvements;

$50,000 to Easter Seals Tri-Counties in California for the Easter Seals Child Development Center;

$50,000 to Environment Now in Santa Monica, California for continued development of the Ballona Creek Trail and Bikeway;

$50,000 to the City of Anaheim, California for the Senior Citizen Wing Expansion of the Brookhurst Community Center;

$50,000 to the City of La Puente, California for an addition to the La Puente Youth Learning Center;

$50,000 to the City of Placerville, California for the rehabilitation and development of the Gold Bug Park, the Meagher House;

$50,000 to the City of Rancho Cucamonga, California for construction of a senior center;

$50,000 to the County of San Bernardino, California for the youth baseball/softball field complex at Spring Valley Lake in Victorville;

$50,000 to the County of San Bernardino, California for the Barstow Wading Pool;

$50,000 to the Mothers of East LA Santa Isabel in Los Angeles, California for improvements to a community garden;

$50,000 to the West Haven Community Center in Garden Grove, California for construction costs;

$75,000 to the Angelus Plaza Senior Housing Complex in Los Angeles, California for the acquisition of multi-language translation equipment;

$75,000 to the City of Long Beach, California for construction of the Admiral Kidd Park Community Center;

$90,000 to the City of Temecula, California for the Vail Ranch Middle School Basketball Lighting Project;

$100,000 to the Ed Roberts Campus in Berkeley, California for planning and development of their disability campus;

$100,000 to Marin City, California for Marin City Cultural and Community Center facility needs;

$100,000 to the American Film Institute for the establishment of a Screen Education Center for public school teacher training;

$100,000 to the City of Los Angeles, California for construction needs of the Boyle Heights Youth Technology and Recreation Center;

$100,000 to the City of Los Angeles, California for the Red Car Trolley study;

$75,000 to the Fort Ord Re-use Authority in Marina, California for economic development re-use activities at the former Fort Ord;

$100,000 to the Heritage Camp Foundation in California for its Feria de California program;

$100,000 to the Housing Trust of Santa Clara County, California for affordable housing efforts in Silicon Valley;

$100,000 to the Leimert Park Merchants Association in Los Angeles, California for continued revitalization efforts in the Leimert Park Village;

$125,000 to the City of Los Angeles, California for construction of the Ernest E. Debs Nature Center;

$150,000 to the City of Modesto, California for infrastructure needs in distressed neighborhoods;

$150,000 to the City of Vallejo, California for development of a fire suppression system of Mare Island;

$150,000 to the Davis Street Community Center in Central Alameda, California for facilities needs;

$175,000 to the Fine Arts Museum of San Francisco, California for construction needs of the M.H. de Young Memorial Museum;

$190,000 to the City of Simi Valley, California for the expansion of the Simi Valley Senior Citizens Center;

$190,000 to the City of Westminster, California for construction of a multi-cultural Community Center;

$198,000 to the City of Riverside, California and the California Department of Parks and Recreation for the Citrus Park project;

$200,000 to the City of Eureka, California for Fisherman Dock Area Harbor capital improvement needs;

$200,000 to the City of Highland, California for the city history museum;

$200,000 to the City of Inglewood, California for design and construction needs related to a new seniors center;

$200,000 to the City of Needles, California for blight abatement;

$200,000 to the City of Twentynine Palms, California for the Twentynine Palms Visitor Center;

$200,000 to the County of San Bernardino, California for construction of the Hall of Paleontology at the San Bernardino County Museum;

$200,000 to the County of San Bernardino, California for the Big Bear Zoo relocation and expansion;

$200,000 to the Town of Apple Valley, California for Phase One of Civic Center Park;

$200,000 to the Town of Yucca Valley, California for the Southside Community Park;

$240,000 to the City of Diamond Bar, California for construction of a senior center;

$240,000 to the Kern County Superintendent of Schools Office for the Mobility Opportunities via Education project as a component of the Southeast Bakersfield, California Redevelopment Project;

$250,000 for Covenant House California, for purchase and renovation of a new facility for the East Bay Street Outreach and Community Service Center;

$250,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project;

$250,000 for the Martin Luther King, Jr. Freedom Center of Oakland, California, for facility construction;

$250,000 to Pacific Union College in Angwin, California for the Napa Valley Community Resource Center;

$290,000 to the City of Citrus Heights, California for the Sunrise MarketPlace Revitalization Project;

$290,000 to the City of Stockton, California for the historic restoration of the Fox Theatre;

$290,000 to the Fund for the Preservation of the California State Mining and Mineral Museum;

$300,000 for Community Medical Centers of Fresno, California, for renovations to the Fresno Community Regional Medical Center;

$300,000 to the City and County of San Francisco, California for its Masterlease Hotel program for the homeless;

$300,000 to the City of East Palo Alto, California for the redevelopment of the Ravenswood Industrial Area;

$300,000 to the City of Salinas, California for construction of a municipal pool;

$275,000 to the City of Santa Monica, California for gateway needs at the Santa Monica Mountains National Recreation Area;

$300,000 to the Sacramento California Housing and Redevelopment Agency for the Sacramento Asian Sports Foundation, to construct a community center;

$490,000 to El Centro Regional Medical Center in Imperial County, California for construction of a heliport;

$490,000 to HomeAid to assist efforts to build and renovate homeless shelters;

$490,000 to the City of Bakersfield, California for the Baker Street Corridor project;

$490,000 to the City of Monrovia, California for the Old Town Monrovia Revitalization Project;

$490,000 to the City of Redding, California for the Stillwater Industrial Park;

$490,000 to the Sweetwater Authority in California for the Sweetwater and Loveland Reservoirs Recreation Project;

$500,000 to the San Dieguito Transportation Cooperative of California to centralize school bus transportation operations and increase service capacity;

$740,000 to the City of Lancaster, California to complete the Lancaster National Soccer Center;

$750,000 for the City of East Palo Alto, California to redevelop the Ravenswood industrial area;

$750,000 for the West Angeles Community Development Corporation of Los Angeles, California, for development of the West Angeles Plaza;

$190,000 to the City of Oceanside, California for revitalization of the Crown Heights Neighborhood;

$800,000 for the Town of Mountain Village, Colorado for an affordable housing initiative;

$1,500,000 for the City of Denver, Colorado for revitalization;

$50,000 to the City of Hartford, Connecticut for redevelopment of the North Star Plaza area in the North End community of Hartford;

$75,000 to the University of Hartford, in Hartford, Connecticut for the Hartt School Performing Arts Center;

$100,000 to the Town of Derby, Connecticut for restoration of the Sterling Opera House;

$300,000 for Connecticut Hospice, Inc., of Branford, Connecticut, for construction of a new facility;

$800,000 for the Southside Institutions Neighborhood Alliance of Hartford, Connecticut, for neighborhood revitalization in Hartford;

$390,000 to Norwich Community Development Corporation in Norwich, Connecticut for rehabilitation of the historic Capehart Mill;

$375,000 to the Domestic Violence Services of Greater New Haven, Connecticut for a domestic violence transitional housing project;

$490,000 to the Warner Theater in Torrington, Connecticut for facility renovations;

$50,000 for the Delaware Valley Historical Aircraft Association, Delaware County to complete their building project which will house historic military aircraft presently on outdoor display in Willow Grove, Pennsylvania;

$50,000 to Delaware Valley Community Health, Inc. for facilities needs at the Maria de los Santos Health Center in Philadelphia, Pennsylvania;

$300,000 for the Boys and Girls Club of Delaware for facility construction and renovation;

$750,000 for the YMCA of Delaware for renovations to the Central Branch YMCA;

$25,000 to the Orlando Community Redevelopment Agency in Orlando, Florida for redevelopment of Otey Place;

$50,000 to the Tampa Bay Performing Arts Center in Tampa, Florida for expansion purposes;

$50,000 to the Tampa Bay, Florida Port Authority for the channelside economic development project;

$100,000 to the Alachua County Board of Commissioners in Alachua County, Florida for land conservation efforts related to the Emerald Necklace initiative;

$100,000 to the City of Gainesville, Florida for the Depot Avenue economic development project;

$200,000 to St. Petersburg Beach, Florida for the Don Vista Community Center;

$200,000 to the Alachua County Board of Commissioners in Alachua County, Florida for a program to stabilize and revitalize distressed neighborhoods, including the City of Archer;

$240,000 to the Brevard Community College in Florida for renovations and infrastructure improvements to the Cocoa Village Playhouse;

$240,000 to the City of Daytona Beach, Florida for the Daytona Beach Boardwalk Revitalization;

$240,000 to the City of Maitland, Florida for a senior citizens center;

$240,000 to the Florida Association of Counties for continuation of a national pilot project for assisting rural communities to develop and sustain professional economic development initiatives;

$450,000 to Bethune Cookman College in Daytona Beach, Florida for costs related to a community services and student union building;

$340,000 to the City of South Miami, Florida for urban infrastructure upgrades and street enhancements;

$350,000 for Covenant House, Florida, Inc., for transitional housing;

$490,000 to Sebring Airport Authority of Florida for development of a light industrial commercial business park;

$490,000 to the City of Clearwater, Florida for the ''Beach by Design Initiative'';

$490,000 to the City of Deerfield Beach, Florida for the construction of the Mitigation Operation Center;

$500,000 to Pinellas County, Florida for the Gulf Boulevard project;

$500,000 to Pinellas Park, Florida for community hurricane evacuation infrastructure improvements;

$500,000 to the City of Safety Harbor, Florida to repair and replace brick streets and underground utilities;

$500,000 to the Miami-Dade County Housing Finance Authority of Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$740,000 to Edison Community College in Fort Myers, Florida for the renovation of the Barbara B. Mann Performing Arts Hall;

$1,000,000 to Miami-Dade County, Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$2,000,000 to St. Petersburg, Florida for the Sunken Gardens improvement project;

$100,000 to Clarkston Community Center, Inc. in DeKalb County, Georgia for renovations;

$100,000 to DeKalb County, Georgia for development of a multipurpose civic and community center;

$100,000 to Spelman College in Atlanta, Georgia for historic preservation of Packard Hall;

$150,000 to the Historic Savannah Foundation of Georgia to revitalize housing in the historic Savannah neighborhoods;

$200,000 to College Partners, Inc in Atlanta, Georgia for community development and revitalization initiative;

$240,000 to the ARCH Educational Network in Georgia for construction of an education center;

$240,000 to the City of Macon, Georgia for redevelopment of a Brownfields site;

$300,000 for Covenant House Georgia, to purchase and renovate a new community service center in Atlanta, Georgia;

$350,000 for Rockdale County, Georgia, for construction of Georgia's Veterans Park;

$400,000 for the Tubman African American Museum in Macon, Georgia for construction of the Tubman African American Museum;

$490,000 to Gwinnett County, Georgia for the Liberty Heights Neighborhood Revitalization Project;

$490,000 to the Warner Robins Century of Flight Museum in Georgia for facilities expansion;

$500,000 to the Liberty County, Georgia Development Authority for the Coastal MegaPark for continued planning and engineering studies and infrastructure development;

$750,000 for development of the Dr. Martin Luther King, Sr., Community Service Center in Atlanta, Georgia;

$200,000 for the County of Maui, Hawaii for restoration of the Iao Theater in Wailuku Town;

$300,000 for the County of Kauai, Hawaii, for the Heritage Trails project;

$500,000 for the YMCA of Honolulu, Hawaii, for reconstruction and expansion of the Kalihi YMCA facility;

$500,000 for the YMCA of Kauai, Hawaii, for construction of a multipurpose community center;

$750,000 for the Boys and Girls Club of Hawaii to establish three new Boys and Girls Clubs of Hawaii in the Hawaiian homestead areas of Papakolea, Nanakuli and Paukukalo;

$800,000 for the Filipino Community Center, Inc. of Honolulu, Hawaii to develop a new community center;

$490,000 to the City of Des Moines, Iowa for the redevelopment of the Des Moines Advance Technology Agribusiness Park;

$500,000 for City of Waterloo, Iowa, for brownfields redevelopment;

$500,000 for the City of Cedar Rapids, Iowa, for brownfields revitalization;

$500,000 for the City of Council Bluffs, Iowa, for the Katelman neighborhood redevelopment project;

$500,000 for the City of Davenport, Iowa, for the East Davenport Development Corporation mixed-income housing development;

$500,000 for the City of Des Moines, Iowa, for brownfields redevelopment;

$500,000 for the Iowa Department of Economic Development for the Main Street Program;

$500,000 to Homeward, Inc. in North Central Iowa to assist local employers with housing programs and help low- to moderate-income families purchase or remodel existing homes;

$1,000,000 for Dubuque, Iowa for the development of an American River Museum;

$290,000 to the City of Jerome, Idaho for the renovation of facilities for a mixed-use community education, health, and technology center;

$500,000 for the Lewis and Clark State College for the Idaho Virtual Incubator;

$500,000 for the University of Idaho for a technology incubator at Post Falls, Idaho;

$1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial plan;

$1,000,000 for the University of Idaho for a performance and education facility;

$50,000 to Family Focus in Evansville, Illinois for facilities needs;

$75,000 to Columbia College in Chicago, Illinois for an integrated student services and activities center;

$90,000 to the Taylorville Community School District in Taylorville, Illinois for construction of a Fine Arts Educational Center;

$100,000 to Knox College in Illinois for renovations of Alumni Hall for the Abraham Lincoln Studies Center;

$100,000 to the City of Calumet Park, Illinois for recreation center facility needs;

$100,000 to the City of Chicago, Illinois for the Lake Calumet Area Land Acquisition Redevelopment project;

$100,000 to the City of Elgin, Illinois for expansion of the Elgin Child Daycare Center;

$100,000 to the Haymarket Center in Chicago, Illinois for the purchase and renovation of a facility;

$100,000 to the Illinois Quad Cities Mississippi Riverfront Redevelopment partnership for redevelopment efforts;

$100,000 to the Westie Holistic in Chicago, Illinois for expansion of the Youth and Services Division;

$100,000 to the United Services of Chicago, Inc. in Illinois for a job training project in the Chicago metropolitan area;

$140,000 to the Morrisonville Emergency Services Facility in Morrison, Illinois for construction of facilities;

$150,000 for American Lung Association of Illinois for technology upgrades for the Tobacco Quitline and veterans outreach programs;

$150,000 for Asian Human Services of Chicago, Illinois, to expand its community empowerment programs;

$150,000 for Catholic Urban Programs of East St Louis, Illinois to expand its emergency housing facility;

$150,000 for the Shelby County Community Services Agency, of Shelbyville, Illinois, for construction of a child care center;

$150,000 for the World War II Illinois Veterans Memorial of Springfield, Illinois, for construction;

$150,000 to Southern Illinois University in Carbondale, Illinois for infrastructure needs related to the development of a University Research Park;

$175,000 for the Quincy, Illinois, Housing Authority to expand its community center facilities;

$200,000 to the City of Berwyn, Illinois for expansion and renovations of public safety and fire facilities;

$225,000 for the Peace/Education Coalition of Chicago, Illinois for expansion of a community youth center and related programs;

$240,000 to Cornerstone Services, Inc. in Will County, Illinois for the reconstruction of a warehouse into a developmental training center for adults with disabilities;

$240,000 to Joliet Junior College of Illinois for the Bridging Community, Economic and Workforce Development Through Local Partnerships Project;

$300,000 for Casa Central of Chicago, Illinois, for expansion of a community technology center facility and services;

$300,000 to Sugar Grove, Illinois for drinking water infrastructure improvements;

$350,000 for Career Transitions Center of Chicago, Illinois, for property acquisition and rehabilitation to develop a social services outreach facility;

$470,000 to Will County, Illinois for renovation, expansion and facility improvement for the County Courthouse;

$490,000 to the City of Des Plaines, Illinois for conversion of an existing building into a multi-use community resource center;

$500,000 for Christopher House of Chicago, Illinois, for construction of a family resource center;

$500,000 for the City of Moline, Illinois, for riverfront redevelopment efforts in Moline, East Moline, and Rock Island;

$500,000 to Eureka College in Eureka, Illinois for construction of a new science and technology center;

$1,300,000 to Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for the Center on Research and Aging;

$50,000 to the City of Indianapolis, Indiana for revitalization efforts focused on the historic Massachusetts Avenue Corridor;

$50,000 to the War Memorials Commission in Indianapolis, Indiana for continued restoration of the Indiana World War Memorial Plaza;

$100,000 to the City of South Bend, Indiana for demolition and revitalization in the Studebaker Auto/Oliver Plow Works industrial corridor;

$140,000 for Tri-State University located in Angola, Indiana for the development of the Tri-State University Center for Educational Excellence;

$190,000 to the University of Saint Francis in Fort Wayne, Indiana for construction and outfitting of the proposed Professional Development Center;

$290,000 to Ball State University of Muncie, Indiana for facilities expansion and renovation of the Midwest Entrepreneurial Education Center;

$300,000 for the City of Jeffersonville, Indiana, for redevelopment of the Quartermaster Depot;

$490,000 to the James Whitcomb Riley Hospital for Children in Indiana to expand and enhance services at the autism clinic;

$500,000 for the Historic Preservation Association of Jasper County, Indiana for the restoration of Drexel Hall;

$500,000 to the City of Merrillville, Indiana for drinking water and wastewater infrastructure improvements;

$650,000 to the City of Hobart, Indiana for sewage treatment facility needs;

$740,000 to Purdue University in Indiana for the Ultra-Performance Nanotechnology Center in West Lafayette, Indiana;

$1,000,000 for the City of Carmel for its Indiana parks development;

$240,000 to the City of Manhattan, Kansas for the apron expansion at the Manhattan Regional Airport;

$490,000 to the City of Hutchinson, Kansas to properly seal all abandoned brine well sites;

$750,000 to Power Community Development Corporation for development of a grocery supermarket in Wichita, Kansas;

$1,000,000 to the City of Hutchinson, Kansas for revitalization;

$70,000 to Allen County, Kentucky for upgrades to the Emergency 911 System;

$190,000 to Simpson County, Kentucky for repairs and renovation of the Emergency Operations Center;

$200,000 to the Southern Star Development Corporation for construction of a multipurpose community facility;

$228,000 to the First Gethsemane Center in Louisville, Kentucky for renovation of facilities;

$250,000 to the Western Kentucky Growers Association for capital improvements and equipment;

$275,000 to Brooklawn Youth Services for construction of a multipurpose activities building and gymnasium;

$347,000 to the Canaan Community Development Corporation for the Canaan Christian Academy child development center;

$400,000 to the Shiloh Community Renewal Center in Kentucky for facilities reconstruction and rehabilitation;

$475,000 to the City of Lynch, Kentucky for construction and restoration of facilities associated with the Kentucky Coal Mine Museum;

$500,000 to the New Zion Community Foundation Development for construction of a community-based consumer center;

$525,000 to the London-Laurel County Tourist Commission for design and land acquisition for a Civil War historical/interpretive theme park in Laurel County, Kentucky;

$4,500,000 for the University of Louisville for the expansion of its main library;

$50,000 to the Acadia Economic Development Corporation for establishment of a business incubator in Crowley, Louisiana;

$90,000 to the City of New Iberia, Louisiana for downtown revitalization;

$100,000 to Iberia Parish, Louisiana for the New Iberia conference center;

$100,000 to the Town of Golden Meadow, Louisiana for recreational and job training uses;

$100,000 to the Town of Grand Isle, Louisiana for the Grand Isle Civic/Conference Center;

$150,000 to St. John the Baptist Parish, Louisiana for the planning, design and construction of a civic center/farmers market;

$200,000 for Booker T. Community Outreach, Inc., of Monroe, Louisiana, for an elderly living center;

$200,000 for Kingsley House, Inc., of New Orleans, Louisiana, for facility and service expansion;

$200,000 to the New Orleans Regional Planning Commission for bike paths and recreational infrastructure improvements in the St. Charles, St. Bernard, and Plaquemines Parishes of Louisiana;

$250,000 for Dillard University of New Orleans, Louisiana, the International Center for Economic Freedom project;

$250,000 for the City of Donaldsonville, Louisiana, for riverfront development;

$250,000 to the City of Mandeville, Louisiana for the Mandeville Trailhead Project;

$250,000 to the Port of South Louisiana for expansion of the Globalplex Intermodal Terminal Facility;

$275,000 for the Mirabeau Family Learning Center, Inc., of New Orleans, Louisiana, for expansion of facilities and services;

$290,000 to DeSoto Parish, Louisiana for transportation infrastructure improvements associated with the West DeSoto Industrial Park and Riverfront Park;

$300,000 for the City of Shreveport, Louisiana, for develop supporting infrastructure for its Convention Center and Downtown Redevelopment project;

$400,000 for the City of Vidalia, Louisiana for construction of the Gateway Center at the Vidalia riverfront;

$490,000 to the City of Port Allen, Louisiana for economic development and downtown revitalization;

$500,000 for the Audubon Nature Institute, Inc., of New Orleans, Louisiana, for development of the Living Science Museum;

$1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration;

$50,000 to the Cambridge, Massachusetts Redevelopment Authority for implementation of a public space redevelopment initiative;

$100,000 to Salem State College in Salem, Massachusetts for construction of an arts center;

$100,000 to the Caritas Good Samaritan Medical Center in Brockton, Massachusetts for construction of a cancer center;

$100,000 to the City of Lawrence, Massachusetts for parking facility needs in the Lower Gateway area of Lawrence;

$100,000 to the City of Worchester, Massachusetts for the Gardner-Kirby-Hammond Street neighborhood revitalization project;

$100,000 to the Computer Access for Empowerment Program in North Worchester County, Massachusetts for a program to bring computer access to needy areas;

$150,000 for Fall River, Massachusetts, for the Iwo Jima project;

$150,000 for the Charlestown, Massachusetts, Boys and Girls Club for facility renovations;

$175,000 to North Adams, Massachusetts for facilities needs related to the Windsor Mills Incubator Project;

$250,000 to the Mystic Valley Development Commission for a regional technology development project known as TeleCom City;

$325,000 to Nueva Esperanza in Holyoke, Massachusetts for the Main Street Mercado project and the New Hope Fish Farm project;

$275,000 to the Baystate Medical Center, Inc. in Springfield, Massachusetts for the Pioneer Valley Life Sciences Initiative;

$300,000 to the YMCA of Greater Springfield, Massachusetts for rehabilitation of Camp Norwood;

$350,000 for Fitchburg State College, of Fitchburg Massachusetts, for the development of a new technology center;

$400,000 for the City of Lawrence, Massachusetts, for economic development activities;

$70,000 for St. Ambrose Housing Aid Center of Baltimore, Maryland, for development of a new youth center by the Stadium School Youth Dreamers;

$100,000 to the Fayette Street Outreach Center in Baltimore, Maryland for development of a building into offices and a community center;

$150,000 for the Rural Development Center, University of Maryland Eastern Shore, for economic development efforts of Delmarva Low Impact Tourism Experiences;

$240,000 to the Bethesda Academy of Performing Arts in Maryland for continued construction of the ''Imagination Stage Center for the Arts'';

$240,000 to the Town of Garrett Park, Maryland for renovation of the town center, Penn Place;

$290,000 for the Enterprise Foundation for stabilization and redevelopment efforts in

the Forrest Park and Lauraville neighborhoods of Baltimore, Maryland;

$300,000 for the Living Classrooms Foundation of Baltimore, Maryland, for expansion of the Workforce Development Center;

$300,000 for the Ruth Enlow Library System of Garrett County, Maryland, for construction of the new Grantsville Branch library;

$300,000 to the Spring Dell Center in La Plata, Maryland for construction of a new facility;

$375,000 to the Bowie Regional Arts Vision Association in Bowie, Maryland for construction of a new concert hall;

$400,000 for the Women's Industrial Exchange of Baltimore, Maryland, for redevelopment of Charles Street property;

$500,000 for the Kennedy Kreiger Institute of Baltimore, Maryland, for development of a new community behavioral health center;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for streetscaping and revitalization efforts in Wheaton;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for the Stewartown Homes digital divide initiative;

$500,000 for the National Federation of the Blind for the development of the National Research and Training Institute for the Blind in Baltimore, Maryland;

$500,000 for the New Shiloh Community Development Corporation of Baltimore, Maryland, for construction of a multi-purpose center;

$500,000 for Way Station, Inc., of Frederick, Maryland, for development of the Way Station Community Mental Health and National Education Center;

$750,000 for the Fells Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts;

$50,000 to the City of Westbrook, Maine for downtown revitalization efforts including the construction of a parking garage;

$50,000 to the International Northeast Biotechnology Corridor in Fairfield, Maine for economic development efforts directed at biotechnology companies;

$100,000 to the Franco-American Heritage Center at St. Mary's in Lewiston, Maine for the redevelopment of the St. Mary's Church into a learning center, museum and performing arts space;

$1,000,000 for the City of Lewiston, Maine for the funding of a community and economic development center;

$1,000,000 for the Wiscassett Regional Development Corporation for the Maine Yankee Power Plane Reuse Initiative;

$140,000 to the Livingston Arts Council for renovations of the Downtown Howell Opera House in Howell, Michigan;

$140,000 to the Village of Holly, Michigan for the Railroad Depot Renovation Project;

$150,000 to the Detroit Medical Center in Detroit, Michigan for site readiness efforts related to the Sinai Redevelopment Project;

$250,000 to the Chippewa-Luce-Mackinac Community Action Human Resources Authority in Michigan for a downtown community revitalization project;

$250,000 to the Henry Ford Museum and Greenfield Village in Dearborn, Michigan for the ''America's Transportation Stories'' project;

$750,000 for Wayne County, Michigan, for the Wayne County Nutritional Seniors Kitchen;

$350,000 to NorthStar Varsity Park Redevelopment in Detroit, Michigan for a targeted housing production program;

$600,000 to the City of Mt. Clemens, Michigan for development and operations of a community recreation center;

$750,000 for Focus: HOPE of Detroit, Michigan, for facility renovation;

$750,000 to the National Center for Manufacturing Sciences in Ann Arbor, Michigan for infrastructure costs related to the development and deployment of advanced technologies to the manufacturing base;

$100,000 to Bemidji State University in Minnesota for construction of the American Indian Cultural Resource Center;

$100,000 to the Boys and Girls Club of Detroit Lakes, Minnesota for facility needs;

$240,000 to the National Audubon Society for the Audubon Ark Project in Dubuque, Iowa;

$300,000 to the Audubon Center of the North Woods in Minnesota for a capital project to increase accessibility;

$340,000 to Fairview Southdale Hospital in Edina, Minnesota for the Fairview Health Services' ''Healthy Mothers and Babies Technology Demonstration'' initiative;

$600,000 for the Mesabi Academy and Martin Hughes School of Buhl, Minnesota, for facility renovation and program expansion;

$600,000 to the Reuben Lindh Family Services in Minneapolis, Minnesota for facilities rehabilitation;

$175,000 for the American Indian Opportunities Industrial Center in Minneapolis, Minnesota for rehabilitation of facilities;

$50,000 for Applied Urban Research Institute of Kansas City Missouri for a study to develop a city-wide plan to assist troubled youth;

$75,000 to the Kansas City, Missouri for redevelopment of the former U.S. Courthouse;

$240,000 to Logan College of Chiropractic's in Chesterfield, Missouri for the continued development and construction of a Learning Resource Center;

$250,000 for the City of St. Joseph, Missouri for downtown redevelopment project;

$250,000 for the Cuba, Missouri Tourism Center for the historic district improvement project;

$250,000 for the Sparta, Missouri Community Development Organization for the development of an industrial park;

$250,000 for the Andrew County Museum and Historical Society in Missouri for expansion of their museum;

$250,000 for Squaw Creek National Wildlife Refuge in Missouri for construction of an Education Auditorium, boardwalk and outdoor classroom;

$250,000 for the Missouri Forest Heritage Center in Shannon Co., Missouri for the construction of a forest resource management center;

$300,000 for the Central Missouri Lake of the Ozarks Convention and Visitor Bureau community center;

$300,000 for the City of Fayette, Missouri Downtown revitalization project;

$300,000 for the Perry County, Missouri Industrial Development Authority to renovate building to serve as a Center for Industry and Education;

$340,000 to the Central Missouri Food Bank in Columbia, Missouri for construction of facilities;

$450,000 for the Rolla, Missouri Chamber of Commerce for downtown revitalization project;

$500,000 for Downtown West Plains Inc., for City square renovation and downtown revitalization project of West Plains Missouri;

$500,000 for North Central Regional Water Commission in Unionville, Missouri for planning and design of water supply reservoir project;

$500,000 to the University of Missouri-Rolla for research of affordable housing composite materials;

$500,000 for Operation Breakthrough in Kansas City, Missouri for facility expansion and redevelopment;

$500,000 for University of Missouri at St. Louis, Missouri for a mobile vision screening program;

$1,000,000 for the City of Kansas City Missouri for the City Market renovation project;

$1,000,000 for the Community Development Corporation of Kansas City, Missouri, for continued revitalization of the northwest corner of 63rd and Prospect Avenue;

$1,000,000 for the University of Missouri-Kansas City for continued development of it's collaborative Life Sciences Initiative;

$1,250,000 to the City of St. Louis, Missouri for construction of a multi-purpose community center;

$1,990,000 to Springfield, Missouri for land acquisition within the Jordan Valley redevelopment area;

$250,000 for Missouri Western State College in St. Joseph, Missouri for planning and renovation of the Agenstein Science and Math Building;

$50,000 to the City of Jackson, Mississippi for the linking of cultural and entertainment districts through the extension of Oakley Street;

$150,000 to Mississippi State University in consultation with the Mississippi Mainstreet Association to promote small town revitalization by utilizing the resources of the Small Town Center;

$200,000 to Community Connections in Mississippi for a pilot low income housing project in Southern Mississippi;

$200,000 to Leake County, Mississippi for site preparation and infrastructure improvements for an industrial park;

$200,000 to the City of Carthage, Mississippi to renovate the historic elementary school auditorium;

$200,000 to the Oktibbeha County Economic Development Authority in Mississippi for the establishment of an industrial park;

$250,000 to Jackson State University in Jackson, Mississippi for renovations to the Center for the Study of the 20th Century African American;

$300,000 for the Chickasaw Trails Industrial Authority in Mississippi for preliminary planning and engineering for an industrial park;

$300,000 for the Stoneville Research and Education Complex in Stoneville, Mississippi for renovation and expansion;

$450,000 for Jackson State University in Jackson, Mississippi, for the renovation of the Margaret J. Walker Alexander Research Center;

$500,000 for Harrisburg Arts and Social Services Center in Tupelo, Mississippi for renovation of facilities and program needs;

$500,000 for Mississippi State University for a state capacity development initiative;

$500,000 for the City of Madison, Mississippi for main street reconstruction;

$1,000,000 for Jackson County, Mississippi for the construction of a county community center;

$1,000,000 for Mississippi State University for the Mississippi Center for Advanced Vehicular Systems and Engineering Extension Facility;

$2,000,000 for the University of Southern Mississippi for its National Center for Excellence in Economic Development, Education, Research and Community Service;

$240,000 to the University of Montana Missoula for the research and economic development enterprise;

$1,000,000 for Great Falls, Montana for the Missouri Riverfront Park Enhancement project;

$1,000,000 for MSU-Billings for the development of the Billings Technology Training and Technology program as a business incubator;

$1,000,000 for TechRanch of Bozeman, Montana, for development of a technology incubator for the Gallatin area and Eastern Montana;

$20,000 to the County of Richmond, North Carolina for the demolition of the Imperial Foods Plant;

$50,000 to Cumberland County, North Carolina for development of the Fayetteville-Cumberland County Dr. Martin Luther King, Jr. Memorial Park;

$50,000 to the North Carolina Cultural Center in Robeson County, North Carolina for construction of the center;

$50,000 to the North Carolina Department of Agriculture for the development of a Centralized Agricultural Cold/Freezer Storage Facility and Processing Center in rural Eastern North Carolina at the Global TransPark;

$100,000 to the North Carolina Community Land Trust Initiative for capacity building and operational support;

$100,000 to the North Carolina Fair Housing Center for a consumer education campaign to combat predatory lending;

$100,000 to the Wilson Family Resource Center in Wilson, North Carolina for rehabilitation of facilities;

$150,000 to the Discovery Place Museum in Charlotte, North Carolina for renovations needs;

$150,000 to the North Carolina Institute of Disaster Studies for activities related to the mitigation of natural and technological disasters;

$220,000 to the Town of Troy, North Carolina for the Rent-to-Own Housing Pilot project;

$240,000 to the Albemarle Downtown Development Corporation for green space development;

$250,000 to OPC Mental Health in Carrboro, North Carolina for renovation of a thrift shop;

$250,000 to Passage Home in Raleigh, North Carolina for neighborhood restoration in the WE CAN Weed and Seed target area of Southeast Raleigh;

$250,000 to the Burch Avenue Center in Durham, North Carolina for the construction of a multi-purpose community center;

$300,000 for Western Carolina University of Cullowhee, North Carolina, for Millennial Campus project;

$300,000 to Alleghany County, North Carolina for construction of a community center as part of the Alleghany Wellness Center;

$340,000 to Central Piedmont Community College in Charlotte, North Carolina for construction a workforce development training center;

$400,000 to Self-Help Ventures Fund in Durham, North Carolina for their revolving loan fund;

$490,000 to the Mayland Community College in Spruce Pine, North Carolina for the Avery Satellite Campus project;

$700,000 to Wake Forest University and Winston-Salem State University in North Carolina for construction of a research facility for the Idealliance program;

$1,000,000 for Henderson, North Carolina for the construction of the Embassy Cultural Center;

$100,000 to the City of Rugby, North Dakota for implementation of the Rural Economic Area Partnerships strategic plan;

$400,000 for Lewis and Clark Community Works of North Dakota, for a rural housing development fund;

$900,000 for Sitting Bull College in Fort Yates, North Dakota for construction of a new science facility;

$1,000,000 for the North Central Planning Council, North Dakota, to relocate agricultural structures;

$1,000,000 for the Rural Economic Area Partnerships (REAP) Zones to build on and leverage economic development opportunities in North Dakota;

$240,000 to the University of Nebraska at Omaha for the Peter Kiewit Institute and the College of Information Science and Technology to conduct research in the area of computer security;

$240,000 to Walthill, Nebraska for the Walthill Public Schools for construction and equipping of two science laboratory classrooms and facilities;

$300,000 for the Northeast Family Center of Lincoln, Nebraska, for facility renovations;

$490,000 to Doane College in Crete, Nebraska for the rehabilitation of the historic Whitcomb Conservator;

$500,000 for the Girls and Boys Town USA in Omaha, Nebraska to address the needs of at-risk boys and girls;

$1,000,000 for the Community Alliance in Omaha, Nebraska for its 'Building Homes, Rebuilding Lives' program;

$40,000 for ''My Friend's Place'' in the City of Dover, New Hampshire for emergency shelter needs;

$140,000 to the Monadnock Ice Center Association for construction and operation of a year-round ice arena downtown Keene, New Hampshire;

$180,000 for the Laconia Public Library in New Hampshire for facility improvements;

$190,000 for the Mt. Washington Valley Economic Council's ''Technology Village Incubator'';

$240,000 to the University of New Hampshire in Manchester, New Hampshire for the relocation of the Engineering Technology Laboratory;

$340,000 to Lebanon College of Lebanon, New Hampshire to implement a medical and dental training program;

$350,000 for the New Hampshire Community Technical College for the Emerging Technology Center at Pease;

$500,000 for Concord, New Hampshire to cleanup brownfields;

$500,000 for Keene, New Hampshire to cleanup brownfields;

$500,000 for Milford, New Hampshire for downtown revitalization;

$1,000,000 for the City of Nashua, New Hampshire to create housing opportunities;

$50,000 to Hopewell Township, New Jersey for renovations to the Historic Hunt House;

$50,000 to South Brunswick, New Jersey for design and construction of a new library;

$50,000 to the Alice Paul Centennial Foundation for continuation of the Paulside Rehabilitation Project in Mount Laurel, New Jersey;

$90,000 to Fanwood Township, New Jersey for downtown revitalization;

$100,000 for Morristown Neighborhood House for the infrastructure improvements to the Manahan Village Resident Center Childcare facility in Morristown, New Jersey;

$100,000 for the Adults and Children Together Against Violence program for the development of violence prevention programs;

$100,000 to Brookdale Community College in New Jersey for facilities needs related to the New Jersey Coastal Communiversity;

$100,000 to Passaic County Community College in Patterson, New Jersey for programming and equipment needs;

$100,000 to Englewood Hospital and Medical Center in Englewood, New Jersey for Breast Care facilities expansion;

$100,000 to Holy Name Hospital in Teaneck, New Jersey for dialysis center expansion;

$140,000 to Burlington County, New Jersey for Fairview Street curb replacement;

$140,000 to Burlington County, New Jersey for Ark Road sidewalk improvements;

$200,000 to the Essex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Morris County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Somerset County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Sussex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Urban League of Hudson County, New Jersey for construction related to a workforce development center;

$240,000 to Mercer County, New Jersey for the KidsBridge Children's Cultural Center;

$240,000 to the City of North Wildwood, New Jersey for improvements to the beach, boardwalk, and entertainment district of the City;

$250,000 for the New Jersey Community Development Corporation, of Paterson, New Jersey, for redevelopment of abandoned property;

$250,000 for the Township of Hamilton, New Jersey, for renovations of a senior center;

$250,000 to the University Heights Science Park in Newark, New Jersey for historic preservation;

$290,000 to Mercer County, New Jersey for senior centers in East Windsor and Washington Townships;

$300,000 for the Borough of Paulsboro, New Jersey, for brownfields redevelopment;

$490,000 for Valley Hospital's Cancer Care Center in Paramus, New Jersey;

$300,000 for the Rio Grande Community Development Corporation, of Albuquerque, New Mexico, for construction of the South Valley Economic Development Center;

$450,000 for Curry County, New Mexico for infrastructure improvements to the Curry County Fairgrounds;

$490,000 to the Hispanic Chamber of Commerce of Albuquerque, New Mexico for the construction of a Job Opportunity Center in Barelas, New Mexico;

$650,000 for the City of Espanola, New Mexico, to build a veterans memorial;

$1,000,000 for Albuquerque Health Care for the Homeless to complete renovation of a health care facility for the homeless in Albuquerque, New Mexico;

$1,000,000 for the City of Las Cruces, New Mexico for the Model Extension Program for Increasing Homeownership conducted by New Mexico State University;

$1,000,000 for the Santa Fe Rape Crisis Center in New Mexico to construct a new facility to house the center, including outreach planning offices;

$1,000,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County for infrastructure improvements and to build a multi-purpose event center;

$500,000 for the Community Pantry of Gallup/McKinley County, New Mexico, for facility construction;

$50,000 for the Reno Veterans Memorial Project, of Reno, Nevada, for construction of a memorial;

$50,000 to the City of Henderson, Nevada for the expansion of a downtown arts district and heritage preservation;

$100,000 to the Nevada Science Technology Center in Las Vegas, Nevada, for development assistance;

$150,000 for Boulder City, Nevada, for renovation, modernization, and expansion of public recreation facilities;

$250,000 for the Boys and Girls Club of Carson City, Nevada to establish a new community center;

$250,000 for the Intertribal Council of Nevada to establish a housing division;

$290,000 to the City of Reno, Nevada for urban development activities in the city's commercial center;

$700,000 for development of a job training facility for workers in the hospitality industry in Las Vegas, Nevada;

$750,000 for the Reno, Nevada, housing authority for the Friendship Lane housing revitalization project;

$750,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada, for construction of a child care facility;

$1,000,000 for Sparks, Nevada for the revitalization of the West End community;

$20,000 to the City of Syracuse, New York for equipment and renovations to the Syracuse Boys and Girls Club;

$25,000 to the City of Gloversville, New York to establish a memorial to World War II veterans;

$25,000 to the Clinton County, New York Office of Emergency Services for communications infrastructure improvements that service the Lyon Mountain and Ausable Forks areas of the county;

$40,000 to Onondaga County, New York for the installation of a water line for the Sentinel Heights Fire Department;

$50,000 to Safe Haven, Inc., in Oswego, New York for the continued construction of a museum/interpretive center chronicling the Fort Ontario Emergency Refugee;

$50,000 to the Collins Public Library Board of Trustees for the new Town of Collins, New York Public Library;

$50,000 to the County of Onondaga, New York for an interpretive center at Baltimore Woods;

$50,000 to the Hamburg Natural History Society, Inc., for the Penn Dixie Paleontological and Outdoor Education Center in Hamburg, New York;

$50,000 to the Irish Classical Theatre Company in Buffalo, New York for marketing and expansion of program;

$50,000 to the Roundabout Theater Company in New York City, New York for facility needs;

$50,000 to the YMCA of Greater New York for construction of a gym and teen center in Queens, New York;

$250,000 to the Long Island Aquarium in Bay Shore, New York for facilities needs;

$70,000 to the Legacies and Landmarks Consortium of Greater Rochester, New York for activities to promote regional tourism;

$75,000 to the Harbor Child Care Corporation in New Hyde Park, New York for improvements to the existing facility;

$75,000 to the Jamaica Center for Arts and Learning in New York for renovation of the First Dutch Reformed Church;

$75,000 to the New York City Department of Parks and Recreation for remediation and restoration of the College Point Sports Complex in Queens, New York;

$80,000 to the Amherst Museum in Amherst, New York for construction of a boat launch facility;

$80,000 to the Variety Boys and Girls Club of Queens, New York for the Teen Education for Every Nationality Program;

$90,000 to Wyoming County, New York to replace a public safety communications tower and related hardware and computer systems;

$100,000 to Lewis County General Hospital in Lowville, New York for infrastructure repairs and improvements;

$100,000 to the City of Auburn, New York for a housing market study;

$100,000 to the City of Buffalo, New York for the provision of shelter and other services to refugees by VIVE La Casa;

$100,000 to the City of Ogdensburg, New York for reconstruction of Fort LaPresentation;

$100,000 to the Metropolitan Development Association in Syracuse, New York for the Genesee Street Armory study;

$100,000 to the Nassau University Medical Center in East Meadow, Long Island, New York for the renovation and repair of its Hempstead Community Health Center;

$100,000 to the New York City Planning Commission to study the effects of rezoning Staten Island on the growth of development;

$100,000 to the Schenectady Family Health Services, in Schenectady, New York for facilities expansion;

$100,000 to the State University of New York at Potsdam for the creation and operation of a Northern New York Travel and Tourism Research Center to be located at the Merwin Rural Services Institute;

$100,000 to the Staten Island Freedom Memorial Fund for construction of a memorial in the Staten island community of St. George, New York;

$100,000 to the Village of Green Island, New York for public access and infrastructure needs;

$115,000 to the Staten Island Catholic Youth Organization Community Center of New York for expansion of facilities to include a new gymnasium;

$125,000 to the National Lighthouse Center and Museum in St. George, New York for developing and installing exhibits;

$50,000 to the Village of Tuckahoe, New York for streetscape improvements;

$500,000 to Take the Field in New York City, New York for a program to rebuild the public school athletic facilities;

$150,000 to the Abyssinian Development Corporation for rehabilitation needs of the Renaissance Ballroom and Theater Complex in Harlem, New York;

$150,000 to the Hillside Children's Center in Rochester, New York for the modernization and upgrade of the facility's Monroe Avenue Campus;

$150,000 to the Long Island Housing Partnership, Long Island for neighborhood revitalization;

$150,000 to the Mount Morris Park Community Improvement Association in New York for development of the Parkside Inn, a community economic development initiative;

$150,000 to the New York City Department of Parks and Recreation in New York, New York for the completion of an irrigation system during the third phase of the Joyce Kilmer Park restoration project;

$150,000 to the Strong Museum in Rochester, New York for expansion and upgrade of museum facilities;

$150,000 to the Village of Freeport, New York for the downtown revitalization project;

$125,000 to the WXXI Public Broadcasting Council in Rochester, New York for building renovations necessary to meet health, safety, and occupational requirements, as well as to meet FCC mandated digital broadcasting standards;

$150,000 to the City of Auburn for renovations and infrastructure improvements to the Merry Go Round Playhouse in Auburn, New York;

$190,000 to the Cortland County Business Development Corporation for equipment and infrastructure improvements for Wetstone Technologies;

$190,000 to the Orange County Mental Health Association in Orange County, New York for the ''Home-To-Stay'' project;

$200,000 to Onondaga County, New York for infrastructure improvements to the Village of Tully's Water System;

$200,000 to the Battle of Plattsburgh Association of Plattsburgh, New York to rehabilitate a building to create an interpretive center;

$100,000 to the City of Buffalo, New York for the repair and rehabilitation by the Buffalo Philharmonic Orchestra of the Birge Mansion;

$100,000 to the City of Buffalo, New York for the purchase of audiophones for displays and exhibits at the Buffalo and Erie County Historical Society;

$200,000 to the City of Cortland, New York for the Cortland Sports Complex;

$200,000 to the City of Hornell, New York, for restoration of the historic depot;

$200,000 to the City of Syracuse, New York for building renovations to the Onondaga Historical Association;

$200,000 to the City of Syracuse, New York for renovations and infrastructure improvements to the Huntington Family Center;

$100,000 to the City of White Plains, New York for streetscape improvements to Mamaroneck Avenue;

$200,000 to the State University of New York College of Environmental Science and Forestry for water infrastructure improvements on a portion of Onondaga Creek;

$150,000 to Fred Daris Underground Theater, Inc. in the South Bronx, New York for the restoration of a theater and the installation of a theater company;

$225,000 to the Gowanus Canal Community Development Corporation in Brooklyn, New York for development of a comprehensive community development plan;

$240,000 to Putnam County, New York for a new senior citizens center;

$250,000 to Covenant House New York for renovation of their crisis center;

$250,000 to Mary Mitchell Family and Youth Center in the South Bronx, New York for after school and teen programs, improvement of computer lab and family literacy programs, and to increase usage of the center by the local community;

$250,000 to Onondaga Community College for equipment, training and infrastructure improvements to the Lean Manufacturing Lab;

$250,000 to Phipps House and We Stay/Nos Quedamos Inc. for the construction of day rooms and gardens at La Casa de Felicidad in the South Bronx, New York;

$250,000 to the Brooklyn Public Library in New York for construction and renovation of educational and cultural facilities;

$250,000 to the Central New York Regional Planning and Development Board for the development of the Finger Lakes Open Space and Agricultural Land Conservation Project;

$250,000 to the City of Hudson, New York for the construction of utility service, boat launch and bulk-head along the Hudson River waterfront area;

$250,000 to the Cornell Agriculture and Food Technology Park—Geneva Station in Ontario County, New York to continue infrastructure development, design and facilities construction;

$250,000 to the Lesbian and Gay Community Services Center, New York City for infrastructure upgrades;

$250,000 to the State University of New York College of Environmental Science and Forestry for the Syracuse Southwest Community Environmental Center;

$250,000 to the Staten Island, New York YMCA for facilities expansion to create a South Shore Center Youth/Teen Annex;

$250,000 for infrastructure improvements to the Tioughnioga Riverfront Development Project in Cortland County, New York;

$290,000 to Kaleida Health for the planning and design of facilities for Children's Hospital in Buffalo, New York;

$300,000 to Onondaga County, New York for redevelopment of the Three Rivers Area in the Town of Clay;

$200,000 to the Village of Saugerties, New York for streetscape improvements in the historical district;

$250,000 to Carnegie Hall in New York for continuation of Carnegie Hall's Third Stage Project;

$250,000 to Jazz at Lincoln Center in New York City for facility construction;

$200,000 to the University Colleges of Technology at the State University of New York for continued development of a Telecommunications Center for Education;

$200,000 for research and infrastructure improvements for the Center of Excellence in Nanoelectronics at Albany, New York;

$500,000 to the Children's Center in Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled children.

$200,000 to Rensselaer County, New York for safety and guide rail improvements to county highways;

$340,000 to the Natural History Museum of the Adirondacks in Tupper Lake, New York, for building construction;

$350,000 to Onondaga County, New York for waterline improvements in the Town of Skaneateles;

$400,000 to Polytechnic University, Brooklyn for the National Center for E-Commerce;

$400,000 to the City of Syracuse, New York for renovations to the Sibley Building;

$450,000 to the Apollo Theater Foundation in Harlem, New York for theater restoration;

$450,000 to Union College, of Albany, New York for the Union-Schenectady Neighborhood Initiative;

$490,000 to Madison County, New York for economic development and infrastructure improvements for industrial park sites;

$490,000 to the City of Rome, New York for site development and infrastructure improvements related to the South Rome Industrial Park;

$490,000 to the North Shore-Long Island Jewish Health System in New York for an emergency room preparedness program;

$500,000 to the City of Buffalo, New York for the construction of additional facilities at the Burchfield-Penney Art Center;

$500,000 to the State University of New York at Albany for continued development of a manufacturing/workforce training center;

$700,000 to the City of Auburn, New York for Phase I of the Owasco Riverfront Park Project;

$990,000 to St. Bonaventure University of St. Bonaventure, New York for renovations of Delaroche Hall;

$750,000 to the City of Syracuse, New York for the design, development and construction of an International Tourism Center at the Carousel Center;

$990,000 to the Cancer Institute of Long Island at Stony Brook University, New York to develop and implement a clinical database of breast and prostate cancer patients;

$25,000 to the Music Conservatory of Westchester, New York for construction and capital improvements on their new facility;

$125,000 to the City of Yonkers, New York for renovation of the waterfront area around Riverfront Park;

$100,000 to the Village of Larchmont, New York for streetscape improvements;

$100,000 to the Endicott Performing Arts Center in Endicott, New York for restoration of the Lyric Theater;

$50,000 to the Latino Cultural School of Arts in Lorain, Ohio for facilities needs;

$100,000 to the Akron, Ohio Zoological Park for development of the Environmental Education Center;

$135,000 to the Ohio Department of Development for continued development of the Black Swamp rural arts initiative in Ottawa, Lucas, Wood, and Fulton counties;

$15,000 to the Fulton County, Ohio Commission for rehabilitation of a Civil War memorial;

$200,000 to the National Interfaith Hospitality Network for expanding local network support services;

$240,000 to Columbus State Community College in Columbus, Ohio for construction of a new child development center;

$250,000 to the Rural Health Collaborative of Southern Ohio for a Community Health and Wellness Center Initiative;

$300,000 to the Dayton-Montgomery County Port Authority in Ohio for urban job creation;

$300,000 to the Mandel School of Applied Social Sciences' Center for Community Development at Case Western Reserve University for the Louis Stokes Fellow Program in Community Organization and Development;

$390,000 to Brown County General Hospital for construction and equipment as part of the Community Health and Wellness Center Initiative;

$390,000 to the University of Cincinnati Medical Center in Cincinnati, Ohio for renovation and expansion of the Medical Sciences Building;

$400,000 to Clark County, Ohio for infrastructure upgrades for economic development;

$400,000 to Urbana University in Urbana, Ohio for the renovation of Bailey and Barclay Halls;

$422,000 to the Richland County, Ohio Emergency Management Agency to purchase electromechanical outdoor warning sirens;

$490,000 to Heidelberg College in Tiffin, Ohio for construction of facilities for the school's Water Quality Laboratory;

$490,000 to Lake Metroparks in Concord Township, Ohio for the Environmental Education Center at Camp Klein;

$500,000 for the City of Cleveland, Ohio for the construction of the Cleveland Intercultural Center;

$500,000 to John Carroll University in Cleveland, Ohio for the needs related to the Dolan Center for Science and Technology;

$750,000 to the Ohio State University for the Neighborhood Revitalization Initiative to improve housing opportunities, public safety/crime reduction, and ''Gateway Center'' Facilities;

$900,000 for Franklin County, Ohio for purchase of park land;

$1,000,000 for the City of Dayton, Ohio for the revitalization of historic main Street;

$1,000,000 for Wellsville, Ohio for improvements to a riverside transportation center;

$1,000,000 to Mount Union College in Alliance, Ohio for a new science facility;

$1,500,000 to the City of Toledo, Ohio for improvements to the near downtown historic commercial district, and to leverage the potential of not-for-profit community and economic development organizations;

$140,000 to the City of El Reno, Oklahoma for development of a trolley system;

$300,000 to the City of Oklahoma City for the Oklahoma Land Run Memorial;

$490,000 to the City of Bennington, Oklahoma for construction of a multipurpose building;

$1,490,000 to the City of Midwest City, Oklahoma for Phase II of the City's tornado recovery;

$50,000 to the City of Newberg, Oregon for transition of the Newberg Central School into a community center;

$50,000 to the City of Portland, Oregon for the North Macadam Greenway initiative;

$100,000 to the Rural Oregon Continuum of Care (ROCC) consortium for scattered site transitional housing needs;

$120,000 to the City of The Dalles, Oregon for the Mid-Columbia Veterans Memorial Project;

$150,000 to the Boys and Girls Club of Albany, Oregon for construction of an addition to existing facilities;

$300,000 for Dalles, Oregon, for development of the Dalles Fiber Optic Loop;

$550,000 for the Oregon Food Bank for its food distribution efforts;

$1,000,000 for Eastern Oregon University for construction of a science center;

$200,000 for Irvington Covenant CDC in Portland, Oregon to develop affordable housing;

$20,000 to the Dormont Historical Society in Dormont, Pennsylvania for organizational support;

$20,000 to the McKeepsport Little Theater in McKeepsport, Pennsylvania for facility renovation;

$30,000 to the Senior Adult Activities Center of Montgomery, Pennsylvania for facilities renovation;

$40,000 to Juniata County, Pennsylvania for outdoor recreational facilities;

$45,000 to the Reading Berks Human Relations Council in Pennsylvania for purposes related to its mission;

$50,000 to the Armstrong County Commission, Pennsylvania for the horse park at Crooked Creek Lake;

$70,000 to the Briar Bush Nature Center in Montgomery County, Pennsylvania for restoration of the visitors center, refurbishment of the bird observatory, and education program expansion;

$90,000 to Bucks County, Pennsylvania for design and engineering costs for a beautification effort along Route 13;

$90,000 to Bucks County, Pennsylvania for the redevelopment and revitalization of the downtown business district of Bristol Borough, Pennsylvania;

$100,000 for the Philadelphia Zoo, Pennsylvania to expand construction of Children's Zoo;

$100,000 Punxsutawney Community Center in Punxsutawney, Pennsylvania for infrastructure improvements and renovation of facilities;

$100,000 to Bucks County, Pennsylvania for infrastructure and area site improvements at the Stainless Inc. property brownfield site in Perkasie Borough;

$100,000 to Discovery Square, Erie, Pennsylvania for the construction of an educational and cultural complex;

$100,000 to the Borough of Frackville, Pennsylvania for Central Business District improvements;

$100,000 to the Borough of Millerstown, Perry County, Pennsylvania for improvements to the Borough Municipal Building, which will allow the Borough to implement several community programs including substance abuse deterrent programs and clinics, Scouting programs as well as senior informational programs and facilities;

$100,000 to the Borough of New Hope, Pennsylvania for the James A. Michener Museum to build the infrastructure for a satellite facility in New Hope;

$100,000 to the Borough of Shenandoah, Pennsylvania for Central Business District economic development activities;

$100,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship repairs which will contribute to the economic development of the Penn's Landing waterfront area in Philadelphia;

$100,000 to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania for the Bloomfield-Garfield housing revitalization effort;

$150,000 to Rostraver Township, Pennsylvania for infrastructure improvements related to an economic development initiative;

$150,000 to the City of Washington, Pennsylvania for construction and operations needs of a recreation and community economic development center;

$150,000 to the State College Baseball Club, Inc. for the development and operation of a new sports complex for youth baseball and softball in Centre County, Pennsylvania;

$160,000 to the Borough of Wayensboro, Pennsylvania for infrastructure improvements for an industrial area along Ninth street;

$200,000 to the Allegheny Housing Authority of Pennsylvania to construct the Groveton Village Computer/Support Services Center;

$200,000 to the Hiram G. Andrews Center in Johnstown, Pennsylvania for an employment program for students with disabilities targeted at emerging technical markets;

$200,000 to the Scottdale Community Pool Association in Scottdale, Pennsylvania for the facility needs associated with the continued operations of the former YMCA pool;

$200,000 to the Urban Redevelopment Authority of Pittsburgh in conjunction with Northside Properties in Pittsburgh, Pennsylvania to acquire the 332 unit, scattered site affordable housing development with project-based Section 8 rental subsidy;

$200,000 to the People's Emergency Center Community Development Corporation in Philadelphia, Pennsylvania for implementation of a Neighborhood Transformation and Revitalization Plan in West Philadelphia;

$200,000 to the Johnstown-Cambria County Airport in Cambria County, Pennsylvania for customer service area renovation needs;

$240,000 to the Beaver County, Pennsylvania Corporation for Economic Development for the Riverfront Development Project, Bridgewater Crossing;

$240,000 to the Boys and Girls Club of Erie, Pennsylvania for a facility expansion project;

$240,000 to the County of Lancaster, Pennsylvania for the Sunnyside Neighborhood Development Project;

$250,000 to the City of Chester, Pennsylvania for revitalization of its waterfront;

$250,000 to the City of Scranton, Pennsylvania for the construction of a garage and retail facility at the new hotel/convention center;

$250,000 to the City of Williamsport of Lycoming County, Pennsylvania for infrastructure development for industrial expansion;

$250,000 to the Good Shepherd School in Braddock, Pennsylvania for facility renovation;

$200,000 to the Town of Johnstown, Pennsylvania for the Kernville neighborhood recreation project;

$250,000 to the City of Philadelphia, Pennsylvania for assistance to Daggett Street homeowners;

$300,000 for the expansion of facilities of the Re Place at Good Shepard Home, Lehigh County, Pennsylvania which will provide employment opportunities for persons with mental and physical challenges in sales, business administration, mechanical repair, janitorial skills and computer refurbishing;

$300,000 to the Ogontz Avenue Revitalization Corporation, Philadelphia, Pennsylvania, to assist with substantial rehabilitation of 40–50 severely deteriorated vacant properties that will be developed as a part of the West Oak Lane community development rebuilding initiative;

$350,000 for the Urban Development authority of Pittsburgh, Pennsylvania for the Harbor Gardens Greenhouse project;

$350,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Community Leadership Institute;

$350,000 to CitiVest in Wilkes-Barre, Pennsylvania for housing and economic development efforts in northeast Pennsylvania;

$400,000 to the City of Reading, Pennsylvania for the development of the Morgantown Road Industrial Park on what is currently a brownfields site;

$400,000 to the Please Touch Museum in Philadelphia, Pennsylvania for facilities needs;

$490,000 to the City of Harrisburg, Pennsylvania for the CORRIDORone Regional Rail program of the Modern Transit Partnership in downtown Harrisburg, Pennsylvania;

$490,000 to the University Technology Park, Inc. in Chester, Pennsylvania for construction of the Institute for Economic Development;

$500,000 to the Winnie Palmer Nature Reserve in Pennsylvania for development of the reserve;

$700,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Home Ownership Institute;

$900,000 to the City of Lancaster, Pennsylvania for the development of an entertainment/retail complex which is intended to enhance the economic development provide hundreds of new jobs;

$1,400,000 to the County of Cambria, Pennsylvania for the design and construction of the Northern Cambria Recreation Facility;

$250,000 to UPMC Lee Hospital in Johnstown, Pennsylvania for the Convalescent Garden project;

$25,000 to West Bay Community Action in Warwick, Rhode Island for programs supporting the elderly, the homeless, and children;

$25,000 to the Rhode Island Emergency Management Agency for needs of the First Responders Program;

$50,000 for the City of Providence, Rhode Island, for inner city recreational facilities;

$50,000 for the Rhode Island Jewish War Veterans for a veterans memorial;

$100,000 for the Coastal Institute at the University of Rhode Island for development of a sustainable management plan for Narragansett Bay;

$100,000 for the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for construction of a community center;

$100,000 for the South Providence Development Corporation in Providence, Rhode Island for the development of a recycling facility;

$100,000 to the Woonsocket Fire Department in Woonsocket, Rhode Island for equipment and technology upgrades associated with fire safety and communications;

$150,000 for Pell-Chafee Performance Center in Providence, Rhode Island to complete construction;

$200,000 for Cornerstone Adult Services in Warwick, Rhode Island for the construction of an Alzheimer's day center;

$200,000 for the Boys and Girls Club of Pawtucket, Rhode Island, for development of a new facility;

$200,000 for the Newport Art Museum in Newport, Rhode Island for historical renovation;

$275,000 to the town of Smithfield, Rhode Island for continued development and modernization of Deerfield Park, including the expansion of the Smithfield Senior Center;

$350,000 for the Herreshoff Marine Museum in Bristol, Rhode Island to restore and expand a maritime heritage museum;

$450,000 for the City of Providence, Rhode Island for the development of a Botanical Center at Roger Williams Park and Zoo;

$450,000 for the Providence Performing Arts Center for building modernization in Providence, Rhode Island;

$500,000 for Town of Johnston, Rhode Island for rehabilitation of a senior center;

$1,000,000 for Traveler's Aid of Rhode Island for relocation and expansion in Providence, Rhode Island;

$150,000 to the City of Marion, South Carolina for renovations of the Joyner Auditorium, and adjoining space, into a cultural arts center;

$190,000 to the City of Spartanburg, South Carolina for the Motor Racing Museum of the South;

$200,000 to South Carolina State University in Orangeburg, South Carolina for planning, engineering, and construction of a multidisciplinary research and conference center;

$490,000 to the City of Myrtle Beach, South Carolina for a Pavilion Area Master Plan;

$500,000 for Spoleto Festival, USA, of Charleston, South Carolina, for rehabilitation of the historic Middleton-Pinckney House;

$500,000 for the City of Charleston, South Carolina's Homeownership Initiative to create affordable housing opportunities;

$750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina;

$825,000 to Marlboro County, South Carolina for costs associated with the construction and equipping of the Marion Wright Edelman Library in Bennettsville, South Carolina;

$1,000,000 for the Sea Island Comprehensive Health Care Corporation, Inc., of Johns Island, South Carolina, for affordable housing and economic development purposes;

$150,000 for the City of Tea, South Dakota, to develop a community library;

$250,000 for the Lake Area Improvement Corporation of Madison, South Dakota, for development of the Madison Technical Center;

$300,000 for Black Hills Community Development Corporation of Lead, South Dakota, for economic development efforts related to the closure of the Homestake Gold Mine;

$300,000 for South Dakota School of Mines and Technology of Rapid City, South Dakota, for renovations and rehabilitation related to the development of the Rapid City Children's Science Center;

$300,000 for the Flandreau Development Corporation of Flandreau, South Dakota, for infrastructure related to the Flandreau industrial park development;

$300,000 for the Union Gospel Mission in Sioux Falls, South Dakota, for renovations to the historic Farley Lostcher building;

$400,000 for the City of Brookings, South Dakota, for renovations and rehabilitation to the historic Brookings Middle School;

$800,000 for the Sioux Falls, South Dakota, Development Foundation for development of a facility that will support technology-based businesses;

$550,000 for the City of Watertown, South Dakota, for development related to the Hanten Industrial Park;

$1,750,000 for planning, design, and construction of the Wakpa Sica Reconciliation Place in South Dakota;

$150,000 for Children's Village in Pine Ridge, South Dakota, for a new facility;

$150,000 for Wagner, South Dakota, for economic development activities;

$200,000 for the Aberdeen Business Improvement District of South Dakota for a downtown development revolving loan fund;

$200,000 for Turning Point/Volunteers of America in Sioux Falls, South Dakota for construction of a youth services facility;

$50,000 to the Melrose Community Technology Center in the Orange Mound neighborhood of Memphis, Tennessee for reconstruction of the historic Melrose School for use as a new community technology center;

$100,000 to the Memphis Zoo in Memphis, Tennessee for the Northwest Passage Campaign;

$500,000 to Hamilton County, Tennessee for the Broadband Economic Development Initiative;

$740,000 to the Historic Tennessee Theatre Foundation, Inc. for construction and renovation of facilities;

$950,000 for the City of Chattanooga, Tennessee for the revitalization of the Alton Park neighborhood;

$1,000,000 for the City of Memphis, Tennessee for the Soulsville Revitalization project;

$25,000 to the Acres Home Community Development Corporation in Houston, Texas for an athletic complex;

$50,000 to the Houston Community College in Houston, Texas for development of the 5th Ward Community Technology Center;

$75,000 to the City of Abilene, Texas for renovation of the historic Wooten Hotel;

$75,000 to the City of Houston, Texas's Department of Health and Human Services for the Lead Based Paint Hazard Control Program;

$100,000 to Texas A&M-Kingsville for construction of the Kingsville Center for Young Children;

$100,000 to the City of Austin, Texas for the expansion of the SMART Housing Project;

$100,000 to the Heights Association in Houston, Texas for community beautification initiatives;

$150,000 to the T.R. Hoover Community Development Corporation in Dallas, Texas for completion of the T.R. Hoover Multipurpose Center and purchase of equipment;

$175,000 to the City of San Angelo Development Corporation in Texas for the establishment of a regional industrial park;

$175,000 to the Windsor Elderly and Housing Center in Abilene, Texas for elevator replacement;

$200,000 to Willacacy County Boys and Girls Club in Willacacy County, Texas for a sports complex;

$200,000 for a design, engineering and economic feasibility study for the Trinity River Visions project in Fort Worth, Texas;

$300,000 to the Fort Worth Transportation Authority for the development of a public market in Fort Worth, Texas;

$350,000 to the City of Waco, Texas for the housing assistance program;

$500,000 for the City of Wichita Falls, Texas for the restoration of the old Holt Hotel property;

$500,000 to the Victory Art Center in Fort Worth, Texas for the adaptive use and historic renovation of the old Our Lady of Victory building;

$740,000 to the Globe of the Great Southwest in Midland, Texas for facilities expansion;

$740,000 to the Old Red Courthouse Museum in Dallas, Texas for the restoration of facilities to house the Museum of Dallas History and preservation and enhancement of artifacts in the collection;

$1,000,000 for the City of Fort Worth, Texas for the redevelopment of a residential and commercial center along Hemphill Street;

$1,000,000 for the Greater El Paso, Texas Chamber of Commerce for a local economic development initiative for the creation of jobs and housing;

$1,000,000 to Alvin Community College, Texas for the Pearland College Center;

$1,000,000 to the University of Incarnate Word in San Antonio, Texas for the renovation and expansion of the Science and Engineering Center;

$490,000 for West Valley City, Utah for the construction of the West Valley City Multi-Cultural Community Center;

$490,000 to the American West Heritage Foundation in Utah for the planning and design of a cultural and interpretive center;

$800,000 for the City of West Jordan, Utah for the development of a senior citizens center;

$1,000,000 for Sevier County, Utah for a multi-events center;

$50,000 to the Town of Boydton, Virginia for economic development activities;

$70,000 to the Fairfax County Economic Development Authority for the creation and promotion of a video detailing the historical significance of Annandale, Virginia;

$90,000 to the County of Fairfax, Virginia for the Annandale Community Cultural Arts Center;

$100,000 to the An Achievable Dream program in Newport News, Virginia for expansion of education programs;

$100,000 to the Towns of Clarksville and Chase City, Virginia for economic development at their joint industrial park;

$140,000 to the County of Northampton, Virginia for a Workforce Training and Business Development Center on the Eastern Shore of Virginia;

$150,000 for the Nelson Center in Lovington, Virginia for renovation and expansion of facilities;

$150,000 to Winchester County, Virginia for the historic restoration of the Winchester County Courthouse;

$175,000 to the Arlington Housing Corporation in Arlington, Virginia to improve and expand community centers at low income multifamily properties, and support ongoing affordable housing programs;

$200,000 to Virginia Highlands Small Business Incubator, Inc. for the development of a regional small business incubator in Southwest Virginia;

$240,000 to the City of Chesapeake, Virginia for the redevelopment of Campostella Square;

$240,000 to the Virginia Air and Space Center in Hampton, Virginia for expansion of facilities including the Aviation Gallery and the World's Fair Welcome Center;

$250,000 to Edgehill Recovery Retreat Center, in Winchester, Virginia for facilities needs;

$290,000 to the Virginia Holocaust Museum in Richmond, Virginia for facility renovations;

$400,000 to the Natural Gas Vehicle Association in Arlington, Virginia for continued expansion of the Airport-Alternative Fuel Vehicle Demonstration Project at Dallas-Fort Worth International Airport;

$490,000 to Eastern Mennonite University of Harrisonburg, Virginia for the University Commons project;

$500,000 to the Glen Burnie Foundation to establish the Museum of the Shenandoah Valley at Glen Burnie in Winchester, Virginia;

$600,000 to the Arlandria Health Center for Women and Children in Alexandria, Virginia for facilities needs;

$600,000 for the City of Staunton, Virginia for a local, cultural revitalization initiative;

$700,000 to the City of Danville and Pittsylvania County, Virginia for the infrastructure improvements for the City/County Cyber Park;

$1,000,000 for the Christopher Newport University in Newport News, Virginia for the development of the Christopher Newport University Fine Arts Center;

$1,000,000 to the St. Coletta School in Alexandria, Virginia for facilities needs;

$50,000 to the Essex Junction Lions Club for design and construction of a veterans memorial in Essex Junction, Vermont;

$100,000 to the Burlington, Vermont Community Land Trust for the start up of the Vermont Employee Ownership Center;

$100,000 to the Vermont Housing Conservation Board for the building renovation and construction of a battered women's shelter in St. Albans, Vermont;

$150,000 for the Haskell Free Library for repairs to this historic building located in Derby Line, Vermont;

$200,000 to the Vermont Foodbank for food shelf activities;

$300,000 for the Brattleboro Arts Initiative of Brattleboro, Vermont, for the rehabilitation of the historic Latchis Theatre and Community Arts Center;

$350,000 for the George D. Aiken Resource Conservation and Development Council of Randolph, Vermont for the purchase of equipment;

$500,000 for the Kaw Valley Center in Vermont, Kansas for infrastructure and community outreach;

$500,000 for the Vermont Housing and Conservation Board for development of affordable housing at Macauley Square;

$750,000 to the Vermont Housing and Conservation Board for the development of affordable housing in Vermont;

$750,000 to the Vermont Institute of Natural Science of Woodstock, Vermont to support construction of a public education and wildlife rehabilitation facility in Quechee, Vermont;

$2,000,000 for the Lake Champlain Science Center in Burlington, Vermont for facility construction and rehabilitation;

$50,000 to the City of Poulsbo, Washington for improvements to the public library;

$50,000 to the Nooksack Indian Tribe in Washington for expansion of the Youth Leaders Center facility;

$80,000 to the YWCA in Bremerton, Washington for facilities expansion;

$90,000 to the City of Duvall, Washington for the renovation and conversion of a city-owned building into a youth center;

$90,000 to the City of Maple Valley, Washington for the construction of a youth center;

$90,000 to the Greenwater Mutual Water Association of Washington state for construction of a water system to provide fire and domestic flow to the designated rural business center of Greenwater;

$100,000 to the City of Seattle, Washington for renovations to the Seattle Center Opera House;

$200,000 to Pierce County Washington for the establishment of the Gig Harbor Peninsula Historical Society and the creation of a museum and cultural center;

$240,000 to the City of Black Diamond, Washington for engineering and construction of a replacement water main and improvements to the existing pump station serving the Black Diamond region;

$250,000 to the University of Washington-Tacoma for development of the Institute of Technology;

$250,000 to the Valley Boys and Girls Club in Clarkston, Washington for facilities construction;

$300,000 for the City of Renton, Washington, for the Port Quendall brownfields redevelopment project;

$500,000 to Whitworth College in Spokane, Washington for construction of the Regional Learning and Resource Center;

$750,000 to Bates Technical College for upgrade of transmission equipment for KBTC–TV, a PBS affiliate in Tacoma, Washington;

$1,000,000 for the Port of Ridgefield of Ridgefield, Washington for brownfields redevelopment;

$1,000,000 for the West Central Community Center of Spokane, Washington, for site acquisition and preparation related to the expansion of childcare facilities;

$50,000 for the Eau Claire Area Industrial Development Corporation, Wisconsin, for the Chippewa Valley Technology Network;

$200,000 to the City of Madison, Wisconsin for the Affordable Housing Subdivision project;

$50,000 to the Medical College of Wisconsin for planning related to a Biomedical Research and Technology Incubator;

$50,000 to the Urban Open Space Foundation in Madison, Wisconsin for downtown revitalization efforts;

$80,000 to the Ashland County Sheriff's Department in Ashland, Wisconsin for an Ice Angel Windsled;

$100,000 for Fairness in Rural Lending in Wisconsin for the Community Lender Partnership Initiative;

$120,000 to the City of Rhinelander, Wisconsin for construction of a rail spur;

$275,000 for the African American World Cultural Center in Wisconsin for construction;

$175,000 for the Centro de la Communidad Unida in Wisconsin for construction of an alternative school for at risk students;

$200,000 for Adams County, Wisconsin for the construction of an industrial park;

$200,000 or the City of Beloit, Wisconsin for urban renewal activities;

$200,000 to the Wausau Kayak/Canoe Corporation in Wausau, Wisconsin for course upgrade;

$240,000 to St. Norbert College in DePere, Wisconsin for a regional library learning center;

$300,000 for the City of Appleton, Wisconsin for the reconstruction of College Avenue;

$300,000 for the City of Sheboygan, Wisconsin to demolish an old manufacturing building;

$300,000 to Alverno College in Milwaukee, Wisconsin for the modernization of their liberal arts facility for Digital Diagnostic Portfolio Technology;

$500,000 to Impact 7 for a business development project in Centuria, Wisconsin;

$1,100,000 to the Northwest Regional Planning Commission in Spooner, Wisconsin for a revolving loan fund to assist storm impacted areas in northwestern Wisconsin;

$125,000 to the Greenbrier Valley Economic Development Corporation in Lewisburg, West Virginia for a cooperative economic development effort with 4-County Economic Development Authority located in Oakhill, West Virginia;

$290,000 to Mason County, West Virginia/Point Pleasant Riverfront Park Committee for a city revitalization project;

$350,000 for Bethany College in West Virginia to complete work on a health and wellness center;

$375,000 to Regions 1 and 4 Planning and Development Councils in West Virginia for rebuilding efforts necessitated by flooding;

$700,000 for the McDowell County Commission to complete the repair and restoration of the Kimball War Memorial in Kimball, West Virginia;

$900,000 to Concord College in Athens, West Virginia for continued infrastructure development of an information technology training program;

$1,200,000 to the Mid-Atlantic Aerospace Complex, Inc. for operational needs and to support economic development projects, including facilities construction;

$2,000,000 for the Webster County Development Authority for construction of a high technology office building and small business incubator in Webster County, West Virginia;

$2,000,000 for the Wheeling Park Commission in West Virginia to aid in the construction of the National Training Center for Public Facility Managers;

$2,425,000 to the Institute for Software Research, Inc. for operational and programmatic support and facilities needs;

$3,000,000 for Shepherd College in Sheperdstown, West Virginia, to complete the renovation of the Scarborough Library;

$3,600,000 to the West Virginia High Technology Consortium Foundation, Inc. for operations, land acquisition, and development of a high technology business park;

$1,800,000 for the City of Hinton, West Virginia, for the construction of a high technology office building and small business incubator;

$1,500,000 for the Appalachian Bible College of Beckley, West Virginia, to complete its student center/library;

$540,000 to the Teton County Housing Authority of Wyoming for equity contributions in the production of affordable housing units in Teton County, Wyoming;

$2,000,000 for the Girl Scouts of the USA for youth development initiatives in public housing.

Includes language transferring no less than $13,800,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $15,000,000 as proposed by the House and the Senate.

Includes language proposed by the Senate making funds available for three years instead of two years as proposed by the House. The conferees remain concerned by the delay in the obligation and expenditure of funds provided for the CDBG formula program. HUD is directed to review the matter and to provide a report to the Committees on Appropriations no later than April 1, 2002 which identifies the average length of time used by HUD to obligate CDBG funds to entitlement communities and States; the rate at which entitlement communities and States expend these funds, including an identification of those entities not in compliance with statutory timeliness requirements; and recommendations to accelerate the obligation and expenditure of these funds.

The conferees reiterate the direction included in the House report requiring HUD to inform State and local jurisdictions that people with disabilities must participate in developing the Consolidated Plan and to evaluate plans for such inclusion.

The conferees reiterate the direction included in the House report requiring HUD to conduct a detailed evaluation of HUD's administrative oversight of CDBG targeting requirements and to report the evaluation's findings to the Committees on Appropriations no later than February 1, 2002.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $15,000,000 for costs associated with section 108 loan guarantees as proposed by the House and the Senate. Includes language making funds available for obligation for two years as proposed by the House, instead of one year as proposed by the Senate.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment as proposed by the House and the Senate.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,846,040,000 for the HOME program instead of $1,996,040,000 as proposed by the House, and $1,796,040,000 as proposed by the Senate. Includes language making funds available for obligation for three years as proposed by the Senate, instead of two years as proposed by the House.

Includes language designating $50,000,000 for the Downpayment Assistance Initiative subject to the enactment of authorization legislation, instead of $200,000,000 as proposed by the House. Language is included allowing these funds to be used for any purpose authorized under the HOME program should such authorization legislation not be enacted by June 30, 2002. The Senate bill did not include funds for this initiative.

The conferees believe that housing counseling is a critical component of effective homeownership programs, including the HOME Downpayment Assistance Initiative. Not only is housing counseling important in assisting families and individuals to understand homeownership issues, it also helps ensure that first-time homebuyers are protected against predatory lending practices. The conferees expect HUD to ensure that housing counseling is available to all homebuyers participating in programs offered under the Downpayment Assistance Initiative.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,122,525,000 for homeless assistance grants, instead of $1,027,745,000 as proposed by the House and $1,022,745,000 as proposed by the Senate.

The conferees have increased funding for this account above the amounts proposed by the House and the Senate to provide for full funding of Shelter Plus Care renewals within this account, instead of providing this funding in a separate account as proposed by the Senate. The House bill did not include funding for these costs. While funding for these renewals has been provided in this account consistent with the manner in which funding was provided prior to fiscal year 2001, new bill language is included requiring the annual renewal of all expiring Shelter Plus Care contracts if the program is determined to meet appropriate program requirements and is needed under the applicable continuum of care.

Includes modified language requiring not less than 30 percent of the funds provided under this account, exclusive of amounts for Shelter Plus Care renewals, be used for permanent housing as proposed by the Senate, instead of 35 percent as proposed by the House. Includes language requiring that all funds awarded for services shall be matched by 25 percent in funds from each grantee as proposed by the House and the Senate.

Includes language proposed by the Senate providing that funds under this account be made available for three years, instead of two years as proposed by the House. However, HUD is directed to review the obligation rates for funds provided under this account and provide a report to the Committees on steps being taken to accelerate the grant award and obligation process no later than April 1, 2002.

Includes language providing $2,000,000 for the national homeless data analysis project and $6,600,000 for technical assistance. Language is also included transferring $5,600,000 to the Working Capital Fund for the development and maintenance of information technology systems, instead of $14,200,000 as proposed by the House and the Senate.

The conferees agree that HUD should use the continuum of care process to give preference to communities that use funds for permanent housing to end homelessness for chronically homeless, disabled people and encourage communities to obtain funds for supportive services from non-HUD sources, such as the Department of Health and Human Services, the Department of Labor, and the Department of Veterans Affairs.

The conferees reiterate language included in the Senate report regarding the need for data and analysis on the extent of homelessness and the effectiveness of McKinney-Vento Act programs. Specifically, the conferees direct HUD to continue to work with local communities on a client reporting system, analyze the data within two years, and report to the Committees within 90 days of enactment of this Act on its progress.

In addition, the conferees are also providing $2,000,000 to continue the Department's national homeless data analysis project to document the demographics of homelessness, identify patterns in utilization of assistance, and document the effectiveness of the systems. The conferees believe that it is critical to develop an unduplicated count of the homeless population and direct HUD to contract with experienced academic institutions to analyze the data and provide annual reports to the Committees on Appropriations.

The conferees expect that HUD field staff will oversee the implementation of homeless programs funded under this title. This oversight should include annual site visits and desk and field audits of a representative sample of programs in each jurisdiction. Using this information, HUD should analyze Annual Performance Reports and forward an annual plan for addressing problem areas.

The conferees reiterate and endorse language in the House report regarding the Secretary's joint task force with the Secretary of Health and Human Services (HHS) to identify and target each agency's roles and responsibilities in addressing the needs of the homeless. Recognizing the fact that up to one-third of the homeless population are veterans, the conferees believe that increased coordination is necessary between the Department of Veterans Affairs (VA) and HUD to ensure each agency is fulfilling its appropriate mission. Therefore, the conferees urge the Secretary to include the Secretary of Veterans Affairs in its task force discussions. The conferees request that the Department keep the Committees apprised of these efforts and provide a report, no later than February 15, 2002, on its findings and recommendations for changes in HUD programs.

Further, the conferees reiterate the language in the Senate report concerning the Interagency Council on the Homeless (ICH), including placing the Council under the Domestic Policy Office; rotating the Chairmanship among the Secretaries of HUD, HHS, Labor, and VA; requiring the members to meet at least semi-annually; and instructing the Council to quantify the number of their mainstream program participants who become homeless, preventing homelessness, and describing how they assist the homeless.

The conferees continue to have questions about out-year cost data on contract renewals for the permanent housing programs for the homeless. Accordingly, the conferees direct the Department to include in its fiscal year 2003 budget justifications five-year projections, delineated on an annual basis, of the costs of renewing the permanent housing component of the Supportive Housing Program and separately, the Shelter Plus Care program.

The conferees reiterate language in the Senate report directing HUD to ensure that State and local jurisdictions that receive homeless assistance funding pass on at least 50 percent of all administrative funds to the nonprofits administering the homeless assistance programs.

SHELTER PLUS CARE RENEWALS

The conferees have included full funding for Shelter Plus Care renewals under the homeless assistance grants account instead of providing funds under this separate account as proposed by the Senate. The House did not include funding for this account.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,024,151,000 for housing for special populations as proposed by the House instead of $1,001,009,000 as proposed by the Senate.

Includes $783,286,000 for section 202 housing for the elderly as proposed by the House and the Senate. Of this amount, $50,000,000 is for service coordinators and congregate services as proposed by the Senate instead of $49,890,000 as proposed by the House; $50,000,000 is for conversion of eligible section 202 projects to assisted living as proposed by the Senate instead of $49,890,000 as proposed by the House; and up to $3,000,000 is for the renewal of expiring project rental assistance for up to a one-year term, the same amount proposed by the House and the Senate. The conferees direct HUD to issue a new NOFA to provide for up to three grants for the conversion of unused or underutilized commercial properties into assisted living facilities for the elderly from funds provided for section 202 conversions.

Includes $240,865,000 for section 811 housing for the disabled as proposed by the House instead of $217,723,000 as proposed by the Senate. Of this amount, $23,142,000 is for the renewal of section 811 tenant-based rental assistance as proposed by the House. Bill language is included clarifying the authorization of funds under this account for this purpose as proposed by the House. The Senate did not propose similar language and assumed funds for this purpose would be provided under the housing certificate fund account. In addition, up to $1,300,000 is provided for the renewal of project rental assistance for up to a one-year term as proposed by the House and the Senate.

The conferees reiterate direction included in the House report requiring HUD to review and modify procedures to simplify the section 811 application and review process.

Includes modified language transferring no less than $1,200,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Does not include bill language specifying amounts for project rental assistance renewals as proposed by the Senate. The House did not designate specific amounts for renewals in bill language.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

Includes language regarding the transfer of excess rental charges to this fund as proposed by the House and the Senate.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriates $13,566,000 for authorized activities from fees collected in the fund as proposed by the House instead of $17,254,000 as proposed by the Senate.

The conferees expect HUD to place a priority on monitoring safety inspections of homes and the issuance of inspection labels when determining the funding requirements for this program during fiscal year 2002. The conferees also reiterate the direction included in the Senate report requiring the use of all program fees to be fully identified in the fiscal year 2003 budget justifications.

Includes language proposed by the House clarifying that fee collections shall fully offset the expenditures from the fund. The Senate did not propose similar language.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $336,700,000 for administrative expenses as proposed by the Senate instead of $330,888,000 as proposed by the House. Transfers $332,678,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $326,866,000 as proposed by the House.

Appropriates $160,000,000 for administrative contract expenses as proposed by the Senate instead of $145,000,000 as proposed by the House. Includes language allowing up to $16,000,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $118,400,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $96,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the general and special risk program account but did not designate the amounts to be transferred from each account.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $15,000,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs. The conferees agree that funding for subsidy costs is to be allocated as follows:

—$6,919,000 for the section 221(d)(3) program;

—$5,250,000 for the section 241(a) supplemental loans for apartments program;

—$377,000 for the section 242 operating loss loans for apartments program;

—$377,000 for the section 232 operating loss loans program; and

—$2,077,000 for the section 2 property improvements program.

The conferees remind HUD that funds provided are to be used only for the programs specified above. The conferees direct HUD to improve management and oversight of all programs within the general and special risk insurance fund to ensure these programs operate in a financially sound manner. HUD is reminded that any deviations from the amounts specified above for each of these programs is subject to reprogramming requirements.

The conferees are aware that concerns have been raised about the calculation of credit subsidy for multifamily programs. The conferees understand that pursuant to the Federal Credit Reform Act, the Office of Management and Budget (OMB) is responsible for developing the risk model used to estimate the subsidy costs of all Federal credit programs, including FHA programs. Therefore, in lieu of the language included in the Senate report addressing this matter, the conferees expect HUD to work with the industry to review the technical assumptions provided by HUD to OMB for inclusion in the risk model.

The conferees also expect HUD to upgrade its information technology systems for the mutual mortgage insurance program account and the general and special risk program account. HUD needs to be able to mark each account to market at the end of each business day, including the volume of loan business and the extent of financial risk and exposure under each FHA mortgage insurance program, including the cost of all defaults and foreclosures. The conferees remain disappointed that HUD has not made the collection of this information a priority since, as of January 2001, HUD was responsible for over $500 billion in insured mortgages. As demand for FHA single-family and multifamily mortgage insurance grows, it is imperative that HUD understand the magnitude of its financial exposure and the extent of risk for loss.

Appropriates $216,100,000 for administrative expenses as proposed by the Senate instead of $211,455,000 as proposed by the House. Transfers $197,779,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $193,124,000 as proposed by the House.

Appropriates $144,000,000 for administrative contract expenses as proposed by the Senate instead of $139,000,000 as proposed by the House. Includes language allowing up to $14,400,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $41,000,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $33,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the mutual mortgage insurance fund program account but did not designate the amounts to be transferred from each account.

The conferees reiterate the direction included in the Senate report requiring HUD to immediately amend its Asset Control Area discount and appraisal structure so that local governments and non-profit purchasers can rehabilitate and resell these properties at rates affordable to low-income residents. The conferees also reiterate the guidance in the Senate report regarding timely demolition of dilapidated homes and the payment of demolition costs.

The conferees reiterate the recommendation in the Senate report encouraging HUD to bundle and sell defaulted loans through auction in non-Asset Control Areas.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $9,383,000 for administrative expenses to be transferred to the salaries and expenses account as proposed by the House and the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $50,250,000 for research and technology instead of $46,900,000 as proposed by the House and $53,404,000 as proposed by the Senate.

Includes $1,500,000 for the Millennial Housing Commission as proposed by the House. New language is included to extend the reporting and termination dates for this commission. The Senate proposed $1,500,000 and similar extension language under the salaries and expenses account.

Includes $1,000,000 for the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, and includes new language to extend the reporting and termination dates for this commission. The House and the Senate did not address this matter.

Includes $8,750,000 for the Partnership for Advancing Technology in Housing Initiative, instead of $7,500,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees assume $23,000,000 will be allocated to the Housing Survey in fiscal year 2002, the same level proposed by the House and Senate.

The conferees reiterate the direction included in the Senate report denying demonstration authority without prior congressional approval.

Language proposed by the Senate designating $3,000,000 for program evaluation activities is not included.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $45,899,000 for the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP) as proposed by the House and the Senate. Of this amount, $20,250,000 is for FHIP, instead of $19,449,000 as proposed by the House and $24,000,000 as proposed by the Senate.

While overall funding for this account is provided at the fiscal year 2001 level, funding is no longer required for the Housing Discrimination Survey which received $7,500,000 in fiscal year 2001. Rather than reduce the account to reflect this change, the conferees have instead agreed to allocate the $7,500,000 equally between FHAP and FHIP to augment their activities. The conferees expect the additional funds allocated to FHAP to be used to reduce the backlog in case processing.

In lieu of the direction included in the House report, the conferees direct HUD to expedite utilization of funds provided under this account and to report quarterly on the obligation and expenditure of funds provided, by program and activity, with the first report due no later than February 15, 2002.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $109,758,000 for lead hazard reduction, as proposed by the House and the Senate.

Of the amount provided, $3,500,000 is for a one-time grant to the National Center for Lead-Safe Housing to develop a database coordination project to integrate Federal, State and local lead activities, instead of $1,000,000 as proposed by the Senate. The House did not propose a similar provision.

The conferees agree to allocate funds as follows:

—$6,500,000 for Operation LEAP, a new initiative to provide competitive awards to non-profit organizations and the private sector for activities which leverage private-sector resources for local lead hazard control programs. The conferees direct HUD to provide an implementation plan for this new initiative to the Committees on Appropriations prior to the expenditure of these funds;

—$80,000,000 for grants to State and local governments, and Native American tribes, for lead-based paint abatement in private low-income housing;

—$9,758,000 for technical assistance and support to State and local agencies and private property owners; and

—$10,000,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards.

The conferees reiterate the House report language regarding consideration of a proposal by the Alliance to End Childhood Lead Poisoning to create a Community Environmental Health Resource Center (CEHRC) to provide technical support, training, and education and outreach to community-based organizations to evaluate and control housing-related and community-wide health hazards. While the conferees have not included an earmark for the new organization, the conferees encourage HUD to evaluate a proposal from the Alliance to create the CEHRC and provide a grant if warranted.

The conferees encourage HUD to work through the Healthy Homes Initiative with other appropriate Federal agencies to conduct research and public education on health hazards associated with mold, excess moisture, and dust.

The conferees also reiterate the direction included in the Senate report requiring HUD to develop a policy to link Federal education, outreach, and remediation efforts with State, local, non-profit, and private funding.

Language proposed by the Senate earmarking $750,000 for CLEARCorps is not included. The House did not propose a similar provision.

Does not include language proposed by the House making technical changes to the Healthy Homes Initiative. The Senate did not propose similar changes.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,097,292,000 for salaries and expenses instead of $1,076,800,000 as proposed by the House and $1,087,257,000 as proposed by the Senate.

Of the total amount provided, $530,457,000 is transferred from various FHA administrative funds as proposed by the Senate, instead of $520,000,000 as proposed by the House.

Includes language transferring $35,000 from the Native Hawaiian housing loan guarantee fund account as proposed by the Senate. The House did not include a similar provision.

Includes language providing not to exceed $25,000 for representation expenses, instead of $7,000 as proposed by the House and Senate.

The conferees agree that funds under this account are to be allocated among object classes at the levels specified in the budget justifications. HUD is reminded that any deviations are subject to reprogramming requirements.

The conferees reiterate the concerns expressed in the House report regarding HUD's approach to utilizing staff resources and the continued excessive cost per HUD employee as compared to other Federal agencies. Therefore, modified bill language is included, similar to language proposed by the House, requiring the Secretary to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002. The conferees expect this staffing plan to be formulated based on the Resource Estimation and Allocation Process to match staffing requirements with programmatic responsibilities. The plan should identify staffing levels for each program delineated by headquarters and field offices. The conferees also expect this plan to include strategies to reduce the average salary cost per employee while reallocating staffing to address core mission requirements.

The conferees reiterate the direction included in the House report regarding the annual budget justifications submission.

The conferees reiterate the direction included in the Senate report prohibiting HUD from employing more than 77 schedule C and 20 non-career senior executive service employees.

The conferees note that the inability of HUD to provide useful data on program expenditures and performance has been a deficiency perennially cited by the Inspector General and General Accounting Office (GAO). The conferees remain committed to improving HUD's capacity to disseminate useful information about the performance of HUD programs to improve the ability of HUD and the Congress to assess the effectiveness of programs and more accurately determine resource requirements. Therefore, the conferees expect that HUD's information technology (IT) strategy will prioritize those investments needed to remedy the deficiencies identified by the Inspector General and GAO. Language has been included in various accounts in title II transferring no less than $351,150,000 to the Working Capital Fund (WCF) for the development and maintenance of information technology systems, an increase of $16,850,000 above the fiscal year 2001 level. HUD is directed to provide the Committees on Appropriations a fiscal year 2002 spending plan for the WCF no later than January 15, 2002, consistent with the format of the multi-year IT plan submitted to the Committees on August 22, 2001.

The conferees understand that most of the WCF increase requested for fiscal year 2002 is

for the planning and development activities related to the re-competition of the HUD Integrated Information Processing Service (HIIPS) contract. To this point little information has been provided to the Committees about HUD's plans for re-competition of HIIPS and the costs associated with implementation of the HIIPS re-competition. Therefore, HUD is directed to provide a comprehensive report on the strategy, status, and out-year funding requirements for HIIPS prior to the expenditure of any of the increase provided for fiscal year 2002.

The conferees also reiterate the direction included in the House report requiring HUD to submit a multi-year IT plan as part of its fiscal year 2003 budget submission. The conferees request that the Inspector General review this plan and provide its views to the Committees on the ability of this plan to improve oversight and management of HUD programs.

While the conferees do not adopt the language in the Senate report related to the Office of Multifamily Housing Assistance Restructuring (OMHAR), the conferees are seriously concerned with the manner in which OMHAR is currently being managed. The conferees are deeply disturbed to learn that OMHAR, an office which has enjoyed a unique amount of autonomy in the management of its staffing and the allocation of its funds, has violated the Anti-Deficiency Act in two out of the three years of its existence. As troubling to the conferees is the fact that the Committees on Appropriations were not notified of these violations sooner. The conferees fully intend to investigate the circumstances that led to these violations, and will take action at the appropriate time. In the interim, the Department is directed to revoke OMHAR's funds allotment privileges and provide vigorous financial and management oversight of OMHAR.

OFFICE OF INSPECTOR GENERAL

Appropriates $93,898,000 for the Office of Inspector General as proposed by the House instead of $88,898,000 as proposed by the Senate. Of this amount, $5,000,000 is provided by transfer from the public housing operating fund account, instead of $10,000,000 as proposed by the House.

Of the amount provided, $5,000,000 is exclusively for anti-predatory lending and anti-flipping activities. These funds are to augment, not supplant, funds already being devoted to such activities. The conferees expect that staff previously engaged in Operation Safe Home activities will be redirected to support these efforts. The OIG is directed to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002.

CONSOLIDATED FEE FUND

(RESCISSION)

Includes a rescission of $6,700,000 from the Fund as proposed by the House and the Senate.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $27,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the Senate instead of $23,000,000 as proposed by the House. Of the amount provided, $4,000,000 is for a one-time increase to address information technology requirements.

Includes language requiring OFHEO to submit a staffing plan to the Committees on Appropriations by January 30, 2002. The conferees expect this staffing plan to prioritize OFHEO's activities relative to implementation of the new risk-based capital regulation. The conferees are aware that a one-year transition period has been provided for implementation of this rule. Should additional resources be required to implement this rule, the conferees will evaluate such requirements when developing the fiscal year 2003 budget.

ADMINISTRATIVE PROVISIONS

Includes modified language related to the allocation of HOPWA funds for the Philadelphia, Pennsylvania and Raleigh-Durham, North Carolina metropolitan areas, similar to language proposed by the House and the Senate.

Does not include language proposed by the Senate extending section 236 excess income eligibility. The House did not include a similar provision.

Does not include language proposed by the Senate amending section 223(d) of the National Housing Act to authorize insurance for the purchase of existing hospital facilities. The House did not include a similar provision.

Includes language repealing the authorization sunset provisions for certain housing counseling assistance activities as proposed by the Senate. The House did not include a similar provision.

Includes language changing the premium structure for section 203(k) and section 234 single family loans as proposed by the House. The Senate proposed the same changes with minor technical language differences related to implementation.

Includes language authorizing the Secretary to waive the 40 percent rent ceiling under section 8 for an assisted living demonstration project in Michigan as proposed by the House. The Senate did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for hospital facilities. The House did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for nursing home facilities. The House did not include a similar provision.

Includes language authorizing HUD's Credit Watch program as proposed by the Senate. The House did not include a similar provision. This provision will clarify existing law to ensure that HUD has the authority to continue to implement the Credit Watch program. This program allows HUD to identify FHA lenders that originate a large number of loans that default quickly, which can be a key indicator of underwriting problems or fraud, and take corrective actions. By eliminating unqualified or unscrupulous lenders, the conferees hope HUD can reduce the number of foreclosed properties. The conferees also believe that further action may be necessary to protect homebuyers and communities, and expects HUD to consider additional steps that could be taken and report back to the appropriate committees with its recommendations.

Includes language requiring all title II programs to comply with the Department of Housing and Urban Development Reform Act of 1989 as proposed by the Senate. The House did not include a similar provision.

Includes modified language exempting Alaska, Mississippi, and Iowa from the statutory requirement of having a resident on the board of a PHA, similar to language proposed by the Senate. The House did not include a similar provision. The conferees are concerned that barriers continue to exist in some States which preclude full implementation of the statutory requirement that public housing residents be full participants on PHA boards. While language is again included providing exemptions to this requirement, the conferees believe that the States should take the appropriate actions necessary to remove barriers, rather than continuing to seek exemptions from the statute. The conferees direct HUD to review the status of implementation of this requirement, identify the factors precluding full implementation and actions being taken by the appropriate State or local entities to remove these barriers, and report its findings to the Committees on Appropriations no later than May 30, 2002.

Includes modified language requiring the Secretary to maintain section 8 rental assistance for any HUD-owned or HUD-held property occupied by an elderly or disabled resident, similar to language proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate amending the National Housing Act to increase the statutory loan limits on certain FHA multifamily and single-family programs. The House did not include a similar provision.

Does not include language proposed by the Senate related to the construction of a tribal student housing project. The House did not include a similar provision.

Includes language modifying the authorized purposes and availability of funds provided to the University of South Carolina in Public Law 106–554 as proposed by the Senate. The House did not include a similar provision.

Includes language amending section 247 of the National Housing Act to change the definitions and eligibility for single-family mortgage insurance on Hawaiian homelands as proposed by the Senate. The House did not include a similar provision.

Includes language waiving the environmental review procedures for certain HOME projects in Arkansas provided certain conditions are met as proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate providing flexible use of existing HOPE VI funds awarded for the Hollander Ridge project. The House did not include a similar provision.

Does not include language proposed by the Senate to change the Fair Housing Act's definition of discrimination based on sex from one based on gender to one based upon victimization from domestic violence. The House did not include a similar provision. The conferees direct HUD to work with PHAs to develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their victimization.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriates $35,466,000 for salaries and expenses as proposed by the House instead of $28,466,000 as proposed by the Senate. Within the appropriated level, $2,000,000 has been provided to complete the backlogged maintenance work identified prior to fiscal year 1998. The conferees commend ABMC for its diligence in identifying, prioritizing, and completing this necessary maintenance, and expect the Commission to report to the Committees on Appropriations, prior to May 1st of each fiscal year, on the current state of maintenance requirements throughout the cemetery system.

The conferees have also provided an additional $5,000,000 above the budget request for the study, planning, and initial construction

costs related to a new visitors center at the Normandy American Cemetery and Memorial near St. Laurent-sur-Mer, France. The conferees are cognizant of the unique circumstances at the Normandy Cemetery, which is both the solemn resting place for 9,387 servicemen and women and a tourist destination for in excess of 1,000,000 annual visitors. Current visitor facilities are entirely inadequate to properly serve those individuals in need of privacy and counseling, as well as those who wish to better understand the historical perspective of the battles that occurred nearby. The conferees intend that in the development of appropriate plans regarding the placement, scope, and character of such a new visitor center, the Commission consult with a variety of entities, including the National Park Service, which may have particular expertise with facilities of this nature.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Appropriates $7,850,000 for salaries and expenses instead of $8,000,000 as proposed by the House and $7,621,000 as proposed by the Senate. Of the amount appropriated, $2,500,000 is available until September 30, 2003 and $5,350,000 is available until September 20, 2002. Bill language has been included again this fiscal year which limits the number of career Senior Executive Service positions to three.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $80,000,000 for the Community Development Financial Institutions Fund as proposed by the House instead of $100,000,000 as proposed by the Senate.

Includes $5,000,000 for technical assistance designed to benefit Native American communities as proposed by the Senate instead of $500,000 as proposed by the House. The conferees agree that Native Hawaiian and Alaskan Native communities are eligible entities for this program.

Provides $9,500,000 for administrative expenses instead of $8,948,000 as proposed by the House and $9,850,000 as proposed by the Senate.

Provides for a limitation on the amount of direct loans of $51,800,000 as proposed by the Senate, instead of $15,000,000 as proposed by the House.

The conferees agree with the direction of the Senate calling for inclusion of a report on rural lending practices as part of the fiscal year 2003 budget submission.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriates $55,200,000 for the Consumer Product Safety Commission, salaries and expenses, instead of $54,200,000 as proposed by the House and $56,200,000 as proposed by the Senate. The amount provided represents a $1,000,000 increase above the budget request to maintain the current level of staffing and operational expenses.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct CPSC to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions CPSC is taking to keep state and local governments, as well as consumers, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $401,980,000 for national and community service program operating expenses instead of $415,480,000 as proposed by the Senate. The House did not provide any new funds for fiscal year 2002 operations, but did not eliminate the agency.

Limits funds as proposed by the Senate to not more than: $31,000,000 for administrative expenses of which $2,000,000 is to be for a cost accounting system; $2,500 for official reception and representation expenses; $5,000,000 from the National Service Trust for national service scholarships for high school students performing community service; $240,492,000 for AmeriCorp grants, of which not to exceed $47,000,000 may be for national direct programs and $25,000,000 for E-Corps; $43,000,000 for school-based and community-based service learning programs; $28,488,000 for quality and innovation activities under subtitle H of title I; and $5,000,000 for audits and other evaluations.

The conferees have agreed to the Senate proposal of $25,000,000 for the National Civilian Community Corps, an increase of $4,000,000 over fiscal year 2001. Additional funds are provided to expand the number of AmeriCorps members serving at the five campuses currently in operation.

The conferees deleted without prejudice funding for the Veterans Mission for Youth Program as proposed by the Senate and agreed to not fund the Silver Scholarship program. The conferees believe the authorizing committees of jurisdiction should evaluate and legislate these programs in the overall consideration of the Corporation's reauthorization.

The conferees direct the Corporation to provide quarterly status reports to the Committees, beginning in January 2002, on the implementation of the new cost accounting system and on the expenditure of awards under the Trust Fund. The Corporation should also provide a copy of the Trust Fund award report to the IG. The conferees agree to the Senate proposal to provide not more than $10,000,000 for the Points of Light Foundation of which $2,500,000 may be used for establishment of an endowment; authorizes the Points of Light Foundation to use up to $2,500,000 of previously appropriated funds for this endowment; $7,500,000 for America's Promise; $5,000,000 for Communities In Schools; $2,500,000 for the YMCA; $1,000,000 for Teach For America; and $1,500,000 for Parents As Teachers. In addition, the conferees provide $1,500,000 for the Youth Life Foundation (YLF) for the same purposes contained in the fiscal year 2001 Statement of Managers (House Report 106–988). The conferees also expect YLF to continue its effort in coordinating and collaborating its activities with America's Promise.

OFFICE OF INSPECTOR GENERAL

Appropriates $5,000,000 for Office of Inspector General as proposed by both the House and the Senate.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriates $13,221,000 for salaries and expenses as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $22,537,000 for salaries and expenses as proposed by the House instead of $18,437,000 as proposed by the Senate. The conferees agreed to include funds over the request to complete construction of the proposed columbarium.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates $70,228,000 for the National Institute of Environmental Health Sciences as proposed by the House and the Senate. Of the appropriated amount, $45,824,000 is for research and $24,404,000 is for worker training activities.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriates $78,235,000 for toxic substances and environmental public health as proposed by the House and the Senate. Bill language has again this year been included which permits the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA. Funds provided for fiscal year 2002 cannot be used by the ATSDR to conduct in excess of 40 toxicological profiles.

The conferees once again encourage ATSDR to provide adequate funds for minority health professions and for the ongoing health effects study on the consumption of Great Lakes fish.

Finally, the conferees have again agreed to cap administrative costs charged by the CDC at 7.5 percent of the amount appropriated herein for the ATSDR.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates $698,089,000 for science and technology instead of $680,410,000 as proposed by the House and $665,672,000 as proposed by the Senate.

The conferees have agreed to the following increases above the budget request:

1. $2,500,000 for EPSCoR;
2. $4,000,000 for the Water Environment Research Foundation;
3. $5,000,000 for the American Water Works Association Research Foundation;
4. $2,000,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program;
5. $750,000 for the Integrated Public/Private Energy and Environmental Consortium (IPEC) to develop cost-effective environmental technology, improved business practices, and technology transfer for the domestic petroleum industry;
6. $750,000 for the Geothermal Heat Pump Consortium (GHP);
7. $500,000 for the Consortium for Plant Biotechnology Research;
8. $1,000,000 for the Center for the Study of Metals in the Environment;
9. $750,000 for the University of South Alabama, Center for Estuarine Research;
10. $500,000 to the University of California, Riverside for continued research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the CE–CERT facility;

11. $750,000 for the San Bernardino Valley Municipal Water District for research and design (cost evaluation and environmental studies) of a mitigation project addressing the city's contaminated high groundwater table and dangers presented by liquefaction;

12. $750,000 to the City of San Bernardino Municipal Water Department's Enhanced Reliability System of Improvements for water distribution and storage in San Bernardino, California;

13. $1,000,000 to improve the transmission, distribution, and storage of potable water in the City of Needles, California;

14. $750,000 for planning, design, and development of a groundwater storage system in the City of San Bernardino, California;

15. $750,000 to the City of Glendale, California working in conjunction with the Utah State University in Logan, Utah, the University of Colorado in Boulder, and UCLA for a research study and pilot treatment plant focused on the removal of chromium 6 from water;

16. $750,000 to the Central California Air Quality Coalition for a California Regional Sacramento and San Francisco Bay Air Quality study for ozone;

17. $1,300,000 for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases;

18. $1,500,000 for the Connecticut River Airshed-Watershed Consortium;

19. $1,250,000 to the University of Miami in Florida for the Rosenstiel School of Marine and Atmospheric Science;

20. $500,000 for the creation of a Center for Environmental Science, a joint project of the University of Chicago and Argonne National Laboratory;

21. $1,000,000 for environmental education and research at the Turtle Cove Research Station, Louisiana;

22. $1,000,000 for the Center for Urban Environmental Research and Education at the University of Maryland Baltimore County;

23. $250,000 to the University of New England for the National Center for Marine Mammal Rehabilitation and Research in Biddeford, Maine;

24. $1,250,000 for the Great Lakes Hydrological Center of Excellence partnership by Western Michigan University and the Environmental Research Institute of Michigan;

25. $500,000 for the Missouri River Institute for research and outreach;

26. $3,900,000 for the Mine Waste Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center;

27. $500,000 to the University of North Carolina at Greensboro for the Bioterrorism Water Quality Protection Program with the aim of developing highly automated and inexpensive testing protocols;

28. $1,500,000 to the University of North Carolina at Chapel Hill for the Schools of Public Health and Medicine to advance the ''one atmosphere'' approach to determining the health effects of air pollution;

29. $1,200,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center;

30. $500,000 to the University of Nebraska-Lincoln's Water Sciences Laboratory at the Water Center for field and laboratory equipment;

31. $500,000 to the University of New Hampshire for groundwater contamination research conducted at the Bedrock Bioremediation Center;

32. $750,000 for the Cancer Institute of New Jersey for research of the influence of environmental factors in cancer causation;

33. $1,000,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute;

34. $100,000 for a study of air quality and noise pollution of the neighborhoods surrounding LaGuardia Airport;

35. $500,000 to Rockland County, New York for an assessment of environmental hazards in Rockland county and the east side of Manhattan;

36. $1,000,000 for continuation of the South Bronx Air Pollution Study being conducted by New York University;

37. $1,500,000 to Syracuse University, New York to develop alternative approaches to assessing the impact of pollutants on environmental systems;

38. $500,000 to the Syracuse Research Corporation in Syracuse, New York for the development of a Probability Risk Assessment Center;

39. $500,000 to the Rivers and Estuaries Center on the Hudson in New York for research on river and estuarine environments;

40. $1,257,000 to the Environmental Technology Commercialization Center in Cleveland, Ohio for the National Environmental Technology Incubator and technology commercialization activities;

41. $1,000,000 to Saint Vincent College in Pennsylvania for an environmental education and teacher preparation initiative;

42. $750,000 for a collaborative effort between the University of Tennessee, Western Carolina University and Emory University for the Air Quality Improvements for the Great Smoky Mountains National Park Initiative;

43. $1,500,000 for the Mickey Leland National Urban Air Toxics Research Center;

44. $1,000,000 for the Gulf Coast Hazardous Substance Research Center;

45. $350,000 to the Texas Institute for Applied Environmental Research at Tarleton State University;

46. $3,500,000 to the University of Houston, Texas for the Texas Learning Computation Center's Environmental Initiative;

47. $1,500,000 to the National Environmental Policy Institute for implementation of a pilot program to address air quality and pollution in a region through the use of telework;

48. $100,000 for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects;

49. $250,000 for acid rain research at the University of Vermont;

50. $1,300,000 for the Canaan Valley Institute to continue to develop a regional sustainability support center and coordinated information system in the Mid-Atlantic Highlands;

51. $970,000 for the Canaan Valley Institute in close coordination with the Regional Vulnerability and Assessment (ReVA) initiative to develop research and educational tools using integrative technologies to predict future environmental risk and support informed, proactive decision-making to be undertaken in conjunction with the Highlands action program; and

52. $500,000 for the National Energy Technology Laboratory for continued activities of a comprehensive clean water initiative in cooperation with EPA Region III.

The conferees have provided an additional $68,200 for civil enforcement and capacity building activities, bringing the fiscal year 2002 funding level for those programs to no less than the fiscal year 2001 level.

The conferees have agreed to reduce funding for hazardous waste research $1,494,100 below the budget request level.

The conferees have agreed to provide $4,000,000 from within available funds throughout the Science and Technology account, for the research, development, and validation of non-animal, alternative chemical screening and prioritization methods, such as rapid, non-animal screens and Quantitative Structure Activity Relationships (QSAR), for potential inclusion in EPA's current and future relevant chemical evaluation programs. Activities funded in this regard should be designed in consultation with the Office of Pollution Prevention and Toxic Substances.

The conferees continue to support the partnership between the EPA and the National Technology Transfer Center and expect the Agency to continue the cooperative agreement at the fiscal year 2001 level.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,054,511,000 for environmental programs and management instead of $2,004,599,000 as proposed by the House and $2,061,996,200 as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $16,000,000 for rural water technical assistance activities and ground water protection with distribution as follows: $9,000,000 for the NRWA; $3,500,000 for RCAP; $750,000 for GWPC; $1,750,000 for Small Flows Clearinghouse; and $1,000,000 for the NETC;

2. $1,000,000 for implementation of the National Biosolids Partnership Program;

3. $2,000,000 for the source water protection program;

4. $5,000,000 to accelerate the development of new and update current IRIS values;

5. $1,750,000 for Chesapeake Bay small watershed grants, to be expended as specified in Senate Report 107–43. This increase, along with EPA's redirection of $698,700 in fiscal year 2001 EPM funds to the Chesapeake Bay Program for fiscal year 2002 will result in a total of $21,267,400 available in fiscal year 2002 for the Chesapeake Bay Program. This amount is $539,300 above the fiscal year 2001 level;

6. $537,600 for the Great Lakes National Program Office for a total program level of $15,500,000;

7. $5,500,000 for the National Estuary Program for a total program level of $22,553,200. The conferees recommend that a minimum of 65 percent of the funds provided for the National Estuary Program be reserved for programs in the estuaries of national significance for which the Administrator has convened a management conference by the date of enactment of this appropriation Act pursuant to section 320 of the Federal Water Pollution Control Act, as amended, for the development and implementation of a comprehensive conservation and management plan;

8. $1,545,200 for the Lake Champlain Basin Program for a total program level of $2,500,000;

9. $2,022,600 for the Long Island Sound Program Office for a total program level of $2,500,000;

10. $2,500,000 for the National Alternative Fuels Training Consortium;

11. $200,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup and pollution prevention programs;

12. $500,000 for the Kenai River Center for continued research on watershed issues;

13. $1,000,000 for the Columbia Basin Groundwater Management Area;

14. $1,000,000 for the Frank M. Tejeda Center for Excellence in Environmental Operations;

15. $4,700,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations;

16. $850,000 for the Southcoast Harbor education and monitoring project;

17. $2,500,000 for the Southwest Center for Environmental Research and Policy;

18. $250,000 for the Northwest Straits Commission;

19. $4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka; Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University, with each Center to receive $500,000;

20. $1,000,000 to the Gas Technology Institute for the Agricultural Mixed Waste Thermo-Depolymerization BioRefinery Project;

21. $700,000 for the Alabama Department of Environmental Management for the water and wastewater training program;

22. $500,000 to the Pima County Wastewater Management Department for a regional water quality research project in Arizona;

23. $300,000 to Riverside County, California for continued work on the Special Area Management Plan portion of the Riverside County Integrated Plan;

24. $500,000 to the San Joaquin River Exchange Contractors Authority for the development, planning and design of watershed restoration projects;

25. $750,000 to Ventura County, California for the completion and implementation of the Calleguas Creek Watershed Management Plan;

26. $250,000 to establish a Santa Ana River Watershed Research and Training Program at the Water Resources Institute of California State University, San Bernardino;

27. $500,000 to the Sacramento County, California Regional Sanitation District to continue the Sacramento River Toxic Pollutant Control Program and the Sacramento River Watershed Program;

28. $500,000 to the National Park Service/Golden Gate National Parks Association for the Crissy Field tidal marsh wetlands monitoring and restoration project;

29. $500,000 for MTBE remedial activities in Santa Monica, California;

30. $500,000 for cross-media and water quality monitoring in the Sweetwater River watershed, California;

31. $500,000 for Gateway Cities, California, diesel emissions reduction program;

32. $250,000 for the Central California ozone study;

33. $250,000 to Miami-Dade County, Florida for lead screening, testing, outreach education and abatement in the Liberty City neighborhood;

34. $200,000 to Miami-Dade County, Florida to expand the existing environmental education program;

35. $500,000 to the Southwest Water Management for fishery and habitat restoration in Lake Panasoffkee, Florida;

36. $850,000 for the University of West Florida to determine if a connection exists between elevated levels of illness in Northwest Florida and the levels of toxic pollutants in the area;

37. $1,500,000 to Columbus Water Works in Georgia for an Advanced Biosolids Flow-Through Thermophilic Treatment Process demonstration project;

38. $100,000 for the American Farmland Trust to continue support for the design for the environment for farms program in Hawaii and the American Pacific;

39. $400,000 for the County of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource management by upgrading solid waste transfer stations into community recycling centers;

40. $500,000 for the Economic Development Alliance of Hawaii to promote biotechnology to reduce pesticide use in tropical and subtropical agricultural production;

41. $250,000 for the County of Maui for the control of nuisance seaweed accumulations on the beaches of Kihei, Maui, Hawaii;

42. $1,000,000 to the Water Systems Council to assist in the effective delivery of water to rural citizens nationwide;

43. $750,000 for the painting and coating assistance initiative through the University of Northern Iowa;

44. $750,000 for the Center for Agricultural and Rural Development at Iowa State University for the Resource and Agricultural Policy Systems program;

45. $500,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa;

46. $1,000,000 for Boise State University for developing multipurpose sensors to detect and analyze environmental contaminants;

47. $900,000 for the Environmental Biotechnology Institute at the University of Idaho to develop selenium control technologies;

48. $2,000,000 for the Coeur d'Alene Basin Commission, established by the State of Idaho to carry out pilot program for environmental response, natural resource restoration and related activities;

49. $500,000 to the Lake County, Illinois Stormwater Management Commission for an assessment of natural resources in the Upper Des Plaines River watershed;

50. $500,000 to Raccoon Lake, Centralia, Illinois for implementation of a water supply plan including engineering and design costs;

51. $500,000 to Purdue University in Indiana for the Contaminant Remediation Optimization Program (CROP);

52. $200,000 to the City of Shreveport, Louisiana to provide technical support for the Mayor's Clean Air Citizens Advisory Committee;

53. $100,000 for a regional water and sewer consolidation study in St. Bernard Parish, Louisiana;

54. $4,000,000 for the Lake Pontchartrain Basin Restoration Program;

55. $200,000 for a study of air quality in the Shreve-Bossier area of Louisiana;

56. $500,000 to the University of Maryland for the Regional Earth Sciences Center and mapping of wetlands in the Chesapeake Bay watershed;

57. $750,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project;

58. $1,000,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Montgomery and Prince Georges Counties, Maryland;

59. $500,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies;

60. $500,000 to the Cranbrook Education Community to implement a storm water management plan within the Upper Rouge River watershed;

61. $1,000,000 for the Food and Agriculture Policy Research Institute's Missouri watershed initiative project;

62. $500,000 for the City of Lake St. Louis, Missouri for a Water Quality study of Peruque Creek Watershed;

63. $300,000 to Mecklenburg County, North Carolina for the continuation and expansion of the Charlotte Surface Water Improvement and Management program;

64. $850,000 for continued activities of the North Carolina Central University research initiative;

65. $400,000 to Wake County, North Carolina for planning, environmental analysis and design of a watershed management plan;

66. $250,000 to the Crop Life Foundation for a North Carolina Environmental Stewardship Project;

67. $750,000 to the Town of Rosman, North Carolina for the development of engineering plans for addressing the Town's wastewater infrastructure needs;

68. $250,000 to Rowan University in Glassboro, New Jersey for the Environmental Community Revitalization and Research Initiative as a demonstration program;

69. $200,000 to the Borough of Rutherford, New Jersey for an engineering study of the area's sanitary sewer collection system;

70. $13,600 for the water quality monitoring program along the New Jersey-New York shoreline for a total of $300,000;

71. $1,500,000 to continue the sediment decontamination technology demonstration in the New York-New Jersey Harbor;

72. $100,000 for Fallon, Nevada, for arsenic removal technologies;

73. $750,000 to Alfred University of Alfred, New York for the Center for Environmental and Energy Research (CEER);

74. $250,000 to the Town of Babylon, New York for a feasibility study on expanding the Southwest Sewer District;

75. $500,000 for the development of an Environmental Leadership Institute at Niagara University, New York;

76. $250,000 to the Rochester Institute of Technology (RIT) to create a National Materials Recovery and Recycling Center of Excellence;

77. $1,500,000 for continued work on the water quality management plans for the Central New York watersheds in Onondaga and Cayuga counties;

78. $500,000 to Cornell University in New York for a demonstration project in Skaneateles, Otisco and Oneida Lake Watersheds to study the effectiveness of biological controls in addressing the environmental and ecological problems caused by milfoil, waterchestnuts and other aquatic weeds;

79. $150,000 to the State University of New York's Environmental School of Forestry for the Otisco Lake Watershed Evaluation Project;

80. $1,400,000 for the Ohio River Watershed Pollutant Reduction Program;

81. $500,000 for the Integrated Petroleum Environmental Consortium;

82. $100,000 to the City of Altus, Oklahoma to conduct environmental engineering studies for the expansion of water treatment facilities;

83. $130,000 to the City of Lancaster, Pennsylvania for lead screening, testing, outreach, education and abatement;

84. $500,000 for the Brazos-Navasota watershed management project;

85. $250,000 for the Envision Utah Project;

86. $250,000 for the Vermont Department of Agriculture to work with conservation districts to reduce non-point source pollution run-off to the Poultney-Mettowee watershed;

87. $500,000 to King County, Washington for the Direct Carbonate Fuel Cell Demonstration Project;

88. $500,000 to Franklin, Grant, and Adams Counties to support the Groundwater Management Area in Washington State;

89. $50,000 to the Lake Washington Technical College—Redmond campus for the next phase of the environmental assessment of a DoD site;

90. $1,750,000 to the Green Bay Metropolitan Sewerage District in Wisconsin for a biosolids treatment demonstration project;

91. $600,000 for a two year study of sewer system improvements for Superior, Wisconsin;

92. $1,230,000 for on-going activities at the Canaan Valley Institute, including activities relating to community sustainability;

93. $300,000 for the continued implementation of the Potomac River Visions Initiative through the Friends of the Potomac;

94. $200,000 to the Polymer Alliance Zone's MARCEE Initiative with oversight being provided by the Office of Solid Waste.

The conferees have also included an increase of $8,664,000 for enforcement activities conducted by the EPA through the Environmental Programs and Management account.

Agency-wide, the conferees have restored $15,001,100 for enforcement programs and activities conducted through the Science and Technology, Hazardous Substance Superfund, and Environmental Programs and Management accounts, bringing the Agency funding total for enforcement to slightly more than the fiscal year 2001 level. The conferees expect the Agency to restore federal enforcement positions in accordance with the fiscal year 2001 Operating Plan. The conferees recognize that restoring these enforcement positions may result in the on-board personnel level at EPA to exceed 17,500 FTEs.

The conferees have agreed to the following reductions from the budget request:

1. $1,322,900 from Administrative Services;
2. $2,097,800 from Direct Public Information and Assistance;
3. $2,298,700 from Public Access programs;
4. $2,581,200 from Regional Management activities;
5. $2,896,400 from Reinvention programs;
6. $3,234,800 from Project XL; and
7. $11,260,200 as a general reduction.

The conferees direct the Agency to provide no less than the fiscal year 2001 funding level for continuing operation of the Environmental Education programs.

The conferees have, within available funds, provided $2,000,000 for the eight Environmental Finance Centers. This represents an increase of $751,000 over the budget request for this excellent program. Also within available funds, the Agency is directed to provide $3,000,000 above the budget request level for implementation of the High Production Volume Chemical Challenge Program; $200,000 for setting standards and to increase awareness of the benefits of ambient temperature glass technology; and $500,000 for the Association of Metropolitan Sewerage Agencies to provide information to the wastewater treatment industry regarding security measures, and to facilitate communication and coordination between the wastewater treatment industry and relevant governmental agencies in order to increase security at wastewater facilities throughout the nation.

Again this year, the Agency is directed to provide no less than the budget request levels for Pesticide Registration and Re-registration programs. Further, up to $9,000,000 requested to support 87 FTEs in the re-registration program may be used to support tolerance reassessment activities. Bill language has again been included in title IV, General Provisions, prohibiting funds for use to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Federal Register 31040, or any similar proposal. Finally, the conferees direct the Agency to use $1,500,000 from within available funds (other than those funds budgeted and provided specifically for registration, re-registration, and tolerance assessment activities) to further demonstrate the current, as well as the proposed expanded role of the Agency, regarding the expedited review and registration of reduced risk pesticides. The Agency is urged to provide for the Committees on Appropriations a detailed report on the results of this demonstration and any specific plans the Agency may have to expand the program.

The conferees have provided, also from within available funds, $2,000,000 for the Administrator to develop and carry out a lamp recycling outreach program. In order to increase awareness of proper disposal methods among commercial and industrial users of energy efficient mercury-containing lamps, including fluorescent and high discharge lamps, this program should be used to promote lamp recycling, in compliance with the provisions of Federal and State Universal Waste Rules. The program is to be developed jointly with State environmental agencies, and with lamp manufacturers and lamp recyclers, either as individual companies, or collectively through their trade associations.

The conferees have provided the full budget request for the Endocrine Disrupter Screening Program and direct that no reductions be proposed in the operating plan submission for this important program. In addition, the conferees are encouraged that the Agency is establishing the Endocrine Disruptor Methods Validation Subcommittee (EDMVS) of the National Advisory Council for Environmental Policy (NACEPT). The EDMVS will provide a means by which interested parties can participate to express their concerns and work to ensure a scientifically sound validation process for the animal and non-animal based screens and tests in the developing program. The conferees urge EPA to develop validation processes that incorporate the advice of the EDMVS, and the Agency is requested to provide a report to the Committees on Appropriations on the status of the EDMVS by March 15, 2002.

The conferees are aware of the extraordinary success the military services have achieved in recent years by utilizing pulse technology in vehicles and equipment. This technology has contributed to significant cost savings in battery management programs and has enhanced the ability of the military services to increase the effectiveness of their environmental responsibilities through the extension of the service life of its batteries. In light of this success of the military, the conferees expect EPA to actively investigate the environmental and monetary benefits that could be realized by encouraging government-wide use of pulse technology in the maintenance of the federal vehicle fleet and other applicable equipment.

In August 2000, EPA published an assessment of the state of the streams of the Mid-Atlantic Highlands area. Because of the importance of the Mid-Atlantic Highlands and the success of the aforementioned assessment, the conferees direct the Agency to prepare a follow-up report on the state of the Mid-Atlantic Highlands as a whole by April 15, 2002. Further, consistent with the House Report accompanying H.R. 2620, the Administrator is expected to enter into an interagency agreement with other federal agencies and cooperative agreements with states, local governments and non-governmental organizations to carry out the goals of the Mid-Atlantic Highlands program.

The conferees note that EPA's August 1, 2001, draft report on ''The National Costs of the Total Maximum Daily Load Program'' does not provide any information on the cost of regulatory changes to the TMDL program on small businesses, notwithstanding specific language in the statement of managers accompanying the fiscal year 2001 appropriations Act directing EPA to conduct that analysis. The conferees intend EPA to estimate the cost to small businesses from implementation of that rule, whether those costs are imposed directly by EPA or indirectly by State programs implementing EPA regulations.

The conferees continue to support efforts being undertaken by state energy, environmental, utility and transportation agencies to integrate their programs, policies, and regulations. The conferees encourage the relevant federal agencies to actively support and participate in this effort.

The conferees are aware that controversy has surrounded adoption of EPA's mixture and derived-from rules. In its adoption of a final rule in May 2001, EPA expressed its intent to continue to pursue actions to provide exemptions for certain low-risk wastes as identified through public comments and scientific documentation. The conferees expect the Agency to expedite the review of any requests for exemptions that may result in the management of certain residues and mixtures as non-hazardous waste, and to finalize those exemptions only where science supports such a determination.

The conferees agree that unspent funds made available in prior year appropriation Acts for certain activities or projects in Cortland County, New York may be used to fund additional projects specifically in that county.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct EPA to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions EPA is taking to keep state and local governments, as well as the public, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

The conferees are aware of significant and increasing water quality and water quantity problems along the Fox River watershed in Kane, McHenry, Lake, Kendall, DeKalb, and LaSalle Counties, Illinois. The conferees urge that available funds to EPA be used to initiate the development of aggregated watershed data, a watershed-wide Geographic Information System (GIS), overall watershed water quality assessment and modeling, and a framework for facilitating a comprehensive watershed management plan. Any grants made by EPA for this project should be provided to the Illinois EPA.

OFFICE OF INSPECTOR GENERAL

Appropriates $34,019,000 for the Office of Inspector General as proposed by the House and the Senate. In addition to amounts appropriated directly to the OIG, $11,867,000 is also available by transfer from funds appropriated for Hazardous Substance Superfund.

BUILDINGS AND FACILITIES

Appropriates $25,318,000 for buildings and facilities as proposed by the House.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,270,000,000 for hazardous substance superfund as proposed by the House instead of $1,274,645,560 as proposed by the Senate. Bill language provides that $635,000,000 of the appropriated amount is to be derived from the Superfund Trust Fund, while the remaining $635,000,000 is to be derived from General Revenues of the Treasury. Additional language provides for the transfer of $11,867,000 to the Office of Inspector General, and for the transfer of $36,891,000 to the Science and Technology account as proposed by the House instead of $36,890,500 as proposed by the Senate.

The conferees have agreed to the following fiscal year 2002 funding levels:

1. $910,070,000 for Superfund response and cleanup activities.
2. $139,346,000 for enforcement activities.
3. $133,000,000 for management and support.
4. $11,867,000 for transfer to the Office of Inspector General.
5. $36,891,000 for research and development activities, to be transferred to the Science and Technology account.
6. $38,826,000 for reimbursable interagency activities, including $28,150,000 for the Department of Justice and $10,676,000 for OSHA, FEMA, NOAA, the United States Coast Guard, and the Department of the Interior.

The conferees have agreed to provide the budget request level of $97,651,600 for the Brownfields program, which includes funding from various programs within the Hazardous Substance Superfund account (totaling $94,977,400) and the Environmental Programs and Management account. The conferees further agree that the fiscal year 2001 funding levels for the SITE program and for the hazardous substance research centers be maintained for fiscal year 2002.

Once again this year, the conferees support the national pilot worker training program which recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated properties for work in the environmental field. The conferees direct EPA to continue funding this effort in cooperation and collaboration with the National Institute of Environmental Health Sciences.

The conferees agree that $100,000,000 of the appropriated amount shall not become available until September 1, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $73,000,000 for the leaking underground storage tank program instead of $79,200,000 as proposed by the House and $71,947,400 as proposed by the Senate.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response as proposed by the House instead of $14,986,000 as proposed by the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,733,276,000 for state and tribal assistance grants instead of $3,436,899,000 as proposed by the House and $3,603,015,900 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants; $850,000,000 for Safe Drinking Water SRF capitalization grants; $75,000,000 for the United States-Mexico Border program; $40,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and Alaska Native communities; $1,074,376,000 for categorical grants to the states and tribes; $343,900,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure; and $25,000,000 for a new Environmental Information Exchange Network grant program.

The conferees have included bill language which, for fiscal year 2002, authorizes the Administrator of the EPA to use funds appropriated pursuant to the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319(h) and 518(e) of FWPCA. In addition, bill language has been adopted which, (1) will permit the states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations; (2) permits the Administrator to reserve up to 1½ percent of the funds appropriated for the SRF under title VI of the FWPCA for grants under section 518(c) of that Act; (3) for fiscal year 2002, authorizes the states to transfer funds between the Clean Water and Safe Drinking Water SRF programs; and (4) stipulates that no funds provided in the Act to address water infrastructure needs of colonias within the United States along the United States-Mexico border shall be made available to a county or municipal government unless that governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

As in previous years, the conferees have included bill language which stipulates that none of the funds provided in this or any previous years' Act for the Safe Drinking Water SRF may be reserved by the Administrator for health effects studies on drinking water contaminants. The conferees have instead provided significant resources for such studies within EPA's Science and Technology account.

The conferees have included bill language which will allow the Agency to use undesignated funds appropriated in prior years for specific water and wastewater grants approved for fiscal year 2002, but have not included a provision authorizing the expenditure of funds for a new State Enforcement Grant program. Although the conferees are generally supportive of state grant programs, it is believed that additional time is needed for the Agency to review and refine this proposal for inclusion in a future budget submission. The conferees note that this action to disapprove inclusion of this new program has been taken without prejudice.

Of the funds provided for the United States-Mexico Border program, $7,000,000 is for the El Paso desalination and water supply project, and $2,000,000 is for the Brownsville, Texas water supply project.

Of the amount provided through categorical grants for air resource assistance grants under sections 103 and 105 of the Clean Air Act, as amended, $10,000,000, an increase of $5,000,000 above the budget request, is for section 103 grants to the states to develop regional haze programs under title I, part C of the Clean Air Act. It is the intention of the conferees that these funds be used to aid states in the development of emissions inventories, quantification of natural visibility conditions, monitoring and other data necessary to define reasonable progress and develop control strategies, and to support the states' participation in regional efforts to coordinate their strategies, where necessary, and at the election of the individual states. The conferees direct the Agency to disburse the funds for the regional haze program to the States' regional planning organizations within 30 days of receipt of completed grant applications.

In addition, the conferees have provided $8,000,000 above the budget request for section 105 air resource assistance grants, $22,593,600 above the budget submission for section 106 water pollution grants and $8,000,000 above the budget submission for the new Beach Environmental Assessment and Coastal Health Act (BEACH) grant program. The conferees have agreed to provide the budget request level for section 319 nonpoint source pollution grants.

The conferees agree that the $343,900,000, together with unallocated funds made available in prior appropriations Acts for communities or other governmental entities for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure, shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not financially possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and it is expected that this high level of effort and flexibility will continue throughout fiscal year 2002. In addition, the conferees agree that unspent water and wastewater infrastructure funds totaling approximately $164,000 provided in a prior appropriation Act for Franklin County, Pennsylvania may be spent for other such water and wastewater infrastructure projects in that county.

The distribution of funds under this program is as follows:

1. $1,800,000 of the Ketchikan Gateway Borough, Alaska for sewer and water improvements;
2. $1,000,000 for Pelican, Alaska water and sewer improvements;
3. $1,800,000 for Petersburg, Alaska for water and sewer upgrades;
4. $3,000,000 for the Girdwood, Alaska water extension;
5. $3,000,000 for addressing above ground leaking fuel tanks in Alaska;
6. $1,500,000 for Wasilla, Alaska water and sewer improvements;
7. $900,000 to the City of Sitka, Alaska for water and wastewater infrastructure improvements for the Sawmill Cove Industrial Park;
8. $500,000 to Tuscaloosa County, Alabama for countywide water and sewer facilities;
9. $1,000,000 for the Southeast Alabama Regional Water Authority for a water facility project;
10. $600,000 for Grant, Alabama for wastewater collection and treatment facilities;
11. $1,000,000 for the City of Jackson, Alabama for water system improvements;
12. $450,000 to Blount County, Alabama for a wastewater treatment and collection systems;
13. $1,900,000 to Rainsville, Alabama for a wastewater treatment facility upgrade and expansion;
14. $500,000 to Arab, Alabama for sewer infrastructure improvements;
15. $300,000 to Guin, Alabama for sewer infrastructure improvements;
16. $250,000 to Franklin County, Alabama for water infrastructure improvements;
17. $300,000 to Sumiton, Alabama for water system infrastructure improvements;
18. $350,000 to Sardis City, Alabama for sewer infrastructure improvements;
19. $900,000 to Shelby County, Alabama for wastewater infrastructure improvements;
20. $2,500,000 to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System;
21. $1,000,000 to the Town of Citronelle, Alabama South Alabama Utilities for water infrastructure improvements in Mobile County;
22. $500,000 to the City of Jackson, Alabama for construction of a water treatment facility;
23. $250,000 to the Town of Fulton, Alabama for wastewater infrastructure improvements;
24. $500,000 to the Mobile County Water, Sewer and Fire Protection Authority for construction of new facilities and upgrades to existing facilities;
25. $750,000 to the City of Brewton, Alabama for drainage infrastructure improvements;
26. $1,000,000 to the City of Huntsville, Alabama for water system improvements;
27. $1,000,000 to Hartselle Utilities for wastewater infrastructure in the City of Hartselle, Alabama;
28. $1,000,000 to the City of Tuscumbia, Alabama for drinking water infrastructure improvements;
29. $500,000 to the Limestone County Water and Sewer Authority for drinking water infrastructure improvements;
30. $500,000 to the West Morgan-East Lawrence Water Authority for drinking water infrastructure improvements;
31. $115,000 to the City of Luverne, Alabama for water and wastewater infrastructure improvements;
32. $485,000 to the Clay County, Alabama Water Authority for water and wastewater infrastructure improvements;

33. $2,000,000 for Union County, Arkansas for a community drinking water system;
34. $250,000 to the City of Menifee, Arkansas for wastewater infrastructure improvements;
35. $1,000,000 for the State of Arizona Water Infrastructure Finance Authority for making a loan to the City of Safford, Arizona to address the city's wastewater needs, which will be repaid by the city to the Arizona Clean Water Revolving Fund under title VI of the Federal Water Pollution Control Act, as amended;
36. $500,000 for the Santa Rosa, California, drinking water infrastructure needs;
37. $500,000 for the Los Banos, California, wastewater and drinking water infrastructure project;
38. $500,000 for Compton, California, sewer infrastructure needs;
39. $1,175,000 for Sacramento, California, combined sewer system improvements;
40. $850,000 for the Placer County, California, wastewater treatment project;
41. $500,000 for Lake County, California, for the Clear Lake Basin 2000 project;
42. $2,800,000 for the Olivenhain, California drinking water project;
43. $500,000 for Oxnard, California, area drinking water infrastructure needs;
44. $400,000 to the City of Colton, California for storm drain improvements;
45. $900,000 to the Mission Springs Water District in California to protect groundwater in the City of Desert Hot Springs;
46. $250,000 to the City of Modesto, California for replacement of the 9th Street storm drain;
47. $900,000 to the City of Laguna Beach, Orange County, California for water and wastewater infrastructure improvements;
48. $100,000 to the Calaveras County Water District, California for water infrastructure improvements at the West Point Water System;
49. $150,000 to the Tuolumne Utilities District of Tuolumne County, California for water supply infrastructure improvements and a canal optimization study;
50. $1,800,000 to the Cities of Arcadia and Sierra Madre, California for seismic infrastructure upgrades to the drinking-water delivery system;
51. $485,000 to the Metropolitan Water District of Southern California for the Desalination Research and Innovation Partnership project;
52. $485,000 to the City of Redding, California for water and wastewater infrastructure improvements for the Stillwater Industrial Park;
53. $900,000 to the City of Bellflower, California for a water infrastructure project;
54. $500,000 for the continuation of water infrastructure improvements in Twentynine Palms, California;
55. $250,000 for the Warren Valley Basin Recharge/Reuse project in Yucca Valley, California;
56. $500,000 for the Lower Owens River Project in Inyo County, California;
57. $500,000 for the completion of water infrastructure improvements in the Yucaipa Valley Water District in Yucaipa, California;
58. $250,000 for the development of a water master plan to serve the water infrastructure needs of the City of Hesperia, California;
59. $500,000 for planning and design of a sewage treatment and water reclamation facility in Apple Valley, California;
60. $500,000 for environmental engineering and preliminary design of a regional water recycling facility in Victorville, California;
61. $485,000 to the City of Compton, California for the Willowbrook Water Main Infrastructure project;
62. $675,000 to the City of Brea, California for wastewater infrastructure improvements;
63. $250,000 to the City of Pico Rivera, California for repairs and upgrades of the sewage system;
64. $540,000 to the City of Lathrop, California to address contamination of the Sharp Depot well;
65. $250,000 to Mariposa County, California for infrastructure improvements to the Yosemite West wastewater treatment and disposal facility;
66. $900,000 to the City of Huntington Beach, California for the Huntington Beach Environmental Infrastructure Project;
67. $675,000 to the City of South Gate, California for wastewater infrastructure improvements;
68. $350,000 to the City of Garden Grove, California for construction of the Yockey/Newland Storm Drain;
69. $485,000 to the City of Santa Rosa, California for the Santa Rosa Geysers Reclaimed Water project;
70. $250,000 to the County of Ventura, California for wastewater infrastructure needs in El Rio;
71. $1,485,000 for the Towns of Naturita and Nucia, Colorado for drinking water infrastructure improvements;
72. $1,000,000 for the City of Montrose, Colorado for the Montrose Wastewater Inflow and Infiltration project;
73. $2,400,000 to the City of New Britain, Connecticut for water and sewer infrastructure needs;
74. $485,000 to the Central Naugatuck Valley Council of Governments for water and wastewater infrastructure improvements in the towns of Waterbury, Wolcott, and Middlebury, Connecticut;
75. $1,800,000 to the District of Columbia Water and Sewer Authority to mitigate combined sewer overflows into the Anacostia and Potomac Rivers;
76. $2,000,000 for the Town of Millsboro, Delaware, for wastewater infrastructure needs;
77. $2,000,000 for Eastern Orange and Seminole Counties, Florida, for wastewater treatment upgrades;
78. $900,000 to the City of Clearwater, Florida for water and wastewater infrastructure improvements;
79. $485,000 to St Johns County, Florida for septic tank replacement in the West Augustine community;
80. $250,000 to the City of Jacksonville, Florida for extension of public water hookups;
81. $485,000 to Hillsborough County, Florida for water and wastewater infrastructure improvements;
82. $4,000,000 to Miami-Dade County, Florida for water and wastewater infrastructure improvements;
83. $675,000 to the City of West Palm Beach, Florida for completion of the IPR/Renaissance project, a wetlands-based indirect potable water and wastewater reuse program;
84. $250,000 for the Central Florida Artificial Enhancement Program/Lake Marden Recharge Project;
85. $800,000 to the City of Opa-locka, Florida for drinking water, wastewater and sewer infrastructure improvements;
86. $500,000 to the City of North Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;
87. $500,000 to the City of North Miami Beach, Florida for drinking water, wastewater and sewer infrastructure improvements in the Highland Village neighborhood;
88. $500,000 to the City of South Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;
89. $900,000 to Sarasota County, Florida for the Phillippi Creek Septic Tank replacement project;
90. $900,000 to the City of Boca Raton, Florida for upgrades to the water treatment plant;
91. $485,000 to fund the Central Florida Aquifer Recharge Enhancement Program—Surface Water Recharge Projects;
92. $9,650,000 to the Florida Department of Environmental Protection for the Tampa Bay, Florida regional reservoir infrastructure project;
93. $2,000,000 for the City of Roswell, Georgia, Big Creek Watershed drinking water and sewer infrastructure needs;
94. $900,000 to Paulding County, Georgia for the Richland Creek Reservoir Project;
95. $500,000 to the Guam Waterworks Authority for upgrades to the ground water chlorination system;
96. $1,000,000 for the County of Hawaii to upgrade its drinking water system;
97. $1,985,000 for the City of Des Moines, Iowa for wastewater and stormwater infrastructure improvements;
98. $2,400,000 to the City of Mason City, Iowa for upgrades to its water treatment facilities;
99. $750,000 for the City of Bancroft, Idaho, for water system upgrades;
100. $750,000 for the City of Burley, Idaho, to continue work on a wastewater treatment system project;
101. $250,000 to the Bayview Water and Sewer District in Idaho for the Cape Horn Area Clean Water Compliance Project;
102. $250,000 to the City of Filner, Idaho for construction of a municipal water system;
103. $500,000 for Rock Falls, Illinois, wastewater treatment improvements;
104. $500,000 for Illinois' Clark-Edgar Rural Water District drinking water project;
105. $500,000 for the Monmouth, Illinois, storm sewer project;
106. $985,000 for Galena, Illinois, wastewater treatment improvements;
107. $500,000 for the City of Paris, Illinois, for drinking water infrastructure needs;
108. $500,000 for the City of Macomb, Illinois, for drinking water infrastructure needs;
109. $1,000,000 for the City of Lawrenceville, Illinois for a wastewater treatment facility;
110. $485,000 to the Village of Orland Park, Illinois for wastewater infrastructure improvements;
111. $485,000 to the City of Moline, Illinois for the City's Water Improvement Project;
112. $1,800,000 to the City of Aurora, Illinois for a combined sewer overflow project;
113. $250,000 to the City of Sandwich, Illinois for wastewater and stormwater infrastructure improvements;
114. $900,000 to the Village of Carol Stream, Illinois for expansion of the Carol Stream Reclamation Center;
115. $485,000 to the City of Chrisman, Illinois for construction of a new sewage treatment plant;
116. $900,000 to the Village of Metamora, Illinois for water and wastewater infrastructure improvements;
117. $250,000 to the Village of Justice, Illinois for a water infrastructure improvement project at the Wesley Fields water system;
118. $485,000 to the Village of Johnsburg, Illinois for construction of a wastewater conveyance and treatment system;
119. $900,000 for the City of Fort Wayne, Indiana for a model sewer improvement and stormwater retention project;
120. $630,000 to the Town of Westfield, Indiana for a sewer system improvement project;
121. $300,000 to the City of Carmel, Indiana for infrastructure improvements and an ultraviolet disinfection system;
122. $485,000 to Merrillville Conservancy District in Merrillville, Indiana for wastewater infrastructure improvements;
123. $1,000,000 for the City of Hays, Kansas for the South Russell County Water Project;
124. $485,000 to the City of Ottawa, Kansas for the engineering and design of a new wastewater treatment facility;

125. $500,000 to the City of Wichita, Kansas for wastewater infrastructure rehabilitation;
126. $1,000,000 for Daviess County, Kentucky, for drainage improvements;
127. $485,000 to Bluegrass PRIDE of Kentucky for cleanup of Bluegrass Rivers and Streams;
128. $300,000 to the City of Lawrenceburg, Kentucky for water and wastewater infrastructure improvements;
129. $200,000 to the City of Irvine, Kentucky for the Irvine Sewer Rehabilitation in Estill County;
130. $600,000 to the City of Hodgenville, Kentucky for modernization of the sewer system;
131. $400,000 to the City of Mount Washington, Kentucky for extension of water and wastewater infrastructure for an industrial park;
132. $250,000 to the City of Owenton, Kentucky for extension of sanitary wastewater collection systems;
133. $3,600,000 to the City of Somerset, Kentucky for wastewater infrastructure improvements;
134. $1,400,000 to the City of London, Kentucky for wastewater infrastructure improvements;
135. $485,000 to Ohio County, Kentucky for the Regional Wastewater project;
136. $2,000,000 for the Orleans Parish, Louisiana, sanitary sewer inflow infiltration project;
137. $500,000 for East Baton Rouge Parish, Louisiana, water and sewer infrastructure needs;
138. $485,000 to the City of Denham Springs, Louisiana for wastewater infrastructure upgrades at the Livingston Parish sewer districts Nos. 1 and 2;
139. $900,000 to St. Charles Parish, Louisiana to address noncompliance issues regarding Luling Oxidation Pond;
140. $200,000 to St. John the Baptist Parish, Louisiana for water and wastewater infrastructure improvements;
141. $900,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements;
142. $300,000 to the City of New Iberia, Louisiana for water and wastewater infrastructure improvements;
143 $100,000 to St. James Parish, Louisiana for water and wastewater infrastructure improvements;
144. $200,000 to the Bayou Lafourche Freshwater District for drinking water improvements and saltwater intrusion prevention;
145. $100,000 to the City of Thibodaux, Louisiana for water and wastewater infrastructure improvements;
146. $2,000,000 for the Bristol County, Massachusetts, combined sewer overflow projects;
147. $350,000 to the City of Lowell, Massachusetts for combined sewer overflow infrastructure support;
148. $485,000 to the Pioneer Valley Planning Commission for mitigation of combined sewer overflows along the Connecticut River;
149. $4,800,000 for biological nutrient removal upgrades at the City of Salisbury, Maryland, wastewater treatment plant;
150. $500,000 for biological nutrient removal upgrades at the Conococheague wastewater treatment plant, Washington County, Maryland;
151. $485,000 to the Hartford County, Maryland Division of Water and Sewer for a water and wastewater extension for the Oaklyn Manor and Manorville Road communities;
152. $900,000 to the City of Cambridge, Maryland for a Biological Nutrient Removal upgrade project and a combined sewer overflow project;
153. $2,000,000 for Vinalhaven, Maine for wastewater infrastructure improvements;
154. $500,000 for the City of Calais, Maine to develop a safe drinking water system;
155. $3,000,000 for the City of Negaunee, Michigan, for wastewater treatment upgrades;
156. $1,000,000 for the Genesee County, Michigan, wastewater treatment project;
157. $900,000 to the City of Bad Axe, Michigan for water and wastewater infrastructure improvements;
158. $1,800,000 for continuation of the Rouge River National Wet Weather Demonstration Project;
159. $900,000 to the City of Grand Rapids, Michigan for combined sewer overflow infrastructure improvements for the National Pollutant Discharge Elimination System;
160. $675,000 to the Village of Almont, Michigan for mitigation of combined sewer overflows and sanitary sewer overflows into the north branch of the Clinton River;
161. $485,000 to the Detroit, Michigan Water and Sewerage Department for water and wastewater infrastructure improvements;
162. $2,175,000 to Oakland County, Michigan for infrastructure improvements within the George W. Kuhn Drainage District;
163. $1,500,000 to the City of Farmington, Michigan to reline a wastewater pipeline;
164. $1,000,000 for wastewater infrastructure needs of Minnesota's Mille Lacs regional wastewater treatment plant;
165. $2,000,000 for West Bottoms, Missouri, stormwater improvements;
166. $250,000 for wastewater treatment planning for South Two-Mile Prairie, Missouri;
167. $1,500,000 for the City of Lebanon, Missouri, for wastewater infrastructure improvements;
168. $400,000 for Bates County Commission, Missouri, to coordinate and implement efforts to assist local municipalities address their drinking water needs;
169. $1,500,000 for Camden County Missouri Public Waste Water facility for sewer and water improvements;
170. $1,500,000 for the City of Cape Girardeau, Missouri for waste water and sewer improvements;
171. $2,000,000 for the City of St Louis, Missouri Metropolitan Sewer District for ongoing improvements;
172. $2,000,000 for the City of Kansas City, Missouri for Phase II stormwater sewer system in the Central Industrial District;
173. $2,000,000 for the Table Rock Lake Wastewater Initiative in Missouri as a National Community Decentralized Demonstration Project;
174. $585,000 to the Clarence Cannon Wholesale Water Commission of Northeast Missouri for water infrastructure improvements;
175. $4,000,000 for Jefferson County, Mississippi for a water and sewer improvements project;
176. $3,000,000 for the City of Ocean Springs, Mississippi for wastewater improvements;
177. $900,000 to the City of Columbus, Mississippi for wastewater treatment infrastructure improvements;
178. $485,000 to the City of Jackson, Mississippi for water and wastewater infrastructure improvements;
179. $585,000 to the City of Picayune, Mississippi for water and wastewater infrastructure improvements;
180. $900,000 to the City of Tupelo, Mississippi for wastewater improvements;
181. $1,500,000 for Lewis and Clark County, Montana for a wastewater development project;
182. $200,000 for Deer Lodge, Montana, sewer infrastructure needs;
183. $500,000 for the Galen Campus sewer upgrade project in Anaconda, Montana;
184. $2,000,000 for the City of Florence, Montana, for wastewater treatment improvements;
185. $1,485,000 for Henderson, North Carolina for the second phase rehabilitation and expansion of the water treatment facilities of the Kerr Lake Regional Water System;
186. $485,000 to the Town of Mooresville, North Carolina Water Treatment Plant for infrastructure improvements;
187. $675,000 to the County of Union, North Carolina for water infrastructure improvements;
188. $1,000,000 to the Town of Pittsboro in Chatham County, North Carolina for a water reuse pumping station;
189. $1,300,000 to Cherokee County, North Carolina for the interconnection of the water distribution systems of the Towns of Andrews and Murphy;
190. $500,000 to the Town of Burnsville, North Carolina for wastewater infrastructure improvements;
191. $1,000,000 for the Grand Forks, North Dakota, water treatment plant;
192. $2,000,000 for the Williston, North Dakota, drinking water infrastructure project;
193. $1,000,000 for Lincoln, Nebraska for wastewater management;
194. $1,250,000 to the City of Omaha, Nebraska to upgrade sewer and sanitary water infrastructure;
195. $1,500,000 for the City of Berlin, New Hampshire for water infrastructure improvements;
196. $500,000 for Salem, New Hampshire to remediate the contamination of private wells;
197. $1,000,000 for Jaffrey, New Hampshire, for a wastewater treatment facility;
198. $900,000 to the City of Nashua, New Hampshire for a combined sewer overflow program;
199. $3,500,000 to the City of Manchester, New Hampshire for a combined sewer overflow project;
200. $1,000,000 for Vernon Township, New Jersey, for wastewater infrastructure improvements;
201. $1,000,000 for Camden, New Jersey, sewer infrastructure needs;
202. $400,000 to Fanwood Township, New Jersey for sewage system sanitary improvements;
203. $2,500,000 to the Passaic Valley Sewerage Commission for continued work on wastewater treatment program;
204. $2,000,000 to the Musconetcong Sewerage Authority in New Jersey to assist the plant in accommodating sewage from Hopatcong and Jefferson Township;
205. $485,000 for wastewater infrastructure improvements for Strawbridge Lake in Moorestown, New Jersey;
206. $1,200,000 for the Dona Ana Mutual Domestic Water Consumers Association of New Mexico to upgrade water systems;
207. $750,000 for the City of Gallup, New Mexico, to upgrade its wastewater treatment plant;
208. $3,800,000 for the North and South Valley of the City of Albuquerque and the County of Bernalillo, New Mexico for a regional and wastewater project;
209. $1,350,000 to the City of Bayard, Village of Santa Clara & Ft. Bayard State Hospital in New Mexico for the regional effluent reuse plan;
210. $1,350,000 to the Village of Ruidoso, New Mexico for the water infrastructure expansion plan;
211. $900,000 to the City of Belen, New Mexico for the wastewater facilities improvements program;
212. $300,000 to Santa Fe County, New Mexico to assist in the development of their Small Community Water Systems;
213. $300,000 to the Town of Bernalillo, New Mexico for a wastewater system improvement project;
214. $200,000 to the City of Moriarity, New Mexico for water and wastewater infrastructure improvements;

215. $100,000 to the Acequia Madre De Carnuel of New Mexico for the creation of a community water system in the Community of Carnuel, Tijeras, New Mexico;

216. $4,500,000 for the City of Fallon, Nevada for drinking water facility construction;

217. $485,000 to the City of Fallon, Nevada for construction of an arsenic treatment facility;

218. $300,000 to the City of Henderson, Nevada for water and wastewater infrastructure improvements;

219. $1,000,000 for drinking water infrastructure needs in the New York City watershed;

220. $485,000 to the Village of Whitney Point, New York for the Whitney Point Wastewater Collection and Treatment System Project;

221. $900,000 to Rockland County, New York for extension of water and wastewater infrastructure of the Western Ramapo Sewer District;

222. $35,000 to the Narrowsburg Water and Sewer District to replace two sand filter beds servicing the Town of Tusten, Sullivan County, New York;

223. $675,000 to the Town of East Fishkill, New York for drinking water infrastructure improvements;

224. $675,000 to the Town of New Windsor, New York for upgrades to the existing sewage treatment plant;

225. $900,000 to the Town and Village of Harrison, New York for water and wastewater infrastructure improvements;

226. $300,000 to the Village of Larchmont, New York for storm water regulation compliance as a member of the Long Island Sound Watershed Intermunicipal Council;

227. $250,000 to the Village of Hewlett Harbor, New York for drainage improvements;

228. $100,000 to the Village of Antwerp, New York to develop a municipal water system;

229. $200,000 to the Village of Sloan, New York for water and wastewater infrastructure improvements;

230. $1,350,000 to the City of Buffalo, New York Department of Public Works for replacement of water lines;

231. $1,800,000 to the Town of Clarence, New York for wastewater treatment infrastructure improvements in the area of Clarence Hollow;

232. $485,000 to Saratoga County, New York for additional sewer lines for the Town of Halfmoon, New York;

233. $10,000,000 for continued clean water improvements for Onondaga Lake, New York;

234. $1,500,000 to the Town of Owasco, New York for sewer wastewater improvements;

235. $2,000,000 for drinking water infrastructure needs in the New York City watershed;

236. $4,000,000 for water quality infrastructure improvements for Long Island Sound, New York;

237. $1,500,000 to the Cayuga County, New York Water and Sewer Authority for sewage and wastewater treatment facility improvements;

238. $500,000 for the Village of Akron, New York for expansion of the wastewater treatment plant;

239. $500,000 for Byesville, Ohio for the Byesville Water Treatment Plan;

240. $1,000,000 for the City of Akron, Ohio for its combined sewer overflow long-term plan;

241. $485,000 to the City of Akron, Ohio for the mitigation of combined sewer overflows through Cuyahoga Valley National Park;

242. $500,000 for the City of Port Clinton, Ohio for its wastewater treatment plan;

243. $480,000 to the City of Delphos, Ohio for construction of a regional reservoir;

244. $743,000 to the City of Lancaster, Ohio for a sewer infrastructure extension project;

245. $1,800,000 to Clark County, Ohio for water infrastructure upgrades;

246. $200,000 to the City of Urbana, Ohio for water infrastructure upgrades;

247. $1,300,000 to the City of Toledo, Ohio for ongoing efforts to upgrade its wastewater treatment infrastructure;

248. $700,000 to Fulton County, Ohio for the extension of public water and sewer lines to the Village of Tedrow from Wauseon, Ohio;

249. $750,000 to the Village of Luckey, Ohio for wastewater and combined sewer overflow infrastructure improvements;

250. $750,000 to Ottawa County, Ohio for sanitary sewer infrastructure improvements for the Village of Clay Center;

251. $500,000 to the City of Bowling Green, Ohio for sewer treatment plant infrastructure improvements;

252. $900,000 to the Northeast Ohio Regional Sewer District for the Doan Brook Watershed Area in Ohio for continued development of a storm water abatement system in the Doan Brook Watershed Area of Ohio;

253. $720,000 to the City of Martins Ferry, Ohio to provide a water pump to extend the water system;

254. $765,000 to Harrison County, Ohio for a water tank and lines in the county industrial park;

255. $387,625 to the Village of Laurelville, Ohio for improvements at the wastewater treatment facility;

256. $485,000 to Trumbell County, Ohio for wastewater infrastructure improvements to the Belmont Avenue Sanitary Sewer System;

257. $2,000,000 for the City of Lawton, Oklahoma for the rehabilitation of its wastewater infrastructure;

258. $900,000 to the City of Normon, Oklahoma for expansion of wastewater treatment facilities;

259. $1,000,000 for the Lower John Day Region in Oregon for a water and wastewater treatment facilities;

260. $1,250,000 for the City of Portland, Oregon wet weather demonstration project;

261. $485,000 to Clackamas County, Oregon for surface water infrastructure improvements;

262. $385,000 to the City of Medford, Oregon for construction of water and wastewater treatment facilities and groundwater protection infrastructure project program;

263. $1,000,000 for the Coudersport Borough, Eulalia Township and Sweden Township in Potter County, Pennsylvania for water and wastewater infrastructure improvements;

264. $2,900,000 for the Three Rivers Wet Weather Demonstration program in the greater Pittsburgh, Pennsylvania area;

265. $1,000,000 for the Upper Milford Township Sewer Project in Lehigh County, Pennsylvania;

266. $485,000 to Robinson Township, Pennsylvania for water and wastewater infrastructure improvements;

267. $900,000 to the City of Corry, Pennsylvania for mitigation of combined sewer overflows;

268. $485,000 to the Borough of Big Beaver, Pennsylvania for construction of a pump station and sewer lines;

269. $900,000 to the Wyoming Valley Sanitary Authority to address combined sewer overflow problems along the Susquehanna River in Pennsylvania;

270. $250,000 to the Authority of the Borough of Charleroi, Pennsylvania for water infrastructure improvements;

271. $900,000 to the City of Titusville, Pennsylvania to mitigate combined sewer overflows;

272. $485,000 to the York City Sewer Authority of Pennsylvania for a wastewater construction project and demonstration;

273. $485,000 to Lackawanna County, Pennsylvania for construction and repair of a centralized sewer system serving Jefferson Township;

274. $150,000 to Pocono Jackson Point Water Authority for extension and upgrade of the authority's drinking water system serving Monroe County, Pennsylvania;

275. $100,000 to Pike County, Pennsylvania for the engineering and design of a centralized sewer system in the Borough of Matamoras;

276. $500,000 to the Municipality of Guanica, Puerto Rico for wastewater infrastructure improvements;

277. $3,250,000 for the Narragansett Bay Commission, Rhode Island, for the combined sewer overflow project;

278. $500,000 for the Town of Warren, Rhode Island, for sewer infrastructure needs;

279. $485,000 to the Town of Cumberland, Rhode Island for water and wastewater infrastructure improvements;

280. $2,000,000 for West Georgetown, South Carolina, regional wastewater treatment system;

281. $1,000,000 for the Laurens, South Carolina, water and sewer commission;

282. $900,000 to the Laurens County, South Carolina Water and Sewer Commission for relocation of water lines as part of the SC Route 72 corridor multilane widening project;

283. $1,000,000 for a Gravity Wastewater Collection System in the Snowden and 6–Mile Communities in Charleston County, South Carolina;

284. $485,000 to Berkeley County, South Carolina for a water extension project to Cross Community Schools;

285. $900,000 to the City of Florence, South Carolina for the Pee Dee River surface water facility;

286. $2,000,000 to the Greenville Water System of South Carolina for infrastructure needs related to high levels of uranium in the water supply;

287. $900,000 for North Sioux City, South Dakota, water and sewer infrastructure needs;

288. $2,000,000 for Aberdeen, South Dakota, drinking water facility improvements;

289. $1,200,000 for Hill City, South Dakota, water and sewer infrastructure needs;

290. $535,000 to North Valley and Summer City Utility Districts for to extend water service to Bledsoe County, Tennessee;

291. $200,000 to Sequachie County, Tennessee for the City of Dunlap's continuing rural waterline infrastructure development;

292. $900,000 to the Watauga River Authority in Carter County, Tennessee for a water infrastructure project;

293. $250,000 to the Tamina Water Supply and Sewer Service Corporation in Montgomery County, Texas for water and wastewater infrastructure improvements in the community of Tamina;

294. $675,000 to Bosque County, Texas for water and wastewater infrastructure improvements;

295. $485,000 to the City of Beaumont, Texas for water and wastewater infrastructure improvements;

296. $700,000 for the Jordan Valley Water Conservancy District, Utah for a groundwater extraction treatment remedial project;

297. $1,000,000 for Sandy, Utah for water and sewer infrastructure improvements;

298. $1,000,000 for the Ogden, Utah for final phase of sewer improvements at the former Defense Depot Ogden;

299. $200,000 to the City of Ogden, Utah for water and wastewater infrastructure improvements;

300. $400,000 for Tooele City, Utah for water and wastewater infrastructure improvements;

301. $720,000 to Logan City, Utah for the wetlands development project;

302. $250,000 to Sandy City, Utah for infrastructure needs related to usable water lines and storm drainage;

303. $500,000 for the City of Norfolk, Virginia, to update wastewater pumping stations;

304. $700,000 for the Caroline County Dawn Sewer project in Bowling Green, Virginia;

305. $675,000 to Smyth County, Virginia for wastewater infrastructure improvements in the Allison's Gap community;

306. $1,800,000 to Prince William County, Virginia for water and wastewater infrastructure improvements;

307. $1,840,000 to the Town of South Boston, Virginia for the Sanitary Sewer Overflow Abatement project;

308. $200,000 to Franklin County, Virginia for preliminary engineering for a water project;

309. $1,743,000 to Virginia's Heartland Partnership for expansion of the wastewater treatment plant to the Virginia's Heartland Regional Industrial Park located in Keysville, Virginia;

310. $200,000 to Fluvanna County, Virginia for wastewater, drinking water and water distribution system infrastructure improvements;

311. $1,350,000 to Richmond, Virginia for continued development of combined sewer overflow improvements;

312. $1,350,000 to Lynchburg, Virginia for continued development of combined sewer overflow improvements;

313. $900,000 to the City of Alexandria, Virginia for the sanitary and stormwater sewer reconstruction and extension project to mitigate overflows polluting Four Mile Run Creek;

314. $485,000 to the County of Northampton, Virginia for wastewater treatment systems improvement and development;

315. $485,000 to the City of Norfolk, Virginia Utility Department for upgrades to the water distribution system in the Haynes Tract area;

316. $500,000 to the Government of the Virgin Islands for water and wastewater infrastructure improvements;

317. $2,500,000 for the Pownal, Vermont, wastewater treatment project;

318. $1,000,000 for East St Johnsbury, Vermont, wastewater treatment project;

319. $2,000,000 for the City of Bremerton, Washington, combined sewer overflow project;

320. $1,500,000 for the Wahkiakum County Public Utility District, Washington, drinking water facility project;

321. $1,800,000 to the City of Bremerton, Washington for the combined sewer overflow treatment plant;

322. $485,000 to Dallesport Industrial Park in Klickitat County, Washington for construction of a wastewater treatment facility;

323. $250,000 to the City of Everett, Washington for pre-design and facilities planning of combined sewer overflow treatment sites;

324. $2,000,000 for the Milwaukee, Wisconsin Sewerage District for continued renovations and repairs to the sewer system;

325. $1,000,000 for the City of Racine, Wisconsin, drinking water treatment project;

326. $1,900,000 to the Village of Marathon City, Wisconsin for debt repayment on water and wastewater infrastructure;

327. $1,000,000 for the City of Brokaw, Wisconsin for the extension and expansion of the sewer and water system;

328. $675,000 to the Inwood Watershed Committee and the Eastern Panhandle Soil Conservation District of West Virginia for the Inwood Storm Water/Water Quality Management Project;

329. $1,000,000 to the Ohio County PSD, West Virginia for water and sewer infrastructure needs in the West Liberty, West Virginia area;

330. $2,500,000 to the City of Wheeling, West Virginia for water and sewer infrastructure needs;

331. $5,000,000 to the Hancock County Commission, West Virginia for water and sewer infrastructure needs;

332. $350,000 for the City of New Martinsville, West Virginia for water and sewer infrastructure needs;

333. $182,000 for the National Corrections and Law Enforcement Training and Technology Center, Inc. (NCLETTC) for water and sewer infrastructure needs;

334. $317,000 for the Barbour County Development Authority in West Virginia for water and sewer infrastructure needs;

335. $1,041,000 for the Mid-Atlantic Aerospace Complex (MAAC) for water and sewer infrastructure needs;

336. $250,000 for the Jefferson County Sewer Authority, Missouri for ongoing sewer infrastructure modernization;

337. $235,000 for Dekalb, Illinois for drinking water infrastructure improvements.

The conferees expect the Agency to develop a broad working group to review and address the spectrum of wastewater issues as outlined in the House Report accompanying H.R. 2620, request that the Committees on Appropriations be kept apprised of all activities of the working group, and further request that the working group, with the assistance of the Agency, prepare and submit to the Committees on Appropriations by July 15, 2002 a report addressing all matters as outlined in the House Report as well as those additional issues determined appropriate by the working group.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision proposed by the House and the Senate which permits the Administrator, in carrying out environmental programs required or authorized by law in the absence of an acceptable tribal program, to award cooperative agreements to federally authorized intertribal groups to assist the Administrator in implementing federal environmental programs for tribes. Funds designated for State financial assistance agreements may not be used for such cooperative agreements.

The conferees have also included an administrative provision proposed by the House and modified by the conferees which authorizes for fiscal year 2002 EPA's Pesticide Maintenance Program, including the collection of up to $17,000,000 for operation of the registration, re-registration, and tolerance assessment programs.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,267,000 as proposed by both the House and Senate.

The conferees agree that the Office of Science and Technology Policy should make the clarification of the International Traffic in Arms Regulation a high priority for resolution. The conferees expect the President's Science Advisor to address and resolve the matter by February 1, 2002.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,974,000 for the Council on Environmental Quality and Office of Environmental Quality as proposed by the House and the Senate. The conferees have again this year included language proposed by the House and the Senate which authorizes the Council to operate with one member, that member acting as chairman of the Council.

Language proposed by the Senate prohibiting CEQ and OEQ from using funds other than those appropriated under this heading has not been included. In lieu of this statutory prohibition, the conferees direct that the CEQ provide, on a quarterly basis beginning January 1, 2002, a brief report outlining the specific use of non-CEQ federal employees. Such report should include, at a minimum, the number of non-CEQ employees utilized for specific programs or projects by the CEQ, the home office of each such employee, the program or project for which the non-CEQ employee is being utilized by CEQ, and the duration each such employee is expected to be involved with such program or project.

Finally, language has been included which provides a representation allowance of up to $750 for the Chairman of the CEQ.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $33,660,000 for the Office of Inspector General, the same amount as included in both the House and Senate bill. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $664,000,000 for disaster relief, instead of $1,369,399,000 as proposed by the House and $359,399,000 as proposed by the Senate. In addition, appropriates $1,500,000,000 in contingent emergency funding for disaster relief instead of $1,300,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate. Includes language proposed by both the House and Senate providing for the transfer of $2,900,000 to the emergency management planning and assistance account for the consolidated emergency management performance grants program. The conferees have included two new provisions, neither of which was included in either bill, to allow for the transfer of amounts from the disaster relief account to other program accounts. First, $25,000,000 is available for transfer to the emergency management planning and assistance account for pre-disaster mitigation activities. Second, $25,000,000 is available for transfer to the flood map modernization fund and available for expenditure in fiscal year 2002.

The conferees are aware that on March 1, 2001 FEMA issued its ''Clarification on SHMPH 'Immediate Occupancy' Requirement for using SHMPH Funding to Seismically Upgrade Existing Buildings.'' This Clarification defined parameters for the determination of when the ''immediate occupancy'' requirement in the Seismic Hazard Mitigation Program for Hospitals (the SHMPH Program) would be met by a subgrantee. The conferees urge FEMA to recognize that prior to the announcement of the clarification, many subgrantees in the SHMPH program worked diligently to move forward with their designs and construction in the belief that their plans met the undefined immediate occupancy requirement in the SHMPH program. The conferees urge FEMA to work closely with these subgrantees to ensure no disruption in their design or building schedule as a result of this program announcement.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide a limitation of $25,000,000 on direct loans, a cost of $405,000 for direct loans, and a limitation on administrative expenses of $543,000 for the disaster assistance direct loan program account. The foregoing are the same as provided by both the House and the Senate.

SALARIES AND EXPENSES

Appropriates $233,801,000 for salaries and expenses as proposed by the Senate instead of $227,900,000 as proposed by the House. The

amount provided does not include the reduction to Preparedness, Training and Exercises as proposed by the House. The amount provided includes $11,000,000 for FEMA's role in consequence management associated with the 2002 Olympics and Paralympics as requested in the budget submission. The conferees have not included any funding for an Office of National Preparedness at FEMA. The conferees will entertain such funding in the future when it has had an opportunity to evaluate a comprehensive plan outlining FEMA's role in dealing with terrorism and its consequences.

OFFICE OF INSPECTOR GENERAL

Appropriates $10,303,000 for the Office of Inspector General, the same amount as included in both the House and the Senate bills.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $404,623,000 for emergency management planning and assistance as proposed by the House instead of $429,623,000 as proposed by the Senate. The amount provided includes $150,000,000 to carry out the Federal Fire Prevention and Control Act of 1974, as amended by Public Law 106–398. The conferees have included bill language which provides that up to five percent of the funds may be transferred to Salaries and Expenses for administrative expenses associated with the program. The conferees are pleased that FEMA was able to implement expeditiously the provision of this program and meet the deadline of September 30, 2001 for completion of the first round of grants. The conferees believe that this success was due in no small part to the structure of the program and the decision to limit the program to only six categories of grants rather than the fourteen categories approved in the authorization legislation. The conferees believe that FEMA should consider making grants in the area of emergency medical services, but expansion into other categories should be considered only after substantial progress has been made in addressing the needs associated with fire prevention, firefighting equipment, personal protective equipment, training, vehicles, and wellness and fitness programs.

The conferees also expect states and localities to maintain their current level of funding support for local fire departments and companies and that any Federal grant funds are to be used solely to enhance local firefighting capacity, equipment needs, vehicles, and fire prevention programs as well as any other eligible uses.

FEMA is encouraged to undertake an ongoing evaluation of the application process for the fire grant program to ensure the widest participation in the program. The conferees are particularly concerned that smaller entities with limited resources may not be able to participate fully and FEMA should consider their circumstances as it evaluates the effectiveness of the program.

The conferees urge FEMA to continue efforts to simplify and streamline the fire grant application process and direct FEMA to establish an independent advisory committee comprised of professional and volunteer firefighters to provide policy and technical guidance on implementation and administration of the fire grant program.

In addition, the conferees have agreed to provide $25,000,000 by transfer from the disaster relief account for pre-disaster mitigation activities.

The conferees are aware of the heightened importance of bringing technology applications to the local, state, and Federal levels of the emergency management community for the purpose of reducing the impact of both natural disasters and terrorist attacks. Therefore, the conferees continue to support the partnership between the National Technology Transfer Center (NTTC) and FEMA and direct continuation of the cooperative agreement at the current level of effort. Additionally, NTTC shall submit a report no later than July 1, 2002 that outlines the progress made on the commercialization endeavors and the cooperation between NTTC and FEMA.

The conferees direct FEMA to maintain the current level of support for the Administrative and Resource Planning Directorate efforts to archive key agency documents by digitization to optical disks.

The conferees believe that many of the nation's universities are vulnerable to disaster and urges FEMA to continue its Disaster Resistant University program and expand the scope to include safeguarding university assets from acts of terrorism.

The conferees direct FEMA to ensure the full and complete integration of the American Red Cross into all emergency preparedness planning, training and response activities. Further, during times of disaster, FEMA and agencies signatory to the Federal Response Plan are to support fully the work of the American Red Cross. Support shall include, but not be limited to the following, means of transportation; appropriate security clearances; access to disaster sites and threat information briefings; and planning for continuity of operations of the American Red Cross National Headquarters.

The conferees are concerned that accurate and timely information is not available to the general public and all relevant government officials during and following an act of terrorism. In an effort to improve communication, the conferees urge the Director of FEMA to work with the Nation's governors and the Mayor of the District of Columbia (DC) to designate a lead intergovernmental and public affairs official in each state and DC to serve as the central coordinator for information coming from Federal and local governments and the central source of information for the public regarding terrorism-related incidents.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

Provides for the receipt and expenditure of fees collected as authorized by Public Law 106–377. Both the House and the Senate included this provision in their respective bills.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $140,000,000 for the emergency food and shelter program as proposed by the House instead of $139,692,000 as proposed by the Senate.

FLOOD MAP MODERNIZATION FUND

Appropriates no new funding under this heading for flood map modernization. The conferees have included authority within the disaster relief account to transfer $25,000,000 to this account for flood map modernization activities.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to include bill language which authorizes the National Flood Insurance Program through December 31, 2002. Both the House and Senate had addressed this issue, but there were technical differences between the respective bills. In addition, the conferees agree to provide for salaries and expenses of up to $28,798,000, $76,381,000 for flood mitigation activities, a limitation of $55,000,000 for operating expenses, $536,750,000 for agents' commissions and taxes, and $30,000,000 for interest on Treasury borrowings. Finally, the conferees agree that up to $20,000,000 may be transferred for expenses under section 1366 of the National Flood Insurance Act.

NATIONAL FLOOD MITIGATION FUND

The conferees agree to provide for the transfer of up to $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by both the House and the Senate. The conferees further agree that $2,500,000 of the funds provided in this program shall be used to buy-out flood prone properties in Austin, Minnesota.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

Appropriates $7,276,000 as proposed by both the House and Senate.

The conferees are very supportive of the Federal Consumer Information Center (FCIC) and their efforts to provide the public with important information on government services and publications. The conferees are concerned that a change to the organization, administrative location, or the current function or mission mandate of FCIC could potentially compromise the outstanding services that FCIC currently provides. Therefore, the conferees direct that any such change be clearly outlined in a proposal submitted to the Committees on Appropriations for 30 days of review. Such a proposal shall include the justification for such action, a description of all planned organizational realignments, the anticipated staffing or personnel changes, an assessment of the effect on the current operations of FCIC, and estimates of the proposed changes on future funding needs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Of the amounts approved by the conferees in this agreement, NASA must limit reprogramming of funds between programs and activities to not more than $500,000 without prior notification to the Committees on Appropriations of the House and Senate. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval. NASA shall provide outyear implications of all reprogrammings and operating plan changes should the Committees request the information.

HUMAN SPACE FLIGHT

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to provide $6,912,400,000 for human space flight instead of $6,868,000,000 as proposed by the Senate and $7,047,400,000 as proposed by the House. The House had also proposed an additional $275,000,000 for development of a crew return vehicle for the international space station ISS. The funding provided includes a reduction of $50,000,000 associated with the cancellation of the Electric Auxiliary Power Unit upgrade which has experienced technical difficulties, an increase of $20,000,000 for high priority safety upgrades for a total of $207,000,000, an increase of $25,000,000 for the repair/replacement of doors on the Vehicle Assembly Building at the Kennedy Space Center, a reduction of $20,000,000 from the Human Exploration and Development of Space program, and a general reduction of $75,000,000 from the ISS program. The conferees have not provided any additional funding for the Crew Return Vehicle, for which the House had proposed $275,000,000. The funding level also reflects the transfer of $283,600,000 for ISS research from the human space flight account to the science, aeronautics and technology account.

The conferees are in agreement with the ISS Management and Cost Evaluation report

that in order to establish a credible ISS program that achieves maximum research potential, it is necessary to keep enhancements viable. for this reason, the conferees direct that NASA should provide no less than $40,000,000 for the X–38 vehicle.

The conferees direct that not less than $207,000,000 be made available for Space Shuttle Safety Upgrades, unless NASA outlines in a fiscal year 2002 Operating Plan adjustment, agreed to by the House and Senate Committees on Appropriations, reallocations from this level necessary to preserve balance in NASA's stated priority goals for the Shuttle Program, as follows: (1) fly safely; (2) meet the flight manifest; (3) improve supportability; and (4) improve the system. The conferees agree that further clarification on NASA's shuttle upgrade program is required, including how the program relates to future shuttle alternatives and infrastructure needs. NASA is directed to submit a report addressing these issues by March 15, 2002.

The conferees are in agreement that the ISS shall be funded at no more than $1,963,600,000 in fiscal year 2002, including civil service compensation.

When the House and the Senate drafted their respective bills, the Administration had recently proposed dramatic changes to the ISS program in light of a purported shortfall of over $4,000,000,000. The redesigned station was dubbed ''U.S. Core Complete'' and included elimination of the Crew Return Vehicle, the Habitation Module, the Propulsion Module, a 37 percent reduction in ISS science, and undefined ''management efficiencies'' and better cost estimating. It was the position of the House at that time that such changes could not be endorsed given the limited amount of information available to the Congress. It was this lack of information which led the House to conclude that termination of the Crew Return Vehicle was premature, that NASA should be encouraged to pursue an international barter arrangement for development and construction of a habitation module, and that a significant add-back to the ISS science program was warranted. In the hope of getting more information, the House initiated an investigation into the ISS program with the goal of answering basic questions with regard to the real cost of the program, the underlying cause of cost increases, lapses in oversight and the causes thereof, and the extent to which previously identified problems or concerns were not addressed.

The initial stages of the House investigation have been completed with the conclusion being that the concept of ''U.S. Core Complete'' is ill-defined, that the science program needs to be more rigorously evaluated, that all options for enhancing crew time for research need to be fully explored, and that international agreements need to be evaluated and compliance with such agreements needs to be clarified. It is also the initial conclusion of the House investigation that NASA's lack of an integrated financial management system impedes its ability to determine the status of contract execution and provide program managers with necessary financial information.

The conferees are in agreement that first and foremost the Director of the Office of Management and Budget and the Administrator of NASA shall submit a report to the Committees on Appropriations of the House and the Senate which defines in specific detail the U.S. Core Complete configuration of the ISS and provides a ten-year total funding profile for that configuration; clearly defines the content and scope of the research science program; and provides costs and schedule to develop the Crew Return Vehicle. The conferees are aware of ongoing negotiations between NASA and the Italian Space Agency concerning a stretch version of the Multi-Purpose Logistics Module as a substitute for the habitation module. The conferees see the utility of using a proven platform and encourage NASA to move with all deliberate speed, subject to an appropriate and cost-effective barter arrangement.

The conferees are in agreement that the Director of OMB shall certify and report such certification to the Committees on Appropriations of the House and the Senate, that any proposal to enhance the ISS design above the content planned for U.S. Core Complete, is (1) necessary and of the highest priority to enhance the goal of world class research in space aboard the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in independently validated cost and schedule estimates; and (3) affordable within the multi-year funding available to the ISS program as defined above or, if exceeds such amounts, the additional resources are not achieved through any funding reduction to programs contained in Space Science, Earth Science, and Aeronautics.

The conferees are aware of a study being conducted by the National Research Council per the direction of the House Committee on Science and the Senate Committee on Commerce, Science and Transportation to address the station research program. If possible, the conferees would like the National Research Council to expand that study to compare and evaluate the research programs of the ISS which can be accomplished with a crew of three and a crew of six; and, an assessment of the probable cost-benefit ratios of those programs, compared with earth-bound research which could be funded in lieu of research conducted on the ISS.

The conferees agree with the direction contained in the Senate report for NASA to empanel a task force to study all options, together with their costs, for enhancing crew research time on the U.S. Core Complete ISS.

The conferees are concerned that NASA lacks an integrated financial management system and therefore can not adequately manage its programs. NASA is directed to place the highest priority on correcting this fundamental management deficiency, a deficiency which should have been corrected many years ago.

Finally, the conferees direct the Secretary of State, the Director of the Office of Management and Budget, and the Administrator of NASA to submit a joint explanation of how the United States is fulfilling its written commitments to its ISS international partners. This report is due no later than July 15, 2002.

With regard to the decision by the conferees to reduce the ISS budget by $75,000,000 in fiscal year 2002, the conferees note that the Post-Assembly Operations Cost Estimates (November 1999) and a report on ISS Operations Architecture (August 2000) both called for significant reductions in personnel associated with the program. Yet NASA and the ISS program management refuse to implement the provisions of these two reports for no apparent reason other than the desire to maintain a standing army of personnel. The conferees have reached the conclusion that the only way management will actually manage the program, and thereby get its costs under control, is through being forced to live with less. The conferees are reluctant to take this approach, but find that the intransient management cannot be trusted to make the tough decisions on their own and must be forced to make decisions which are in the long-term interest of the program. NASA is directed to submit to the Committees on Appropriations of the House and the Senate a report, concurrent with submission of the fiscal year 2003 budget, which describes its plans for managing and operating the ISS over the life of the station, to include specific manpower and financial needs for operation and support.

SCIENCE, AERONAUTICS, AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Space Science

The conferees have agreed to provide $2,848,937,000 for space science programs, an increase of $62,575,000 to the budget request.

The conferees agree with the House that by merging the budgets for aeronautics and space into a single ''aerospace technology'' program element several years ago, NASA has made it virtually impossible to account for the current investment in aeronautics. For this reason, the conferees direct NASA to reestablish a consolidated aeronautics line in the fiscal year 2003 budget submission that comprehensively covers all research base, focused, and advanced technology programs, and related test facilities and civil service costs. NASA should also provide a clear budget crosscut identifying all aeronautics programmatic activities in the current budget structure in its initial fiscal year 2002 operating plan.

The conferees recognize the need for maintaining core capabilities at NASA centers with responsibility for space science missions and operations. As a result, the conferees will support permitting the Europa Orbiter (EO) mission to be sole sourced intramurally, provided that the NASA Administrator certifies to the Committees on Appropriations of the House and the Senate in the fiscal year 2002 operating plan that such action is essential to maintain said core capabilities. The conferees expect that in making any such determination, the Administrator will guarantee that there is a specific and demonstrable plan to ensure that sufficient core and focused program outer planetary Advanced Technology Development (ATD) funds will be available to extramural entities in industry and academia through full and open competition, with the five-year profile for this competition specified in the fiscal year 2003 budget submission. NASA should proceed with the selection of Europa science instruments as planned and shall cap the total EO program costs (ATD and execution of all phases A/E) at $1,000,000,000. No reduction for EO instrument support to the selected science teams should be made in fiscal year 2002.

The conferees have not accepted the Senate proposal to reduce NASA's space operations budget by $25,000,000 by transferring Telecommunication and Mission Operations Directorate (TMOD) functions at the Jet Propulsion Laboratory to the Consolidated Space Operations Contract (CSOC). The conferees note that NASA has transferred some non-critical positions to the CSOC contract and direct NASA to continue this effort by transferring no less than five percent of the non-critical positions to CSOC and work toward increasing this percentage in future years if warranted. In addition, the conferees transfer TMOD to the Office of Space Science and direct that any savings resulting from the transfer of TMOD positions be reinvested in science missions.

The conferees agree to the following changes to the budget request:

1. An increase of $1,675,000 for the Center for Space Sciences at Texas Tech University, Lubbock, Texas.

2. An increase of $3,000,000 for space solar power.

3. An increase of $1,900,000 for the Mid-American Geospatial Information Center based at the University of Texas at Austin, Center for Space Research.

4. The conferees direct $22,000,000 be used to continue the construction of the Propulsion Research Laboratory at the Marshall Space Flight Center, of which $13,000,000 is derived from the Office of Space Science in-space propulsion augmentation and $9,000,000 is derived from the Office of Aerospace Technology in-space propulsion program. The funds remaining in the Office of Space Science in-space propulsion program are to be used for advanced technology development for planetary exploration and shall be competed on the same basis as other advanced technology development programs.

5. An increase of $3,000,000 for the Sun-Earth Connections program for Solar Probe. NASA should consolidate management for this mission with its existing SEC/Living With a Star program in lieu of the proposed termination.

6. An increase of $10,000,000 for the Sun-Earth Connections program for Living With a Star (LWS) program for a total of $50,200,000 in fiscal year 2002. The conferees believe that understanding solar variability and its effect on earth and mankind is of paramount importance as we strive to understand our galaxy. Increasing our knowledge of the effects of solar variability and disturbances on terrestrial climate change and being able to provide advanced warning of energetic particle events that affect the safety of humans and space flight are also of particular importance. The proposed funding restoration will allow LWS to proceed on the original NASA plan of Sun-Earth connected System Science whereby both the Solar Dynamics Observatory and the Geospace Missions Network will proceed in a coordinated manner to attain the program objectives. All LWS and SEC program funds in 2002 should be used exclusively for relevant ATD, science support and spacecraft development activities. Any capital projects to support the program, apart from the standard de minimis facility renovations under $500,000 should be requested in subsequent years through the standard construction of facilities program element. This LWS funding augmentation is in addition to the $8,900,000 provided for future solar terrestrial probes as requested in the budget.

7. An increase of $3,000,000 for the Center on Life in Extreme Environments at Montana State University.

8. An increase of $1,000,000 for the development of advanced materials for batteries and fuel cells, to be conducted by Virginia Commonwealth University.

9. An increase of $30,000,000 for the Pluto Kuiper Belt (PKB) mission. The conferees direct NASA to proceed with its plan for source selection, but recognize the launch dates may be altered due to delays in the source selection process. Funds provided should be used to initiate appropriate spacecraft and science instrument development as well as launch vehicle procurement. The conferees direct NASA to consolidate PKB development funds within the Outer Planets line beginning in fiscal year 2003.

The conferees have provided the budget request of $92,100,000 for advanced technology development related to the Next Generation Space Telescope (NGST) and expect NASA to vigorously pursue the development of the NGST and submit an out-year budget plan, concurrent with the submission of the fiscal year 2003 budget, for soliciting development and management proposals with the goal of a launch in 2007. If technical and budgetary constraints preclude the launch of NGST by 2007, the conferees wish to underscore their strong desire that there should be no gap between the end of the operations for the Hubble Space Telescope (HST) and the onset of operations for NGST. As part of the out-year budget plan, NASA should outline its transition plan to guarantee uninterrupted continuity between HST and NGST.

The conferees agree to provide the full budget request for the Mars program. NASA is directed to prepare a detailed plan, to be submitted to the Committees on Appropriations of the House and Senate concurrently with the submission of the President's fiscal year 2003 budget request, on future Mars missions beyond the proposed 2007 mission. The plan should have a detailed definition on the program's content, five-year budget forecast, and schedule, and shall include a five-year profile to make significant advanced technology funding available to extramural partners.

Biological and Physical Research

The conferees have agreed to provide $714,370,000 for biological and physical research programs, an increase of $353,450,000 to the budget request.

The conferees have agreed to transfer a total of $283,600,000 from the Human Space Flight account into this program for research activities associated with the International Space Station. The conferees have not included a transfer from Human Space Flight of civil service and other costs associated with these activities and directs NASA to make such a transfer as part of the operating plan to the extent such a transfer is needed.

The conferees agree to the following changes to the budget request:

1. An increase of $338,600,000 for space station research consisting of a transfer of $283,600,000 from Human Space Flight, and an increase of $55,000,000 for the Fluids and Combustion Facility and other priority space station research and equipment.

2. An increase of $2,750,000 for the Space Radiation program at Loma Linda University Hospital.

3. An increase of $1,750,000 for Earth University to research Chagas disease.

4. An increase of $1,450,000 for the development of machine/bio-interface devices to provide advanced diagnosis and countermeasures at the University of Louisville.

5. An increase of $400,000 for the Center for Research and Training in gravitational biology at North Carolina State University.

6. An increase of $1,000,000 for the New Jersey NASA Specialized Center of Research and Training. The conferees commend the work of this organization and its application not only to long-duration space missions but its impact on the agricultural and environmental business sectors. The conferees encourage NASA to continue funding these vital efforts and recommends the agency create a technology development and demonstration center in New Jersey focusing on life support issues in closed environments.

7. An increase of $1,000,000 for high definition telemedicine technology development at Florida Atlantic University.

8. An increase of $1,000,000 for Southern Methodist University's life sciences program.

9. An increase of $2,000,000 for multi-user scientific equipment for the Life Sciences Center at the University of Missouri-Columbia.

10. An increase of $1,500,000 to fund research at the University of Missouri's Center for Gender Physiology in the area of gender-related issues in space flight crews.

11. An increase of $2,000,000 to fund research at the University of Missouri-Columbia in physical, biological, and biomedical areas which address NASA strategic objectives.

Earth Science

The conferees have agreed to provide $1,573,413,000 for earth science programs, an increase of $58,435,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $1,200,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and resources at the Rosenstiel School of Marine and Atmospheric Science.

2. An increase of $428,000 for continuation of emerging research that applies remote sensing technologies to forest management practices at the State University of New York, College of Environmental Sciences and Forestry.

3. An increase of $1,425,000 for NASA's Regional Application Center for the Northeast.

4. An increase of $812,000 for operations of the applications center for remote sensing at Fulton-Montgomery Community College, Johnston, New York.

5. An increase of $14,350,000 for the Institute of Software Research for development and construction of research facilities.

6. An increase of $750,000 for on-going activities at the Goddard Institute for Systems, Software, and Technology Research, including UAV and remote sensing technology research.

7. An increase of $750,000 for the Clustering and Advanced Visual Environments initiative.

8. An increase of $4,750,000 for data storage back-up and recovery services at the Goddard Space Flight Center.

9. An increase of $1,000,000 for the Triana Science Team to continue its work in preparation for future launch. The conferees recognize that the Triana mission, as reviewed and endorsed by the National Academy of Sciences, is complete and ready for launch. However, due to Shuttle manifest conflicts, Triana has been placed in storage until launch accommodations can be established. The conferees understand that NASA is exploring all launch possibilities for the Triana spacecraft, including potential options involving foreign launch vehicles. The conferees recognize the important scientific contributions to be made by Triana and, if NASA were to identify a suitable launch opportunity for Triana, the conferees would be receptive to NASA's reprogramming resources within available fiscal year 2002 Earth Science funding toward the costs of necessary spacecraft modification and launch integration efforts to accomplish such a launch.

10. An increase of $750,000 for next generation sensing equipment, to be operated by Ben Gurion University for use in correlating measurements taken by aircraft and satellites in support of programs under the auspices of the Goddard Space Flight Center.

11. An increase of $3,000,000 from the NASA Earth Science Enterprise to be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to develop dual-use lightweight space radar technology. The conferees expect the Air Force to work closely with NASA to identify mutually beneficial technologies.

12. An increase of $1,425,000 for the United States portion of a joint U.S./Italian satellite development program to remotely observe forest fires.

13. An increase of $23,500,000 for the Synergy program to develop additional end uses for EOS data.

14. An increase of $6,000,000 for the EOSDIS Core System to expand its data processing and distribution capacity.

15. An increase of $2,000,000 for weather and ocean research at the University of Alaska and the University of Massachusetts.

16. An increase of $3,500,000 for the University of Montana for an International Earth Observing System Natural Resource Training and Data Center.

17. An increase of $500,000 for the Morehead State University Space Science Center for

the reconstruction of the ADAS satellite tracking system.

18. An increase of $2,000,000 for the University of Mississippi Geoinformatics Center.

19. An increase of $1,500,000 for George Mason University Center for Earth Observing and Space Research.

20. An increase of $3,000,000 for the University of South Mississippi for research into remotely sensed data for coastal management.

21. An increase of $1,000,000 for the Mid-America Geospatial Information Center at the University of Texas.

22. An increase of $1,500,000 for Idaho State University for the Temporal Landscape Change Research program.

23. An increase of $500,000 for Utah State University to develop an Inter-mountain Region Digital Image Archive and Processing Center for Landscape Analysis, Planning and Monitoring.

24. A general reduction of $17,205,000.

The conferees expect NASA to continue to pursue options for commercial data purchase approaches on all Earth Science Enterprise program Announcements of Opportunity.

Aero-Space Technology

The conferees have agreed to provide $2,489,570,000 for aerospace programs, an increase of $113,830,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $10,000,000 for the Ultra Efficient Engine Technology for a total budget of $50,000,000 in fiscal year 2002.

2. An increase of $2,850,000 for the Earth Alert project at the Goddard Space Flight Center.

3. An increase of $2,375,000 for the NASA-Illinois Technology Commercialization Center at DuPage County Research Park.

4. An increase of $190,000 for the Rural Technology Transfer and Commercialization Center of Durant, Oklahoma.

5. An increase of $1,900,000 for the University of New Orleans Composites Research Center for Excellence at Michoud, Louisiana.

6. An increase of $522,000 for the fractional ownership test program.

7. An increase of $1,425,000 for the Glennan Microsystem Initiative.

8. An increase of $2,850,000 for the Polymer Energy Rechargeable System.

9. An increase of $475,000 for continued development of nickel metal hydride battery technology.

10. An increase of $1,900,000 for Wayne State University for its emerging technology and aerospace programs.

11. An increase of $950,000 for the University of Alabama, Huntsville, Aviation Safety Laboratory.

12. An increase of $950,000 to be used for continued development of an electric/diesel hybrid engine at Bowling Green University.

13. The following programs are to be funded within the Aviation System Capacity program: $4,200,000 for the HITS multilateration sensor and surveillance server for Airport Surface Detection and Management System, $1,200,000 for the development of the Dynamic Runway Occupancy Measurement System, $1,400,000 for development of a Runway Taxi Route Detection and Conformance Monitoring System, and $5,000,000 for Project SOCRATES.

14. An increase of $2,850,000 to expand the Space Alliance Technology Outreach Program, including NASA business incubators, in Florida and New York.

15. An increase of $950,000 for the Advanced Interactive Discovery Environment engineering research program at Syracuse University.

16. An increase of $7,600,000 for the National Center of Excellence in Photonics and Microsystems in New York.

17. An increase of $2,375,000 for the Virtual Collaboration Center at the North Carolina GigaPop.

18. An increase of $1,900,000 for the Garrett Morgan Commercialization Initiative in Ohio.

19. An increase of $750,000 for research at Marshall Space Flight Center in the area of interstellar propulsion.

20. An increase of $1,693,000 for the Dryden Flight Research Center Intelligent Flight Control System research project.

21. An increase of $950,000 for development of advanced composite materials for a super lightweight prototype structure and a generic carrier for the space shuttle orbiter.

22. An increase of $8,125,000 for hydrogen research being conducted by the Florida State University System.

23. An increase of $4,750,000 for space biotechnology research and commercial applications to be conducted at the University of Florida.

24. An increase of $2,000,000 from the NASA Space Launch Initiative be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to install a baseline Silent Sentry System at Kennedy Space Center and for AFRL to conduct an evaluation of the ability for Silent Sentry to replace current range safety infrastructure.

25. An increase of $2,000,000 for the National Technology Transfer Center.

26. An increase of $500,000 for aerospace projects being accomplished by the Montana Aerospace Development Corporation.

27. An increase of $7,500,000 for subsonic transport technology research.

28. An increase of $7,500,000 for the advanced aircraft program, equally divided between flight research and propulsion and power research.

29. An increase of $12,500,000 for NASA's rotocraft program, including funding for the NASA-Army university centers component.

30. An increase of $2,500,000 for the Hubble Telescope Project, Composite Technology Institute at Bridgeport, West Virginia.

31. An increase of $15,000,000 for aviation safety. The conferees agree that NASA should evaluate the use of retinal scanning displays in the Synthetic Visual Project, which seeks to improve general aviation safety through incorporation of new technologies.

32. An increase of $2,000,000 for a study of NASA's aeronautical test and evaluation facilities.

33. An increase of $2,000,000 for advanced research in opto-electronics at Montana State University.

34. An increase of $2,500,000 for the Delaware Aerospace Education Foundation in Kent County, Delaware.

35. An increase of $1,500,000 for Tulane University Institute for Macromolecular Engineering and Sciences, New Orleans, Louisiana.

36. An increase of $6,500,000 for the Stennis Space Center E-complex propulsion test facilities, of which $1,500,000 is for completion of the Test Operations Building.

37. An increase of $3,500,000 for an addition to the main administration building at the Stennis Space Center. NASA is directed to work with the Department of Defense to ensure that the Department contributes to the construction of facilities unique to its requirements.

38. An increase of $1,700,000 for the Independent Verification and Validation Facility in Fairmont, West Virginia.

39. An increase of $2,000,000 for non-destructive evaluation research at Iowa State University.

40. An increase of $1,000,000 for polymer research at Tulane University in New Orleans, Louisiana.

41. An increase of $2,000,000 for photonics research at the University of Maryland, Baltimore County.

42. An increase of $3,000,000 for nanotechnology programs at Purdue University.

43. An increase of $3,000,000 for the purchase of two upgraded jet engines which require limited configuration changes to the DP–2 vectored thrust testbed aircraft. The remaining funds shall be expended as appropriate for airflow analysis research, flight control research, and flight testing. NASA is directed to provide a long-range research and development plan for the DP–2 vectored thrust program to the Congress by April 15, 2002.

44. An increase of $1,500,000 for a visitor's center at Langley Flight Research Center.

45. The conferees agree that NASA needs to increase its investment in facilities at the Wallops Island Flight facility and therefore direct NASA to spend an additional $10,000,000 from within existing funds for infrastructure improvement and technology upgrades to ensure the Wallops facility remains a viable asset for NASA's use and report to the Committees on Appropriations of the House and Senate no later than March 1, 2002 on a strategic plan for Wallops future including NASA missions and other business opportunities.

46. A decrease of $6,200,000 from the Aviation System Capacity program. The goal of the Aviation System Capacity (ASC) program is to enable safe increases in the capacity of US and international airspace and airports. The conferees believe that Aviation System Technology Advanced Research (AvSTAR) will help develop new operational concepts and better understand the benefits of new technologies for reducing aviation system congestion and delays while improving safety. The conferees support the request for Virtual Airspace Modeling as a precursor to AvSTAR.

47. A decrease of $10,000,000 from the Space Launch Initiative.

48. A decrease of $10,000,000 from the in-space propulsion program.

Academic Programs

Within the Academic programs portion of this account, the conferees recommend a total funding level of $230,810,000, a net increase of $77,110,000 to the budget request. The conferees agree that Lincoln and Cheney Universities in Pennsylvania should be full participants in NASA's Minority University Research and Education Program. The Conferees recommend the following adjustments to the budget request:

1. An increase of $475,000 for the Richland School District One Aeronautics Education Laboratory, located in Columbia, South Carolina.

2. An increase of $475,000 for the NASA Educator Resource Center at South East Missouri State University.

3. An increase of $950,000 for the Carl Sagan Discovery Science Center at the Children's Hospital at Montefiore Medical Center to implement the educational programming for this science learning project.

4. An increase of $2,375,000 for the JASON Foundation.

5. An increase of $3,500,000 for continuation of programs at the American Museum of Natural History.

6. An increase of $950,000 for the Sci-Port Discovery Center at Shreveport, Louisiana.

7. An increase of $1,900,000 for the NASA Glenn ''Gateway to the Future: Ohio Pilot'' project.

8. An increase of $475,000 for the Challenger Learning Center of Kansas.

9. An increase of $475,000 for Challenger Learning Centers in Illinois.

10. An increase of $475,000 for the Challenger Learning Center at Wheeling Jesuit University.

11. An increase of $1,900,000 for the Alan B. Shepard Discovery Center in New Hampshire.

12. An increase of $3,000,000 to the U.S. Space and Rocket Center for an Educational Training Center.

13. An increase of $570,000 for academic and infrastructure needs at St. Thomas University in Miami, Florida.

14. An increase of $950,000 for the Ohio View Consortium.

15. An increase of $1,900,000 for the Von Braun Scholarship program.

16. An increase of $3,000,000 for the Alabama Math, Science, and Technology initiative.

17. An increase of $2,925,000 for the SciQuest Hands-on Science Center.

18. An increase of $1,650,000 for the Alabama Supercomputer Educational Outreach program.

19. An increase of $1,900,000 to the Educational Advancement Alliance to support the Alliance's math, science, and technology enrichment program.

20. An increase of $5,000,000 for the National Space Grant College and Fellowship program.

21. An increase of $475,000 for the Science, Engineering, Math and Aerospace Academy programs at Central Arizona College.

22. An increase of $340,000 to enhance K–12 science education through a program of the Middle Tennessee State University.

23. An increase of $5,400,000 for the EPSCoR program.

24. An increase of $5,000,000 for a planetarium at the Clay Center of Arts and Sciences in Charleston, West Virginia.

25. An increase of $2,000,000 for the Northern Great Plains Space Science and Technology Center at the University of North Dakota.

26. An increase of $1,500,000 for flight communications technology at the University of Connecticut.

27. An increase $1,500,000 for the Science Discovery Outreach Center at the University of North Carolina in Chapel Hill, North Carolina.

28. An increase of $1,000,000 for the Chabot Observatory and Science Center in Oakland, California.

29. An increase of $750,000 for the Des Moines Science Center in Des Moines, Iowa.

30. An increase of $4,000,000 for infrastructure needs at Mauna Kea Astronomy Education Center at the University of Hawaii, Hilo.

31. An increase of $1,000,000 for the NASA/Bishop Museum partnership in Honolulu, Hawaii.

32. An increase of $1,500,000 for the Wisconsin Initiative for Math, Science, and Technology education at the University of Wisconsin, Green Bay.

33. An increase of $250,000 for St. Mary's County Public School Technology Center, St. Mary's County, Maryland.

34. An increase of $3,000,000 for construction of a life sciences facility at Brown University.

35. An increase of $2,000,000 for instrumentation and laboratory development at Rowan University in New Jersey.

36. An increase of $5,000,000 for infrastructure improvements at the School of Science and Mathematics at the College of Charleston in South Carolina.

37. An increase of $1,500,000 for Muhlenberg College in Lehigh County, Pennsylvania to develop a national model for using NASA data and technologies in the k–12 and higher education classroom.

38. An increase of $750,000 for the Texas Engineering Experiment Center at Texas A&M University to support the Space Engineering Institute.

39. An increase of $3,000,000 for the Challenger Learning Center in Kenai, Alaska for the final phase of dormitory construction.

40. An increase of $500,000 for the Southeast Missouri State University NASA Educator Resource Center.

41. An increase of $1,000,000 for a Challenger Learning Center in Ferguson/Florissant, Missouri.

42. An increase of $800,000 for the Science, Engineering, Math and Aerospace Academy programs in Dade County, Florida.

OFFICE OF INSPECTOR GENERAL

The conferees agree to appropriate $23,700,000 for the Office of Inspector General as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conferees have included three administrative provisions which have been carried in prior-year appropriations acts and were included by both the House and the Senate. A fourth provision, prohibiting establishment of a non-governmental organization for the International Space Station as proposed by the House, has been included in the conference agreement. The conferees look forward to receiving a comprehensive proposal for managing the ISS science program at which time it will re-evaluate the foregoing prohibition.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

The conferees have allowed the cap on the Central Liquidity Facility (CLF) lending activities from borrowed funds to remain at the fiscal year 2001 level of $1,500,000,000. As part of the Committees' oversight function, the conferees direct that NCUA provide quarterly reports for fiscal year 2002 to the Committees on Appropriations detailing CLF lending activities.

The conferees have provided $1,000,000 to the Community Development Revolving Loan Fund (CDRLF) as proposed by both the House and Senate. The conferees have agreed to set aside $300,000 specifically for technical assistance grants for fiscal year 2002 as proposed by the Senate.

For the first time, $350,000 was provided in fiscal year 2001 specifically for technical assistance grants. Prior to fiscal year 2001, technical assistance grants were funded solely from interest collected from the revolving loan program. The conferees recognize that the technical assistance grant program is oversubscribed and have agreed to augment the available funds with appropriations again in fiscal year 2002. Additionally, the conferees support the revolving loan program and recognize that demand for loans to assist low-income credit unions remains strong. In order to provide the maximum benefit to both programs from available funds, the conferees have supported both programs by making available the majority of funds for the revolving loan program recognizing that interest accrued on these loans will increase the funds available for technical assistance for low-income credit unions in the future.

While the conferees are supportive of the CDRLF, the conferees find that the budget submission for the CDRLF lacks the appropriate information for the Committees to base future funding decisions. For fiscal year 2003, and thereafter, the conferees direct that the National Credit Union Administration (NCUA) provide detailed budget justifications for the loan program and technical assistance grant program. The budget justification should include a description of the program including the allowable purposes of loans and grants, the expected number and average amount of loans and grants to be awarded during the fiscal year, an estimate for the balance of the CDRLF, and estimates of future funding needs.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $3,598,340,000 for research and related activities instead of $3,642,340,000 as proposed by the House and $3,514,481,000 as proposed by the Senate. The conferees have included bill language which provides up to $300,000,000 for polar research and operations support and $75,000,000 for a comprehensive research initiative on plant genomes for economically significant crops.

The conference agreement provides specific funding levels for each of NSF's research activities as follows:

1. $508,980,000 for Biological Sciences. Of this amount, $75,000,000 has been provided for plant genome research on economically significant crops, including an initiative which invests in high-throughput sequencing (such as full-length cDNA sequencing) of economically important crops.

2. $515,800,000 for Computer and Information Science and Engineering. Up to $10,000,000 of the appropriated level may be used for operational support of the two terascale facilities.

3. $467,510,000 for Engineering.

4. $610,650,000 for Geosciences.

5. $922,190,000 for Mathematical and Physical Sciences. Of the appropriated amount, $4,000,000 is provided for the Telescope Systems Instrumentation Program (TSIP) and $5,000,000 has been provided for astronomical sciences to augment individual investigator support. The conferees expect NSF to continue its program of upgrading, on a priority basis, its astronomical facilities and equipment, including the Greenbank Observatory and Robert C. Byrd Telescope in West Virginia, and the Very Large Array radio telescope in New Mexico. The conferees have also placed a high priority on mathematics research within the amounts provided for this activity.

6. $168,900,000 for Social, Behavioral and Economic Sciences.

7. $229,730,000 for U.S. Polar Research Programs.

8. $68,070,000 for U.S. Antarctic Logistical Support Activities.

9. $106,510,000 for Integrative Activities, including $4,000,000 for the Science and Technology Policy Institute, $26,610,000 for the Science and Technology Centers, and $75,900,000 for Major Research Instrumentation (MRI). NSF is expected to continue its ongoing MRI program with developing institutions.

The conference agreement increases the budget request level for all directorates, and provides specific increases of $25,000,000 for information technology research, $25,000,000 for nanotechnology, and $12,500,000 for increased energy and fuel costs in the polar and ocean sciences as well as national facilities in physics and materials. The conference agreement also directs NSF to undertake a study to determine its appropriate role in support of regional innovation activities.

The conferees have not included funds from within the NSF appropriation for maintaining the integrity of the Homestake Mine site in Lead, South Dakota and instead have provided funding from within the Community Development Fund under title II of this Act. While the conferees acknowledge the role NSF and the National Science Board will play in determining whether the mine is a suitable facility for proposed research, as well as whether such proposed research should be a priority for the NSF, it is not appropriate for NSF to maintain the mine until such determinations are made.

In presenting the Budget Estimates and Justification Materials for fiscal year 2003 and beyond, the conferees direct the Foundation to provide five-year plans for all multidisciplinary programs which specify, among other details, the funding level and justification for each program or project.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriates $138,800,000 for major research equipment and facilities construction instead of $135,300,000 as proposed by the House and $108,832,000 as proposed by the Senate. Included within the appropriated amount is $16,900,000 for the Large Hadron Collider; $24,400,000 for the Network for Earthquake Engineering Simulation; $35,000,000 for continued development, production, and instrumentation of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER); $35,000,000 for Terascale Computing Systems; $15,000,000 for start-up costs of the IceCube Neutrino Detection project; and $12,500,000 for initial construction of the Atacama Large Millimeter Array (ALMA) radio telescope.

The conferees note that the amount provided for Terascale Computing Systems represents the initial segment of a three-year program expected to cost no less than the budget request of $55,000,000. While the conferees remain committed to this program as outlined by the Foundation, it was determined that funding the program on an annual basis made it possible to provide adequate resources to other priority projects.

The conferees are aware that the NSF Inspector General has found that funds associated with the construction of large scale research facilities have also come from other NSF appropriation accounts. This obscures the full cost of these projects. The conferees agree that the renamed major research equipment and facilities construction (MREFC) account is to provide resources for the acquisition, construction and commissioning of large scale research facilities. Planning, design, operations, and maintenance costs are contained within the research and related activities account. The conferees also remain concerned about the implementation of NSF's Large Facility Projects Management & Oversight Plan, dated September 2001.

The conferees have directed NSF to provide a report regarding the full life-cycle cost of each of the projects or facilities funded through this account since its inception. The conferees have taken the unusual step of including this statutory requirement due to its continuing concerns for the expenditure of resources for major research equipment projects and current senior management's ability to adequately address this issue.

The report should identify, for each project and by fiscal year appropriation account used, the costs of planning, design, and development; acquisition, construction, and commissioning; and operations, management, and maintenance. This report, which should also demonstrate significant implementation of the large facility management and oversight plan, is to be provided to the Committees on Appropriations no later than February 28, 2002.

The conferees further direct the Foundation to provide, in its annual budget submission to the Congress, a detailed priority-based description, multi-year budget, and milestone plan for all projects funded or proposed to be funded through the MREFC account, including those projects currently in the formal planning and development phase prior to National Science Board approval.

The conferees have changed the name of the account to Major Research Equipment and Facilities Construction to better reflect the mission to be accomplished with appropriations made available through this account.

EDUCATION AND HUMAN RESOURCES

Appropriates $875,000,000 for education and human resources instead of $885,720,000 as proposed by the House and $872,407,000 as proposed by the Senate. The conferees agree to the following funding levels within this account:

1. $80,000,000 for EPSCoR. In addition to funds provided through the EHR account for EPSCoR, the conferees expect the NSF to provide an additional $30,000,000 from within the Research and Related Activities account for research to be conducted at EPSCoR institutions, bringing the total NSF EPSCoR effort to $110,000,000.

2. $28,000,000 for the Louis Stokes Alliances for Minority Participation program.

3. $17,000,000 for the HBCU Undergraduate Program.

4. $160,000,000 for the Math and Science Partnership program. The conferees have agreed to provide significant funding for this new program despite limited details provided through the budget submission. The Foundation is strongly urged to provide regular, detailed information to the Committees on Appropriations regarding the planning and execution of this new initiative.

5. $5,000,000 for Noyce Scholarships consistent with the provisions of H.R. 1858 as reported to the House of Representatives.

6. $11,000,000 for the Office of Innovation Partnerships.

7. $5,000,000 for a new undergraduate workforce initiative, which is to include a new, merit-based, competitive grants program for colleges and universities for increasing the number of undergraduate degree recipients in science and engineering, consistent with the provisions of S. 1549.

8. $105,500,000, an increase of $10,000,000 above the budget request, has been provided to increase graduate level stipends for the research and teaching fellowship programs and the trainee program administered by the Foundation through its Graduate Education subactivity. The conferees support increasing the graduate stipend level to $21,500 during fiscal year 2002 if funding permits.

9. $2,600,000 above the budget request for the Human Resource Development subactivity has been provided to establish an initiative that will stimulate the competitive research capacity of Historically Black Colleges and Universities which offer doctoral degrees in science and engineering.

SALARIES AND EXPENSES

Appropriates $170,040,000 for salaries and expenses as proposed by the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,760,000 for the Office of Inspector General as proposed by the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conferees agree to provide $105,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House instead of $100,000,000 as proposed by the Senate.

Language is included in the bill which designates $10,000,000 to support the Corporation's section 8 homeownership program, as proposed by both the House and the Senate.

The conferees remain concerned about the shortage of available, affordable rental housing across the Nation. The Corporation has been successfully producing mixed-income affordable rental housing through the use of ''mutual housing'', acquisition and preservation of existing units, and a focus on asset management. Accordingly, the conferees agree to provide $5,000,000 above the budget request to the Corporation to support additional mixed-income affordable rental developments. The conferees direct the Corporation to include details on how many additional affordable, rental housing units have been created through this set-aside in its fiscal year 2003 budget justifications. The Corporation should also include information on the number of families served that have incomes below 30 percent of the area median income. There is a substantial shortage of available, affordable housing for these extremely low-income families throughout the Nation, and the conferees urge the Corporation to continue its efforts to meet the housing needs of these families. The conferees also direct the Corporation to increase its efforts in smaller metropolitan areas and rural areas where very serious housing problems exist.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $25,003,000 for salaries and expenses as proposed by both the House and the Senate. The conferees agree to limit reception and representation expenses to $750 instead of $500 as proposed by the House and $1,000 as proposed by the Senate.

TITLE IV—GENERAL PROVISIONS

Retains twenty general provisions proposed by both the House and the Senate and which were included in the fiscal year 2001 Act.

Modifies language proposed by the Senate prohibiting HUD from spending funds for any activity in excess of amounts described in the budget justification unless otherwise provided for in this Act or through a reprogramming of funds.

Retains language proposed by the House prohibiting EPA from using funds to implement the Registration Fee system codified in 40 CFR subpart U if the authority to collect fees authorized in FIFRA is extended for one year beyond September 30, 2001.

Retains language proposed by the House amending the Cerro Grande Fire Assistance Act to read ''within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003.''

Retains language proposed by the House prohibiting VA from using funds to implement the proposed requirement that military retirees must choose either VA's or TRICARE's health care system.

The conferees have included modified language related to a national primary drinking water standard for arsenic as published in the Federal Register on January 22, 2001, instead of language proposed by the House and the Senate. The language adopted by the conferees prohibits a delay in setting a new regulation other than that prescribed in the final rule of January 22, 2001, which includes an arsenic standard of 10 parts per billion (ppb).

In adopting this legislative provision, the conferees acknowledge that an arsenic standard of 10 ppb will likely pose significant financial costs on many small communities, and many of these communities may find it impossible, because of the financial burden, to be in compliance by 2006 as the rule requires. The conferees are concerned that, because of their complexity, the current waiver and exemption provisions found in sections 1415 and 1416 of the Safe Drinking Water Act, as amended, may not provide sufficient flexibility for the small communities to receive additional time to reach compliance. As a result, the conferees are very concerned that numerous small community water systems may not be in compliance by 2006, and that some very small communities may abandon

their municipal systems in favor of untreated and unregulated private wells which could create significant other health risks for these communities. The conferees agree that the Congress and the Administration must act swiftly to provide both the time and the means for many small communities to meet the new 10 ppb standard.

To this end, the conferees direct the Administrator of EPA to begin immediately to review the Agency's affordability criteria and how small system variance and exemption programs should be implemented for arsenic. In addition, the Administrator should recommend procedures to grant an extension of time in meeting the compliance requirement for small communities when a community can show to the satisfaction of the Administrator that being in compliance by 2006 poses an undue economic hardship on that community. In developing these procedures, the Administrator should consider those actions which can be taken administratively by the Agency and those which will require the enactment of legislation. The conferees do not intend to create loopholes in the Safe Drinking Water Act for compliance to a national arsenic standard. Rather, the conferees wish to emphasize that they expect the Agency to adopt without delay all appropriate available administrative actions permitted under existing law to facilitate reasonable extensions of time for compliance of these communities.

The Agency is directed to report to the Congress by March 1, 2002 on its review of the affordability criteria and the administrative actions undertaken or planned to be undertaken by the Agency, as well as potential funding mechanisms for small community compliance and other legislative actions, which, if taken by the Congress, would best achieve appropriate extensions of time for small communities while also guaranteeing maximum compliance.

Retains language proposed by the House establishing the Minority Emergency Preparedness Demonstration Program at FEMA.

Deletes language proposed by the House prohibiting the VA from implementing the ''Plan for the Development of a 25-Year General Use Plan for Department of Veterans Affairs West Los Angeles Health Care Center.'' The conferees have instead included report language in medical care urging the development of a reasonable development plan which is suitable for the community and improves access to VA services.

Modifies language proposed by the House prohibiting funds to be used to implement or enforce the community service requirement of the United States Housing Act of 1937 except for residents of projects funded under HOPE VI.

Deletes language proposed by the House prohibiting funding of any person or entity convicted of the Buy American Act.

Retains language proposed by the Senate requiring HUD to submit a report by January 8, 2002, detailing obligations and expenditures of title II funds for technical assistance, training or management improvement activities.

Deletes language proposed by the Senate amending section 70113(f) of title 49.

Deletes language proposed by the Senate regarding playground equipment. The conferees have instead included report language under EPA and CPSC directing those agencies to submit reports regarding chromated copper arsenate-treated wood playground equipment.

Deletes language proposed by the Senate providing $115,000,000 from NSF funds for EPSCoR, which includes $25,000,000 in cofunding.

Deletes language proposed by the Senate expressing the Sense of the Senate that the Committee on Environment and Public Works needs to address the State Water Pollution Control Revolving Fund.

Inserts language clarifying the use of funds available to NASA from timber sales.

New language is included to facilitate the use of funds provided through HUD's Community Development Block Grant (CDBG) program to aid in the recovery of New York City from the September 11, 2001 terrorist attacks. The conferees are aware funds appropriated to the President in Public Law 107–38 have been set aside to be provided to the State of New York for assistance to New York City for properties and businesses affected by the terrorist attacks of September 11, 2001 and to assist in the City's overall economic recovery. Given the extraordinary level of damage to New York City caused by the terrorist attacks and the unique circumstances affecting the economic recovery of the area, the conferees have included language authorizing the one-time waiver of requirements as the Secretary deems appropriate to facilitate this recovery.

Prior to the release of funds, the conferees expect the State of New York to submit and to secure approval from the Secretary of a plan that would allocate these funds to the highest priority economic development needs to address the emergency situation pursuant to the terrorist attacks of September 11, 2001. Language is also included requiring certain notification requirements on the use of these funds and relevant waivers being granted. The conferees request that HUD provide quarterly reports to the Committees on Appropriations on the obligation and expenditure of these funds.

The conferees do not expect these funds to be used to compensate or otherwise reimburse insurance companies for losses related to the terrorist attacks. The conferees understand that issues related to insurance costs and the terrorist attacks are currently under review by the relevant House and Senate authorization committees.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$108,346,441
Budget estimates of new (obligational) authority, fiscal year 2002	110,671,650
House bill, fiscal year 2002	112,742,553
Senate bill, fiscal year 2002	113,351,308
Conference agreement, fiscal year 2002	112,742,537
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+4,396,096
Budget estimates of new (obligational) authority, fiscal year 2002	+2,070,887
House bill, fiscal year 2002	−16
Senate bill, fiscal year 2002	−608,771

JAMES T. WALSH,
TOM DELAY,
DAVID L. HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
ROBERT B. ADERHOLT,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID PRICE,
ROBERT E. CRAMER, Jr.,
CHAKA FATTAH,
DAVID OBEY,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
TOM HARKIN,
ROBERT C. BYRD,
HERB KOHL,
TIM JOHNSON,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY CRAIG,
(except for general provision on arsenic),
PETE V. DOMENICI,
(except for general provision on arsenic),
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, we are a nation at war, a war the President has said may take years. He has asked for the Nation's patience and perseverance to deal with the perpetrators of terror and bring them to justice. A united nation stands prepared to make the necessary sacrifice and put up with the heightened security that disrupts our daily lives. It is an inconvenience that pales in comparison to the sacrifice of those brave Americans at the World Trade Center, the Pentagon, and the fields of Pennsylvania on September 11.

For elder Americans, this is a second day of infamy that they have persevered through, the first being December 7, 1941. These Americans, that Tom Brokaw aptly describes as ''the greatest generation'' know all too well the meaning of sacrifice and resolve. No generation has shouldered more proudly this Nation's rise to world power. No generation has borne such a heavy burden. None stands more committed than they to stand with the Commander in Chief during this struggle. They know intuitively, as did the first President of their generation born in this century, that we must put Nation above self.

With all the patriotic fervor and resolve, they stand committed today to face any challenge, conquer any foe and sustain a nation free of terror for their children. Proud veterans know that this is a match that cannot be postponed and comfort the young, in return, with the words of Roosevelt that ''We have nothing to fear but fear itself.'' They are in every sense of the

word magnificent citizens and role models. They have given much and asked little in return.

They hear all the platitudes and promises. They are celebrated in speech and in books and in the movies. But it is hard, hard to go home and look them in the eye and say there is no prescription drug relief, to say we are exhausting the Social Security surplus not only to fight Osama bin Laden but to provide corporate tax cuts. It is hard to look them in the eye as they travel to Canada for prescription drugs while Congress rolls back the alternative minimum tax.

Even amidst what must be hurtful to them, they never waiver. They stand by their Nation, their flag, their beliefs, prepared to sacrifice yet again for the Nation they love. Living out their lives in dignity is all they ask. Platitudes and promises do not heat their homes, put food on their table, or pay for the prescriptions needed to sustain their lives. Their generation believes you should be known by your deeds, not by the words that translate into empty promises.

There will be numerous speeches given on Veterans Day exalting the brave men and women of our Nation. Wreaths will be placed at memorials and people will gather in solemn remembrance and in firm resolve. When Members are back in their districts for parades and speeches and memorials, they should take a long look in the eyes of those veterans. We stand on their shoulders, the benefactors of their sacrifice and accomplishments.

They are prepared to see this second day of infamy through until justice is served. If only Congress would respond with the same resolve for them, the resolve to see their twilight years lived out in dignity, the resolve to provide them with affordable prescriptions here at home. If only Congress would show the willingness to sacrifice a corporate tax cut to preserve a life, to heat a home, to have a nutritious meal. If only Congress had the resolve to preserve Social Security and Medicare, the programs that have kept our elderly barely above the poverty line.

This is an unprecedented opportunity. The Nation stands united behind the President and Congress to root out terrorism.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIRLINE SECURITY BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. STRICKLAND. Madam Speaker, tonight we are gathered to discuss a serious issue, and that is the issue of airline security. One of my colleagues from the great State of Texas is here and is on a limited time schedule, so I will begin this hour together by turning the time over at this point to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. First of all, let me congratulate the gentleman on taking this opportunity for us to come and say a few words on this very important issue. It is an issue that we recognize that we have not come to grips with since September 11, and I just wanted to share with my colleagues a couple of statistics.

Prior to September 11, we had over 9 million passengers. After that date, we have had only 5 million. So we have had a drastic decrease.

There is no doubt that people have some serious concerns about flying. A lot of people that are flying now are those that have business and those that have to, but a lot of people are choosing not to fly. And for good reasons they feel insecure in terms of the situation that they find themselves in.

The actions of the House leadership have delayed the passage of strong airline security legislation. Politics must give way to action. This is not the time to be partisan. This is not the time to be playing games at the expense of our national security. It is a time to deal with it. It has been 7 weeks. So we have to come to grips with it.

We must provide the best security we can at our airports. Not just adequate security, not just sufficient security; no, we need to provide the best security, and we will not get the best security if we continue to auction it off to the lowest bidder. We have to come to learn the hard way that airline security is a national security. So we need to recognize that national security should be in the hands of highly trained, highly motivated Federal law enforcement personnel.

The current work force, brought to us by private contractors, are underpaid and undertrained, and we recognize that. We all understand that, and we all realize that we have a serious problem. This weekend someone managed to slip through at the O'Hare Airport at Chicago. He did not just have one knife but seven folding knives with blades up to 4 inches. He also had a stun gun and a small container labeled teargas pepper spray.

This is unacceptable. The American people expect our airport security personnel to be able to handle the job and be able to do the right thing. We cannot take chances. We cannot accept what we have before us, and we have to make sure that when it comes to tourism, when it comes to trade, when it comes to security in the air that we make it as secure as possible.

What disturbs me is that the company at O'Hare is the same company that has already been cited by the FAA and has been placed on probation. Here we have a company that we continue to allow to be there, continue to allow them to do the things they have been doing.

□ 2030

It is obvious that the private companies do not provide the type of security that we need. The private companies, no matter what, are going to cut corners. When it comes to our national security, we should not live with those types of situations where they are going to cut corners.

Mr. STRICKLAND. Madam Speaker, the gentleman talks about the private security company that is responsible for the situation in Chicago. That same company is responsible for the security at the Columbus, Ohio, airport which I flew out of this morning. While I was standing in line waiting to get on the airplane, there was a lady who started talking about her frustration. She knew I was a Member of Congress, and she said we need to federalize these workers. Who can I write to and express my opinion. I shared with her some names that she could contact.

Then she told me this story. She said when I came to the Columbus, Ohio, airport, and I am a quilter, I went through security and after I went through security, I realized I had a large pair of scissors and what she described as a rotary blade cutter. She got through security and realized she had these scissors and blade. She said they were valuable to me, and I knew if I was caught with them, they probably would take them away, so she went back through security and took them to her car and left them in her car and then came back to the airport. She said I am furious I was able to get through security this morning with those scissors on me.

Madam Speaker, it is happening over and over and over. This one particular company, the Argenbright company, seems to be very, very lax in the expectations they have for their employees, apparently for the training they provide; and certainly they are very lax with the supervision. Otherwise, these multiple incidents would not happen.

It is a dangerous situation. Some of my colleagues have expressed that they think I ought not to say that flying is not safe. So I will say it this way: flying still has a risk attached to it. Is that risk less than it was before September 11? Perhaps. In some cases it may be much, much less. But the fact is that people have a right to accurate information. The American traveling public has a right to know what kind of security exists before they choose to get on an airplane and fly, especially if they are going to put their family members at risk. We are trying to inform the public, and the public is the one that will ultimately force this Congress to do the right thing and force the airlines to do the right thing. Until they feel safe, they will not return to the airlines as they have in the past.

Mr. RODRIGUEZ. Madam Speaker, I agree with the gentleman completely. A survey showed that 85 percent of Americans support the importance of federalizing our airline screeners. There is no doubt even after we have Federal workers we are still going to have some breaches. But I feel confident that those people can do a better job in making sure. I have had some experience with Customs workers. Those Customs workers have the experience and are able to tell and question people. For example, on the Mexican border, they were able to catch some people by asking where are you headed and why are you going there. They sensed some problems, and they were able to catch them. They have worked there and they understand.

The type of workers employed as airline screeners, we have all seen the turnover rates. Up to 400 percent. Not to mention that same company has hired people with criminal records. Here we have some criminals who have been in jail, they are providing our security. We have a real problem in this country. I hope that we come to grips with these issues.

Whether my colleague is a Republican or a Democrat, we need to do the right thing; and the right thing is to get good law enforcement people. National security is nothing less.

I heard today on the House floor the discussions about the fact that a Member was angry on the Republican leadership that we made an indication that our security here in the Capitol is federalized. They are Federal workers. He was embarrassed that we compared them with the workers in airline security. They should not be any less. They should be trained. Just because they look at luggage and people coming through, they need to be trained. They also need to be on the lookout for the types of people that are coming through. It becomes important that we do the right thing.

Madam Speaker, I thank the gentleman for allowing me to go a little ahead of everyone else. I thank the gentleman for what he is doing. It has been 7 weeks since September 11. Hopefully, we can get some Federal law enforcement workers that know what they are doing.

Mr. STRICKLAND. Madam Speaker, I thank the gentleman from Texas for joining us tonight. I have some other colleagues here, including the gentlewoman from California (Ms. WOOLSEY), and I yield to the gentlewoman.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman for yielding me this time and putting together this Special Order tonight.

I believe we have been forced to view aviation security in a brand new way. These past events emphasize that aviation security is vital to our national security, but also to our national economy. We have to get people back on airplanes. We cannot run the business of this Nation if people will not fly from one place to another. We are in very unfamiliar territory now, and we have to carefully assess what constitutes appropriate responses in this very new world that we are living in because whatever our response, we will leave a permanent mark on the lives of the American people.

If Congress passes the aviation security measure that the House passed last week, I believe that the American people will know, they will not be surprised, and we cannot fool them that we have passed a status quo proposal. We will not have passed the best proposal. The public will know that we passed a measure to keep those same private companies in charge that the gentleman from Texas and the gentleman from Ohio just referred to. Those are the same companies in charge on September 11, and they are still in charge of security.

The public will know that as Members of Congress we did not rise to the occasion and we will not pass the remedies that were desperately needed.

Mr. STRICKLAND. Madam Speaker, we had quite a heated debate last week about two competing approaches. One would federalize our airline security workforce so the traveling public would know they were being protected by those who were answerable to Uncle Sam, who were law enforcement personnel, who were properly trained, who were adequately paid, and who were supervised.

I would like to just share with the gentlewoman some thoughts that I saw in an editorial in USA Today on November 6. ''House Barters Away Strong Protections for Flyers.'' Want to know why at a time when tight airline security is needed, the House rejected a tough bipartisan bill and passed a weak version favored by the Republican leaders? First, stop looking at the House as a law-making body; think instead of a flea market.

''Last Thursday, the day of the vote, the House was one big bazaar. Lawmakers with swing votes were doing the selling. Their price: Last minute special interest amendments and political pay offs.'' That is the opinion of USA Today.

After the Senate passed a bipartisan bill 100 to nothing, and as the gentlewoman from California (Ms. WOOLSEY) stated, we cannot get more bipartisan than 100 to nothing; yet there were Members on the other side of the aisle that accused many of us in engaging in bipartisanship. All we wanted was an opportunity to pass the bill that the Senate passed so it could have gone directly to the President, he could have signed it into law the next day, and today we could have a strong airline bill in effect. We were not able to do that; but I believe when the American people come to realize what is at stake here, they will force this Chamber and this Congress to do the right thing.

I have another editorial from my hometown paper, The Portsmouth Daily Times: ''Federalize Airport Workers.'' The Columbus Dispatch over the weekend had a long, thoughtful editorial opinion chiding this House for not doing the right thing and saying we need to federalize this responsibility. We still have that opportunity because the House and the Senate will take their competing bills to conference, and we still have an opportunity to have a bill that federalizes these workers and makes the situation not perfectly safe because it will never be perfectly safe to fly, but as safe as we can make it. Thus far we have not passed a bill that makes the traveling public as safe as they can be or as safe as they should be.

Ms. WOOLSEY. Madam Speaker, first of all I read that same USA Today article on the airplane flying here from California this morning. I was hoping that everybody else on the airline was missing it because it was kind of frightening.

I do not know if the gentleman heard the pilot that spoke at our press conference last week before we voted on the aviation security bill. He said one of the reasons the opposition to federalization is speaking so loudly is that they fear that federalization will equal labor unions. He said, I want to remind the public, I want to remind everybody here today and the press, that all of the heroes in this country since September 11, the pilots, the airline attendants, the firefighters and the police officers, every single one of them belong to a labor union. So what is the fear?

The gentleman is right, we do have another chance. Our chance this week would be to agree to the other body's language to federalization, follow their lead and agree to some really meaningful provisions that will put our citizens first, not the airlines, not the private companies that contribute great amounts of money to these individuals that are insisting that we stay private.

Since the other body did vote 100 to nothing, we know that is a bipartisan idea. We also know that the public is going to watch what we are doing, and they want us to take care of them.

Mr. STRICKLAND. Madam Speaker, the gentleman from Washington (Mr. INSLEE), who is an attorney, has joined us; and I would like to inquire regarding a legal matter.

Another Member of this body suggested to me because these private companies, at least two of the largest private companies that are responsible for airline security at many of our major airports are foreign-owned companies, as a result, their CEOs would be unable to get security clearance so that they would be able to get classified information.

□ 2045

The question has been raised with these private security companies responsible for airline security, what would happen, for example, if the CIA or the FBI came across information that was classified in nature but was relevant to airline security or some incident that may happen. Would it be

possible for these private companies to have access to that information so that they could work collaboratively or would that be possible? Would you have a legal opinion about that?

Mr. INSLEE. Let me express an American opinion, that is just not a legal opinion, which is whether you are a lawyer or not a lawyer, you want law enforcement information to be used by law enforcement personnel.

The nature of your question points out the exact flaw of continuing this failed experiment of having private contractors provide this service. They are not in a law enforcement context and this is a law enforcement responsibility. We do not share law enforcement information with people that you might not be able to have total confidence in. Unfortunately, these contractors have shown nothing but something akin to a Keystone Kops approach to this law enforcement situation. That is why this bill, the Republican bill that passed out of this House last week, is generating nothing but disdain as far as I can tell all across the country.

Mr. STRICKLAND. I think I hear you saying that the private companies, the private security companies, have the primary motive of making a profit, and a government law enforcement system would have the primary motive of protecting the public. Is that a fair way of phrasing that comment that you just made?

Mr. INSLEE. As always, the gentleman has done it with much more eloquence than I have been able to muster, but that is exactly right.

When we have the Border Patrol, we do not contract out the Border Patrol because we do not want to see the contractor's motivations to have low cost, low bid, cutting corners affect the law enforcement security issues that we have. It is the same with firefighters and police.

The reason we feel that way in this country is that these jobs are life-and-death jobs. If the job is done well, people live. If the job is not done well, people die. This is why we believe so strongly and Americans believe so strongly all across the country, I am hearing on Main Street, I am reading USA Today, I am reading the Seattle Post Intelligencer, I am reading the New York Times, this bill is a clinker because it does not match Americans' expectations that we have a law enforcement type system.

Let us just talk for a moment about this Keystone Kops idea. Since September 11, look at what has happened. Since September 11, when you would think these companies would be telling their employees to be on their best behavior, they would have their best front line people, their most trained people, they would be on their toes and they would have bells and whistles on, since September 11, we have had a test by the FAA at Dulles Airport that serves the Nation's Capital, you think would be the acme of achievement for these private contractors.

They went out to Dulles Airport a couple of weeks ago and they tried to run the gate 20 times with weapons that would show up on the magnetometer; guns, knives, I do not know what they used. Out of that 20 times, seven times people went through without being challenged by the security personnel. Almost half the times they failed at the Nation's principal airport. The company that was already fined $1 million for hiring felons we found is hiring felons again.

Now just the other day we have heard about this story where the guy ran through the system with multiple knives, stun guns, Mace, the only thing they kept him from taking on the plane was a Stinger missile. That was the only success they had. Yet the Republicans want to continue that status quo arrangement.

The status quo has failed. We hope this conference committee sticks by the Senate version which has a Federal responsibility.

Mr. STRICKLAND. I would like to ask my friend a question. Perhaps you cannot give me a definitive answer, but I am puzzled. Why is it that when the American people overwhelmingly want to federalize this function, when newspapers like the Columbus Dispatch in Ohio and the New York Times, the Portsmouth Daily Times, newspapers all across this country are editorializing in favor of federalizing this security function, and the Senate passed a bill that would do that 100 to nothing, is it puzzling to you that this House just would not get on board, do the right thing, pass the Senate version which could go directly to the President for his signature? And although the President has indicated he is not crazy about the bill, his spokespersons have said that he would be willing to sign it. We could have such a law in effect now, today.

Do you have any theory as to why this House would be so intractable in its approach to this issue?

Ms. WOOLSEY. If the gentleman will yield, I would like to suggest that if the GOP version does not sway towards the other body's, the Senate's version, it will be because they really do not want this to pass at all, because it is not going to pass. We will not get out of conference with the House version of that bill. So nothing will go to the President and we will not have an aviation security bill.

Mr. STRICKLAND. So we could enter the Thanksgiving holiday season without a security bill? And people who go to the airports to get on airliners would do so knowing that this House, this Congress, had failed to take action to protect them. That would be truly a sad set of circumstances.

Mr. INSLEE. To answer the gentleman's question, I am not so much puzzled as I am extremely disappointed because it is pretty obvious to anyone who has followed this with any but the scantiest degree of attention what is happening here. The companies that have failed the American people over and over again, the companies that have allowed sticks, guns, bottles, knives, everything short of a Stinger missile on these airplanes, have run up to their friends in Congress and have tried to save their bacon and their contracts and tried to put a kibosh on this bill that passed the Senate 100 to nothing, totally bipartisan, because they are trying to save their contracts and their potential profits.

There is nothing wrong with profit, but the problem is, these companies should lose their contracts. These companies should not be providing this service.

We have not seen anything in the Republican bill that will keep these same companies from not winning these same contracts. This same company that had seven knives get through security the other day and seven out of twenty through Dulles who are hiring ex-felons after they have already been fined $1 million, under the Republican bill could come up and they could get the same contract again. That is a pathetic failure of congressional responsibility.

Mr. STRICKLAND. Is it not true that this same company has already been fined over $1 million?

Mr. INSLEE. Already been fined $1 million. They got caught again with their hand in the cookie jar, hiring ex-felons. You have to ask yourself another question, how can this system of private contractors under Federal supervision be such a failure? Would one think that if we had a Federal agency supposedly riding herd on these contractors we could accomplish a fair degree of training and certification? One would think.

But the problem is this dirty little secret. We knew in 1995 that these companies were giving us a lousy job, they were not providing adequate security; and this Congress passed measures to require the FAA to adopt additional rules. But it never happened in 6 years. The reason is that every time the FAA tried to pass a meaningful safety regulation, those companies and airlines, too, to some degree, sent lobbyists up to Congress and blocked those safety regulations.

That is why this experiment is a failure, because our agencies have been under the control of the ones they are supposed to be regulating. And you cannot break that iron cycle unless we get campaign finance reform which we have also not had a vote on. The American people need to know that the reason this has not passed is, we have a sick campaign financing system that needs to be reformed. But until we get that, we need a new system of airline safety.

Mr. STRICKLAND. I do not want to put words in the gentleman's mouth, but as I listened to you, I am starting to feel some anger. I said earlier I felt frustration and puzzlement, but what you are saying, it seems to me, is that you believe that there is a system in

place here that would allow special interest money, special interest contributions, to be so influential over the actions of this House that we could take action or fail to take action which would literally put the lives of Americans at risk. Is that an overstatement in your judgment or do you think it is a fair statement?

Mr. INSLEE. That is a fair statement, that this Chamber put the financial security of special interests above and beyond the personal security of Americans who are in airplanes. It was a very sad day. That is why I hope the conferees will change the result that came out of this House.

Ms. WOOLSEY. If the gentleman will yield, I think it would be good if we laid out right here in our conversation how we think it would be different if it was federalized, how the standards would be set, and they would be national standards, and there would be a Federal corps of workers that would be hired, trained, monitored and supervised and actually earn a livable wage; and we would have a work force not too dissimilar from the work force we have here protecting us at the Capitol. We have the Capitol Police. They are Federal workers. They are not contracted. We do not contract the Marines.

Mr. STRICKLAND. It has been brought up in this Chamber on multiple occasions that we are protected here at the Capitol of the United States by police officers. They work for Uncle Sam. Some have taken offense when we have suggested that it is not fair for those of us who live and work in this Capitol to be protected by these well-trained professional individuals, who are adequately paid, adequately trained, adequately supervised, while we would be willing to let the American traveling public expose themselves to unnecessary danger. And when we pointed out the unfairness of that, some have taken offense.

But I think it is absolutely fair. Why should you as a Congresswoman or why should I as a Congressman have a different level of protection than other Americans who may be in vulnerable positions and threatened by terrorists? I think we should not. We should not have any less or any more protection.

I think what we have now is a system that leaves the traveling public, when they go to our airports, vulnerable. I know there are those who do not want us to say that, because they want the American people to go back and live a normal life. They know our economy needs our airlines to be successful and the public to feel like they can travel safely.

The public can travel safely if we do the right thing in this Chamber. It is in our hands.

I see that our friend from the great State of Colorado (Mr. UDALL) has joined us. Welcome.

Mr. UDALL of Colorado. I thank the gentleman for yielding. I want to thank my good friend the gentleman from Ohio (Mr. STRICKLAND) for calling this important special order tonight.

I want to change the thrust of our discussion, if I could, somewhat and talk about the economic consequences of not having an airline security bill in place. In my home State, we have a beautiful airport, Denver International Airport, known as DIA locally. It is a driver in our economy and a driver in the entire Rocky Mountain West of all of the States' economies that make up the Rocky Mountain West. We have seen a falloff of about 30 percent in flights, in concessionaire revenue and in subsequent falloff to the local tax collection moneys that accrue to the city of Denver, which incidentally has a responsibility to pay the bonds that covered the cost of the airport.

I have talked with a lot of people in the business community across the various sectors in our State, high tech, telecommunications, manufacturing, agriculture, you name it, we have it. I say, what can we do to bring our economy back to where it was? They say the number one thing we can do is get people back on airplanes again.

The ripple effect in our economy of people using our air transportation system, which is still second to none, is phenomenal. That is why passing this legislation is so, so important. That is why it was so disappointing to all of us here last week when we did not take the opportunity to pass the legislation. It was bipartisan in nature, as we all remember. It would have been on President Bush's desk on Friday. We would now today on Tuesday be in the process of implementing this legislation.

I also wanted to just underline what I have heard here too about the law enforcement function that we are trying to put in place. The people who are now doing the security work at our airports are well-intentioned. Many of them are hardworking. They want to do a good job. But they are not law enforcement professionals.

That is what we want to do by federalizing this work force. We would be able to provide them with the training, with the uniformity of approach, with a relationship with the intelligence community so that we can do a better job of catching people who should not be on our airplanes. We would provide these people with a career track.

There are some very thoughtful proposals that would link our airport security system, were it to be federalized, to Customs and to the Immigration and Naturalization Service.

□ 2100

People could work across those various agencies. I think that is a powerful concept and one that would be very, very useful to us.

Mr. STRICKLAND. I do not think the gentleman was here a few moments ago when I pointed out an issue that had been brought to me regarding the fact that some of the larger private firms that provide security at our airports are foreign-owned firms, and, consequently, the CEOs of those companies would be literally unable to achieve a high level of security clearance that would enable them to have access to classified information which may be essential as the FBI and CIA and other law enforcement agencies gain access to information, for example, about a terrorist threat.

On the other hand, if this was a Federal function, it would be quite easy for these Federal law enforcement agencies to work collaboratively, to share information, to make plans, to develop strategies together. It seems to me that is a glaring problem that I have not heard addressed as we have discussed this bill.

Mr. UDALL of Colorado. If the gentleman will yield further, I want to affirm what the gentleman has just pointed out, that we have the opportunity here as we move to provide for the homeland defense, two months ago, few of us had heard that term, ''homeland defense,'' but we now have that responsibility, not only to ourselves and our constituents, but to our children and their children. If we were to continue the work of the Homeland Security Commission headed by Senator Rudman, a Republican from New England, and Senator Gary Hart from Colorado, who suggested that we combine about 40 Federal agencies into a Homeland Defense Agency, part of that would be airline security. It is so, so crucial. It is at the core of our economic activity and our economic strength.

So I think the gentleman makes a very good point as to why it is important now, as soon as possible, to get about the job of federalizing our airport security and airline security system.

Mr. STRICKLAND. I would share a thought with my friend from Colorado, that I think it may not happen, what we are talking about here, it really may not happen until the American people become so determined that it has to happen. By that I mean only perhaps after the American people start calling and writing and making demands upon their elected Representatives and upon their Senators.

I would just share one additional thought from the USA Today editorial. It says: ''This week a House-Senate conference is charged with reconciling the competing bills, giving Congress one more shot at putting security wholly in the hands of the Federal Government, where it belongs.''

So we can still do this, as the House and Senate meets. We just passed a resolution here, or a motion to instruct, asking that this be accomplished by this Friday, so there is still time this week for the American people to let their will be known, to make phone calls or to write letters or to send e-messages or to visit their Representatives and express their opinions.

Mr. UDALL of Colorado. If the gentleman will yield further, he makes a very, very important point; and I want to once again remind the viewers that the bill had bipartisan support. This is

not about Republicans or Democrats. This is not about partisan advantage or disadvantage. This is about creating a new system of airline security that will ensure that every person who gets on our world-class airline system will know that they are going to arrive safely at their destination. They will know that when they go to the airport that they are going to proceed through a security system that is going to treat them respectfully, treat them as if their time is important, but also make sure that the bottom line is emphasized, which is to ensure that our airline system is safe and secure.

Mr. STRICKLAND. My friend understands that last week we spent a good deal of time talking about the fact that much of the baggage that is placed in an airliner is not screened for explosive devices. It is estimated that perhaps 5 percent is. But even the 5 percent that is being screened at Dulles International Airport, if I could just share a personal incident, this happened to me three times. I have flown out of Dulles now five times in the last few weeks, and three times I have been selected to have my luggage screened for explosive devices. Now, I am not sure what kind of profile I fit. Sometimes I think that maybe I am being screened because I am a Member of Congress and they want to convince me that the system is working. But here is how they have asked me to have my bags screened.

I have gone up to the ticket counter, I have given them my ticket, I have received my seat assignment. Then the person behind the ticket counter says to me, sir, we would like for you to take your bag and walk down this corridor until you come to the first crossover, turn to your left, go to the next main corridor, turn to your left, and you will see the machine, one of these CTX machines, $1 million machines, you will see one of those machines over on your right, and they will screen your bag for you.

Now, that is absolutely absurd. Any person who was devious enough to have an explosive in a bag would not voluntarily, without being observed or without being escorted, carry that bag around and ask someone standing on the other side of the wall to screen that bag for an explosive device. It is just simply absurd.

This Argenbright Company, I assume, is involved in that kind of process. It is so ridiculous, it is almost unbelievable. I am almost embarrassed to share that, because I know it is hard for people to believe that we would have a $1 million machine, we would have a process in place that would be so absurd and call it security.

I see my friend from California has stood.

Ms. WOOLSEY. Well, this is not about being inconvenienced; it is about being inefficient and senseless. We were talking about should we be protected here at the Capitol in a different fashion than our constituent in the traveling public is protected, and the answer, of course, is no.

We have to remember that it is the pilots that fly those planes and the flight attendants that work so hard to make us comfortable that are telling us and told us last week, federalize the system. That is what we would feel safe with.

They will; the public will. We know it is better. So we have one more chance this week in the conference discussion, the public does not care what a conference is or is not, but it is one more chance that we can get together and do the right thing.

I agree with the gentleman from Ohio (Mr. STRICKLAND) that it is time for the different Members of Congress here to hear from their constituency about this. But we have to remind them, they cannot send letters, because we do not get any mail. Phone calls, e-mail, call the district offices, but be heard.

Mr. UDALL of Colorado. If the gentleman would yield for another minute, I want to thank my colleague from California (Ms. WOOLSEY) for joining us as well. I wanted to make one final point.

Frederico Pena, the Mayor of Denver, well respected for his accomplishments, helped to see that our new international airport was first approved and then built; and it has now become a world class facility. He then served as the Secretary of Energy and then Secretary of Transportation. He wrote an editorial last weekend entitled ''Federalize Airport Screeners.'' If I could, I would like to enter this in the RECORD. He makes a compelling set of arguments for why we need to move to federalize our workers. He rebuts all of the arguments that have been made by people who do not want to take this step.

I know my colleague, the gentlewoman from California (Ms. WOOLSEY), talked about this argument that somehow unionizing these workers would result in them being less productive; and we would not have an opportunity to dismiss those who were not effective. That is inaccurate at best, and just not right, when you get under the surface and understand what we were proposing in our legislation last week.

He says, just one example, that some people say the one-size-fits-all solution would not work. That was one of the arguments against our legislation. But it is uniform, consistent high security at all airports, which is exactly what is necessary, because terrorists can find the weakest link, as they did when they went to Boston and drove to Portland, Maine, flew back to Boston and then boarded those airlines that hit the World Trade Center.

If I could, I want to thank my colleague for hosting this very important Special Order, and I hope a week from now we can all celebrate because this legislation will be on the President's desk, he will sign it, and before the holiday season begins, we can know that the American people will not only be secure physically, but secure psychologically. That is as important in this process as providing for the physical safety of all Americans who use our world-class aviation system.

Mr. STRICKLAND. I would like to share an anecdote regarding the wonderful Denver Airport. I know my friend is rightly proud of that great airport; but there is a problem there, and I would share this true story with the gentleman.

About a month ago some friends of mine in Denver, a young man with his wife and very young child, were going to fly to Columbus, Ohio, to visit this young man's mother. So they went to the Denver Airport, they had their tickets, they checked their luggage.

As they sat there waiting to get on the plane, they noticed someone who appeared to be nervous to them, and maybe they were allowing their imaginations to run wild, I do not know if they had a right to be concerned or not. But as they observed individuals boarding the plane that they were to fly, they saw this individual get on their plane, and so they were frightened so they chose to not fly on that airplane, but to drive from Denver to Columbus, which is a long distance.

But, guess what? Their luggage stayed on that plane. In the past we have thought, well, if a person checked luggage and flew on the plane, they would be unlikely to try to explode that plane because they would lose their own lives. But in this incident the traveling persons did not even bother to take the flight, and yet their luggage remained on that airplane.

That is another problem. We do not match passengers with luggage.

Mr. UDALL of Colorado. If the gentleman will yield, it strikes me that given the advances in telecommunications and computing and data processing, that all we need is the will and the resources to provide the system that would make that bag and passenger match, something that could be done.

Mr. STRICKLAND. It absolutely could be done. But once again, there is a story in the newspaper today saying the airlines are opposed to this, because they say it would cost too much and it would slow down the process.

We cannot put a price tag on public safety. There are reasonable things we can do. It may add somewhat to our inconvenience. But as that woman in Columbus, Ohio, said to me, this woman who had gotten through security with a pair of large scissors, she said, I would not mind the inconvenience if it kept me safe. But people do not feel like what is currently happening is going to keep them safe. Quite frankly, I do not think that will be the case until we federalize this effort.

Mr. UDALL of Colorado. People of all backgrounds and professions and experiences in my district have said to me, I will gladly pay the extra $2 or $3 on each ticket to insure that the security system is one that provides me a safe experience, provides my family and my friends a safe experience, and provides

all Americans who want to use our air system with the understanding and the security of knowing that they are not going to be threatened by another set of terrible acts such as we saw on September 11.

I want to thank my colleague for hosting this Special Order tonight.

Mr. STRICKLAND. I thank the gentleman for joining us. I yield to the gentleman from Washington.

Mr. INSLEE. I just want to answer a couple of the questions people have asked about our plan of federalizing these security forces.

One of the arguments against this essentially has been you will not be able to layoff incompetent people once they are Federal employees. People should realize that in the Senate bill we have made provisions to give additional flexibility to management to lay people off, to take disciplinary action, consistent with their law enforcement function.

We need to treat these people like FBI agents, Border Patrol and Federal Marshals. They should have a similar disciplinary system, that perhaps does have more flexibility for management than a different Federal job. That is a really a red herring, because we have taken care of that, to make sure that if there is incompetence in that workforce, we can take care of it, just like we need to with Federal Marshals and the like. That is taken care of.

The second argument people have played is there are some other countries that have different systems. There are some other countries that do have some private contractors under government supervision, which is fine. Other countries have managed in some circumstances to make that work.

But those countries are not America. We are 20 times bigger than some of those countries, number one. Number two, those countries have not had a 10-year continued pattern of failure like we have had with this system; and, number three, and most importantly, those countries do not have a sick campaign system that allows these people with tons of money to come into the FAA and Congress and spread influence around and stop safety from being implemented.

□ 2115

Mr. Speaker, that is the difference that we have to pay attention to.

Mr. STRICKLAND. Mr. Speaker, that is a very good point. It is amazing to me that a company responsible for the security of the traveling public could violate procedures, hire felons, give false statements, be fined $1 million and continue to be allowed to provide, quote, ''security to our traveling public.''

Mr. INSLEE. Mr. Speaker, it is a symptom of the illness that affects our system, of why we have not had sufficient regulation.

But I do not know what the campaign system is in some of these countries, the Netherlands and other places, but I know that they do not have a system like we do; otherwise they would have lousy security. They would have lousy security because the security companies would come in, spread influence around and block any safety or yank in their contracts when they do not do a good job.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, the gentleman has just reminded me of the fact that the gentleman and I sent a letter to the Speaker and to the majority leader asking that this House of Representatives not adjourn, that we stay in session throughout this year and attend to the important business of the American people.

One of the items we need to be attending to is the campaign finance issue. The campaign finance bill passed the Senate. All we need to do is pass it here in the House. The President has indicated, I believe, that he would sign the bill if the House were to pass it. If we did that, it would be a wonderful holiday gift to the American people, because the American people could then have confidence that regardless of what decision we made in this Chamber regarding airline security and a whole host of other things, that we were doing it out of the right motive, and that we were not doing it because we were trying to please some large contributor. That would be an amazing, wonderful gift for the American people.

That is why I do not think we should adjourn this House. We should not adjourn this House in time of war, we should not adjourn this House until the people's business has been attended to. That is one of the critical items that we need to address.

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

Ms. WOOLSEY. Mr. Speaker, every time the gentleman brings up campaign finance reform, I see the shelf, and if the leaders of this House will not move towards the other body's federalizing of aviation security, we are going to take aviation security and shelve it. So there will be campaign finance reform on the shelf, there will be aviation security on the shelf, there will be HMO reform on the shelf. It is all because of campaign finance reform. The gentleman is so absolutely right.

We have to remind everybody that last week the aviation security bill only passed out of the House with four additional votes on the passing side. That is not a mandate from anybody. So it needs to go back to ground zero and be rethought.

Mr. STRICKLAND. Mr. Speaker, it is of interest that the gentlewoman mentioned three critical issues: campaign finance reform, a Patient's Bill of Rights, which has passed the Senate, and now airline security. These three huge issues that are of such great importance to the American people could become law if we could just get the leadership in this Chamber to take the stranglehold off this Chamber and let it work its will.

We are near the end of our time together. I am wondering if the gentleman from Washington (Mr. INSLEE) would just take a moment and reiterate the process that we are facing here. We have had the House and Senate bill. What is likely to happen? How can this bill become law by the end of this week? What needs to happen?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, as the gentleman knows, the Senate passed a strong version requiring the Federal Government to assume responsibility for security of Americans in the air. It was 100 to zero. The bill came over to the House. It languished here for weeks and weeks and weeks after September 11. The Republican leadership refused to bring it up, essentially because they could not pass it. They finally brought it up last week and a very, very narrow margin passed a different version that had this giant hole in it, more Swiss cheese than anything; and now it goes to a conference committee where members of the House and Senate will meet to try to reconcile this to come up with a bill.

We are just very hopeful that now that America has found out about this bill and people have found out, as Siskel & Ebert would say, it is two thumbs down for America on its failure to federalize this responsibility, that the conferees will, in fact, adopt the Senate version and have the Federal Government have Uncle Sam take over this system like they should have done 10 years ago to prevent guns, knives, sticks, bottles and everything else getting through this poor system.

That can happen in conference committee. It can be signed into law by Monday by the President. We are hoping that Americans let their Members of Congress know what they think about it so that that is exactly what will happen.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, this is the situation: A relatively small number of Members of the House of Representatives and a relatively small number of Senators will make up this conference committee, and they will get together and try to resolve the differences, and then they will bring back a final version to this House to be voted upon and to the Senate to be voted upon. So it is still possible, is it not, that that conference committee could decide to federalize this security apparatus?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, it is very possible, and it is more likely if Americans will let their elected officials know that that is what they want to see happen, that they want certified Federal marshals, Federal officials at these gates to make sure people are not taking bombs and are not hijacking airplanes. And if we do that, we think this conference committee can, should and will adopt a federalized work force.

I want to thank the gentleman for helping to get that message out.

Mr. STRICKLAND. Mr. Speaker, I want to thank the gentlewoman from

California and the gentleman from Washington State and the gentleman from Texas and the gentleman from Colorado for joining us this evening.

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight on an issue that is similar to that which has been discussed on this floor for the last hour or so, and that is national security. It was focused almost entirely, the last hour, that is, on airline or airport security.

It is an incredibly important issue. No one denies the fact that what is happening around the country in our airports in terms of security has got to be improved, and that there is a great deal of concern about how that should be accomplished, whether it is the federalization of screeners at airports or not.

That seems to be the major sticking point, and it is an interesting one, certainly. It is not a very relevant point, however. I am afraid it is only a rhetorical point. It provides the minority party the opportunity to come to the floor of the House and suggest that the majority party is responsible for a lack of action that would lead to airline and airport security because we have not passed their brand of airport security.

Now, that is predictable; it is understandable. That is the way this House operates.

It is interesting to note that little, if anything, can be accomplished in terms of true overall airport security and certainly, very little can be accomplished in terms of national security by simply doing what is suggested needs to be done over the objections of the majority party; and that is to federalize the screeners that look through that little box as stuff passes through the x-ray machine as one tries to reach one's flight.

That is really what this is all about. Should those people, the screeners, be Federal employees? Somehow, we are led to believe that in doing that one thing, just by making that one person, because remember, Mr. Speaker, regardless of the fact that those folks who were up here for the last hour kept talking about federalizing the system, we are not talking about federalizing the system.

The system includes airplane pilots and airplane attendants and baggage handlers and food handlers and mechanics and people who sell the tickets at the airport and people who pick up bags when people come to the baggage check-in area. That is the system. That is the airport system. No one, absolutely no one that I know of up to this point in time, has suggested federalizing that whole process, eliminating the private entrepreneurial activity that goes on in airports all over this country, eliminating airlines taking over instead of the variety of airlines that we have.

Federalizing the system would mean one airline run by the Federal Government. It would mean all pilots, all airline attendants, everybody I mentioned earlier would be part of this, quote, ''Federal system.'' That is what federalizing the system means.

Now, they use that phrase, ''federalizing the system,'' but they are not really talking about that. They are talking about federalizing one tiny little part, making Federal employees of the people who look through that screen to determine what is going past the x-ray machine. And they are suggesting that somehow, somehow by magic, as if by magic, doing that, making those people who peer through that screen Federal employees, we will all be safer.

Now, there is a cachet to the whole concept of federalization. I understand it. It is a knee-jerk reaction. The other body had that reaction when they passed the original bill. It was a knee-jerk reaction. Some of those Members of the other body closer to the second half of knee-jerk were on television explaining why that needed to be done and suggesting that there is some enormous advantage to be gained as a result of making all of the folks who screen your baggage and look through that little machine Federal employees. But no one has ever said why.

Not once, not even in the 1 hour previous to this debate that I am having tonight, this discussion, did I hear anybody say that if we federalize these screeners, we will all be safer because. Because why? They will be what? Better trained? Well, fine. Does that mean that only a Federal employee can be trained?

Well, I do not think so. I do not think anybody believes that that is the case. Then why would it be better just to make them Federal employees?

Mr. Speaker, I do not know how many times my colleagues take advantage of that particular mode of transportation, airplanes.

□ 2130

I do it twice a week. My family periodically joins me out here. My sons, my daughters-in-law, my grandchildren all fly on airplanes quite often.

They are the dearest things in my life, and to suggest, as our Members did in the previous hour, that if we vote against the federalization of airport security workers, of these baggage screeners, we are really surrendering to these money interests who evidently have put a lot of money into all these campaigns, and that is what has corrupted the system, they have suggested that the gentleman or I would in fact vote for a piece of legislation because somebody put money into my campaign, even though I thought that we would be less secure as a result of it.

First of all, Mr. Speaker, I put every single person who donates 5 cents to my campaign on our Web site. Anybody can go to it any time they want. That is more than the FCC requires. They require that we disclose periodically anybody that has given us over $200. We put everybody there. Everybody who gives us any money, we list them. We disclose them.

I challenge anyone to go to our Web site, my Web site, and find any contribution from Argenbright or any of these other organizations that we are talking about, security organizations.

I will tell the Members something else: if I were in charge right now of airline security, airport security at DIA, I would think very, very strongly of firing Argenbright. From everything I have heard, they are not doing a very good job. That may be the case. But I suggest, Mr. Speaker, it is easier to fire Argenbright security than it is to fire even one Federal employee.

I suggest something else: if the same circumstance would happen in the future as happened yesterday or the day before in Chicago when someone went through the security process; now as I understand it, here is what happened: somebody came through the security process, and they were detected as carrying something that needed to be identified; and those screeners found this gentleman carrying two knives, and they took them away from him.

What they did not do at that point in time was search his baggage. That happened some point later in the process when he was trying to board the plane and they found these other knives.

Okay. Now let us assume something was wrong in this whole thing, that they should have searched his bags earlier; undeniably true. But remember, they found, these incompetent private employees found the two knives initially and took them away. That is what they were supposed to do at that point.

Maybe there was some problem with what should have happened next, and as a result of that, some people may very well be fired as a result of not doing what was right and following procedure. I do not know exactly what the procedure was; but if there was something wrong, they could be fired, and I would suggest that they should be fired. We are not talking about an unimportant activity here; we are talking about the safety of the flying public. So I think the standards should be very high. If somebody did not meet that standard, they should be dismissed.

Think for a moment, Mr. Speaker, what would have happened if the exact same scenario that I just laid out had occurred, but the employees there had been Federal employees.

Does anybody think for a moment, by the way, that if we federalize the screeners, that this similar type of situation would not happen? Is that what I am being told by the other body, by the other body and including the other

Members who spoke earlier, that if we federalize the screeners by making them Federal employees, somehow what I have just described, this process that happened in Chicago, would not happen?

Of course, why? Just making them Federal employees would make them, what, more astute, more intent on making sure that the procedures were followed? No. It is a problem, of course, of training and of standards. We know that. And it is silly to assume that just simply having Federal employees there would have changed the outcome.

But what would have changed, Mr. Speaker, is the possibility of the kind of action taken against the employees, because if they were Federal employees, regardless of what we try to write into a law about our ability to fire a Federal employee, about our ability to transfer a Federal employee, about our ability to stop a strike or a work slowdown of a Federal employee, all those things have been challenged in court; and time and time again they have been thrown out.

So it is just enough to put that into a piece of legislation, and to suggest that that is the way in which we would build a firewall between irresponsible action on the part of the union and the safety of the flying public is a ruse. It cannot happen. We cannot write laws to force people or to make it illegal for people to go on work slowdowns and strikes and to actually be fired if they are Federal employees if they do something wrong.

Mr. Speaker, I spent 12 years as the regional director of the U.S. Department of Education. I assure the Members that the ability to actually dismiss someone for incompetence as a Federal employee is darned near impossible. It would take, sincerely, it would take years; and it would take hundreds of thousands of dollars to get rid of just one, let alone several people who we found to be incompetent.

So I wonder, with that being laid out there, I just wonder, Mr. Speaker, what would be the outcome if these were Federal employees who had not followed the regulations correctly, as perhaps this happened in Chicago? We can at least fire the ones in Chicago. We will never be able to fire the Federal employees who would go through that same process and unfortunately make the same mistakes.

Now, somehow people, again, as I say, would feel better. They would go, oh, gee, that is all right. I feel better. I am more secure if these guys are Federal employees that are looking through that screen.

That is not it. If Argenbright, which has been referred to oftentimes in the last hour as the major contractor for security, if they are not doing it right, fire Argenbright. Fire Argenbright tomorrow. Bring someone else on who can do a better job. If whoever is responsible for hiring and firing Argenbright does not do their job, then hold them accountable politically. That is the process that I believe would make us more secure.

I fly, as I say, every week, Mr. Speaker, twice a week to my family. I would never do anything, I would never cast a vote for anything that I did not believe would improve the security for my own family, and certainly myself.

So to suggest that our opposition to this particular proposal is based on, on what, payments I had gotten, or other Members have gotten, for voting the way we vote? As I say, go look. We were moving close there to taking down the gentleman's words when he suggested such a thing.

The other countries, we can look around the world and think about the other countries that have tried this. Yes, I know that they brought this up saying, well, the other countries have done this, but they are not like America. They do not have a political system that allows us or allows their politicians to be bought off. That is what they were saying.

I do not know about the Speaker, but I think that kind of statement is irresponsible. I think the suggestion of the Members on the other side that it is only our system of government that prevents us from federalizing airport security, and that is essentially what they said. Go back and read their words. They said that other countries do not have a system that allows the corruption of politics to occur as a result of the money that private companies put into this.

As I say, I had never heard of Argenbright Security in my life until this discussion over airport security began some month or two ago. They have certainly never contributed to my campaign; and I will tell the Members what, if they had given me 5 cents or $5,000, which I suppose is the most they could give; no, they are a corporation, perhaps they cannot give a dime.

I do not know what the actual legal status of their arrangement is, but the reality is they have never given us any money. If they are a corporation, of course they never have been able to give any Member of this body any money.

So to suggest that our support for a private company being held to high standards, federally established standards, is somehow injudicious or an aspect of corruption, then I suggest that we take a very close look at those people who are making these charges and ask ourselves, for what purpose would they be coming to this floor with those kinds of spurious allegations?

There are many countries, many countries, such as the Netherlands, Japan, Belgium, France, Great Britain. These are excerpts from articles from the Washington Post with regard to countries who have at one point in time either employed or used federalization as a way to handle the airline security and moved away from it, or never started it to begin with.

The Netherlands: ''As an armed member of the Dutch Royal Police looked on, the guard, an employee of a private contractor who had undergone a year of training through the Royal Police Academy, began questioning the couple.''

These are examples of what we can have, where we can have Federal oversight and private actual implementation of the process.

Japan. At Japan's Narita International Airport, the airlines hire separate companies to screen checked baggage, but combine to hire one contractor, one contractor to X-ray carry-on bags.

Belgium. Sixty government inspectors work at the Brussels airport to oversee about 400 employees of private companies; 60 inspectors oversee 400 employees of private companies.

Securitas, an arm of the Swedish Securis group, AB.

So there are alternatives to this Argenbright outfit, evidently.

France. In France, airports do the hiring of security contractors and must draw from a list of companies approved by the Interior Ministry. Fine. No problem.

Great Britain. Britain allows its airport to either hire a contractor or to perform the work themselves. Fine. Our bill, the bill that they so readily castigated over here, does exactly that. It allows the President to make whatever choice he wants in terms of how we will handle this issue, federalization or private or some combination thereof.

But it is the height of hypocrisy to come to this floor and suggest that the only way this can be done, because, of course, we are the only Nation that would be in this position of having private security firms overseen by the Federal Government, actually be responsible for the security of our airport; to castigate us for that and not share with the American public the truth of the matter, that there are many governments that do. And this is not a definitive list of those countries that have tried federalization of airport security and moved away from it; there are many others.

I suggest that we all should look carefully at this issue, and we should refrain from suggesting on the floor of this House or in any other medium that if a person votes for or against the bills that were on this floor not too long ago with regard to airline security, that we are doing so for any reason other than what we believe in our hearts to be the best thing for this Nation, and certainly for our own personal security, if nothing else, and for the security of our families who fly all of the time.

Now, Mr. Speaker, let me get to the second point of my discussion this evening. It will probably not be a surprise that that point is going to revolve around the issue of immigration and immigration reform.

I find it fascinating that we spend many hours on debate, in debate on this floor on the issue of, in this case,

airline security, and whether or not to actually make that individual who looks through that little box a Federal employee.

This has just been so, so difficult for us to handle, such a major issue, such an incredibly important change in the procedure in America, that it deserves the hours that have been spent here in debate.

I find it amazing that we have chosen to spend that much time in the debate over whether or not one tiny part of the entire airline system, just the lady or man who looks through that little screen, should be a Federal employee, that we find that to be the most important thing to talk about when it comes to our Nation's security; and we spend little if any time dealing with what I consider to be a far, far more important issue, and that is this: Would it not be better, would it not be better to spend at least as much time in the determination of who gets into this country in the first place, keeping track of them once they get here; trying to keep people who want to do us ill, want to do us ill, is it not better to do that than to even worry about what happens to them as they go through airport security, once they are here, once they are in the Nation?

How is it that we can ignore the fact that there are millions of people in this country illegally, that there are millions of people who have overstayed their visas, millions of people who violate our laws all the time, and we are so worried here?

I heard reference after reference to the fact that some of these private companies hire ''noncitizens'' to do the security at the airport, to look through that screen.

□ 2145

This has been said with aghast, taken aback, to use the Casa Blanca line. They are shocked, shocked to find that noncitizens are being employed at the airports. Hello, noncitizens, and not just noncitizens but illegal aliens in the United States are being employed in every aspect of American life; and no one seems to care about that, and no one seems to care about the fact that hundreds of thousands, in fact, millions of people cross our borders every single year, without going through the system, without going to apply for a visa, without coming through a border checkpoint so that someone could determine who they are and where they are going and why. Millions of people come across our borders where there is no checkpoint and where no visa is required. They sneak into the country.

It is true that certainly a huge, vast percentage of the people who do that are not coming here to do harm to the United States. They are coming here for their own personal benefit, and it is understandable. It is also true that some of them may not have the best interests of the United States at heart. It is true that some of them who come across illegally may, in fact, be coming here to do us harm.

Mr. Speaker, 19 people, all of them noncitizens of this country, on September 11, 19 people, as we all know too well, hijacked airplanes, crashed them into buildings or were prevented from doing so by the heroic efforts of certain efforts of the crew and/or passengers, I should say, on one of those flights.

Who were they? Who are these people? Who were these people? All, of course, unable to tell their own story because they are dead. But who were they and how did they get here?

My staff asked the INS shortly after September 11 for a list of those people and for their immigration status. We got nothing back; and finally, the only thing that they told us to look at was a press release from the FBI that listed all 19 people and had three of them identified with a particular status, and all of them were visa holders.

One of those they had identified had overstayed their visa. It turns out that 13 were here on visa status of one form or another, one category or another, some of those here illegally because they had overstayed their visas or were not doing what the visa had said they were supposed to be doing here.

Six of them, Mr. Speaker, up to this point in time, as to this time right now, November 6, we have not the slightest idea how they got here or who they are. We may know their names, but we do not know what their status was. We do not know how they entered the United States of America, six of them. The INS finally had to admit it. It is one of those shrug-your-shoulders, I-do-not-know, I-am-not-sure, I-do-not-know-how-they-got-here.

Let me suggest that they did not come through the regular process. Let me suggest that they did not apply for a visa in Saudi Arabia. We would know that. Let me suggest they did not come through one of the border checkpoints and use their name. We know that. We would know that.

Let me suggest they got here some other way. How could that be? How could it be that somebody could come into the United States and we would not know it? Of course, that is how millions of people come into this country. They swim across rivers. They take canoes across rivers in the north. It is a little colder. They walk across into the deserts of the South or into the mountains in the north, but they come by the millions.

We have absolutely no plans today to defend against that. Nothing will change. Nothing has changed. We are approaching the 2-month mark since the tragedy in New York and Pennsylvania; and yet I have seen not one significant piece of legislation on this floor or even in the developmental stages that would reform the process, reform the immigration system so that we could begin to think that our borders are being secured. Nothing.

We are certainly concerned about whether or not the person that looks through that little device at the airport is a Federal employee. Give me a break, Mr. Speaker. Where in the world are our priorities here? Do we honest to God think that if we only federalize the screeners that we will be safe in America? That something as horrendous, if not even more so than the September 11 event, would not occur? Do we really believe that? Of course not. Of course not.

It is political rhetoric, my friends. It is partisanship rearing its ugly head on this floor. Incredible as that may sound, that appears to me to be what is happening here; and it is a reluctance on the part of this body, certain Members of this body certainly, to advance the concept of immigration reform because of the fear of two things: one, the political backlash that will occur among certain ethnic groups.

There is a fear that if we were to try and clamp down on our borders, especially Mexican nationals who come to the United States, stay here for a long enough period of time, either vote illegally themselves or through gaining legal status or their children who are born here as American citizens and who then vote, would somehow make one of our parties pay the price for being hard on immigration.

There is that fear. There is a recognition of the fact that most of the people, massive numbers of immigrants coming across the border eventually grow into, as they become eligible to vote and some of them, of course, unfortunately, voting even if they are not eligible to do so, but will vote primarily for one party, in this case the Democratic Party.

So the Democratic Party is reluctant to talk about this issue, although they are very happy to talk about whether or not screeners should be Federal employees, spend hours on it. But they will not talk about illegal immigrants coming across the border and the threat that porous borders poses to this Nation. Again, I say it is not the vast majority of people coming across those borders illegally that pose a threat to the health of the Nation or the stability of the Nation in a very immediate sense, although they may pose that in the long run. But the fact is that unless we secure our borders against all of those people who are trying to come here illegally, we cannot hope to prevent another incident.

Even if we did, I understand fully well, Mr. Speaker, that even if we did do everything I am suggesting, put troops on the border, if not active military put on National Guard troops to secure our borders, use technology to monitor the borders, use every aspect of military and police work available to us to make sure our borders are secure, overnights and patrols and electronic monitoring, if we did all of that, we cannot be absolutely positive that nothing else would ever happen as a result of somebody sneaking into the country.

But let me ask, Mr. Speaker, let me ask the American public, should we do

any less? Should we not do everything we can to make sure that those borders are secure simply because we cannot make sure they are absolutely impervious?

Mr. Speaker, I have said on more than one occasion that, God forbid, if something else happens similar to the occurrence of September 11, and we find that they are perpetrated by people who came into the United States illegally, or even came here legally with a visa status that we gave them but did not monitor, and they perpetrate another event of a similar nature, I suggest, Mr. Speaker, that we are not just going to be held to be irresponsible as a Congress, but we are going to be held to be culpable. And I recognize that this is a very strong statement, but I cannot for the life of me figure out why it is not true.

We sit here, Mr. Speaker, with the ability to put in place a system that would be far more efficient than presently exists. We are the only people, this Congress is the only thing that can act. We cannot expect States to actually do the work of immigration reform for us. We have to do it. We are the only ones with that authority and with that responsibility.

But why is it that we have refused to do so? As I said, there is a political price to pay, that is for sure. And we understand that there is a political benefit to pandering to illegal aliens. There is also on our side of the aisle a reluctance to deal with this issue because of economic implications. The fact is that many, many of our jobs are being taken, many jobs in this country are being taken by illegal immigrants or by people who are here legally but are willing to work for less than an American citizen would work for. That is true. And, therefore, we have pressure on our side, on the Republican side, the people who have business interests, to avoid doing anything that might impede the flow of low-cost employees, low-wage, low-skilled people; or in some cases like H1B, which I will talk about in a minute, high-skilled people but still lower paid.

Let me go into that for a moment, Mr. Speaker. H1B is a visa category that allows people to come into the United States, about 160,000 a year, by the way. And they can stay here for up to 6 years to work in jobs that, quote, ''no one else will take.'' Jobs like computer programmer at some of the most prestigious companies in America in terms of technology. These really rotten jobs that no one else will take, computer programmer, analyst.

We were told by the mavens of industry that in this particular arena, technology, that we could not hire enough people. They could not hire enough people, qualified people, here in the United States. So we had to grant H1B visa status to 165,000, at least, every single year. Let them stay for 6 years. So we now accumulated several million, 4 or 5 million people here in the United States on that status, H1B visa status.

Now, unless it has escaped us, Mr. Speaker, and I do not believe it has, there has been a change in the economy over the last year. Starting with the last quarter of the Clinton administration, the economy has begun a slow but steady decent into what is now undeniably a recession. Yesterday, I believe it was, unemployment figures came out; and the figures were frighteningly high, higher than they have been in well over a decade. Especially frightening in the area of high-tech jobs where hundreds of thousands of people have been laid off.

Mr. Speaker, in America today there are factually millions of people looking for work, people who can operate in this capacity as a computer programmer or whatever and people with various other skills who are looking for work.

□ 2200

I suggest, Mr. Speaker, that it is time for us in this body to revisit the whole idea, the whole issue of H–1B, and I have, in fact, introduced a bill to abolish H–1B visas. I think, Mr. Speaker, we do not need them anymore. I do not think we needed them when we passed them. I think we did it as a favor to some large corporations in the United States because they could get people to come to the United States and work for less than they could hire an American worker to do the same job.

And I say that with the recognition that there are people in the United States who I know today are unemployed and unemployed because an H–1B visa holder took his or her job, took a job that those people would be qualified for and would be doing except, of course, they asked for more money.

Now, this kind of thing, to my friends on our side who are Libertarians and who feel as though we should not really care about the issue of high wages for American employees, that it is all a function of markets and we should just simply erase the borders, let people come and go freely, that is all fine. It is an idealistic concept. But the idea of open borders, I think by now has been totally and completely discredited, for obvious reasons. Look where we are. Look what has happened to us. Look what happened on September 11.

The idea that American citizens who need and want jobs should be kept from those jobs because there are H–1B visa holders here is, I think, unconscionable. But it is where we are.

And let me tell my colleagues what has happened, Mr. Speaker. It is true because there have been many layoffs in industry, the high-tech industry especially, that some of these H–1B holders are out of work or were out of work. Now, the law says, by the way, that if they are no longer employed by the company that hired them to bring them over here as an H–1B visa holder, they must go home. That is the law.

The INS has said essentially that we are going to look the other way. They say, do not worry about it. When H–1B holders call them and say, what am I going to do, I am out of work, am I going to have to go home? They say, well, we are in the process of writing regulations, so we will let you know. Other people have been told they have a couple of months to look for another job; take another job away from an American citizen because, after all, you are here. We would not want you to be disadvantaged. We would not want you to have to leave the country.

The INS is no longer an organization that looks out for the best interests of the United States. The INS is an organization that has turned into a bunch of social workers. Immigration social workers. That is how they think of themselves, Mr. Speaker. They are not concerned about the health of this Nation, about the impact of massive immigration on the overall course of the Nation, and certainly not concerned about the fact that American workers are being displaced by H–1B visa holders.

Why do we still have H–1B visa holders in light of the fact that there has been a significant turndown in the economy? For one reason, Mr. Speaker, because this body is afraid to take that up. There are powerful interests who want the H–1B visa status to be expanded, certainly maintained, because they get many workers here at a lower price than they can hire American workers for. That is the story. I wish it were not true, but it is true.

And it is actually totally understandable, I suppose, if you are an employer whose eye is only on the bottom line and could not care less about the United States of America. And, believe me, what we now call multinational corporations, that is a good, good descriptor. They are multinational. They could not care less about America. Their interests are bottom line, and so should they be.

Maybe we can argue their interests should be just that, bottom line. But I argue that our interests in this body should be for the people in the United States who are citizens of this country, who are looking for jobs and are competing with people who have been brought into the country, albeit good people.

I do not suggest for a moment because someone is here as an H–1B visa holder that they are a bad individual. That is absolutely not true and irrelevant. They are fine people looking to better their own lives. I understand it. I empathize with them. But my job is not to make sure that every single unemployed person in the world is given the opportunity to take an American job. That is not what I consider to be my responsibility as a Member of this body.

Yet my bill for the elimination of H–1B status will not be heard, I will predict. We will not even get a hearing, Mr. Speaker. My bill to put a moratorium on the deliverance of visas will not be heard, I fear. My request, as the

chairman of the Congressional Immigration Reform Caucus, to have a bill that would actually reform the INS by abolishing that responsibility that they take so casually, that is for enforcement, abolishing that and creating a brand-new agency that includes some of the responsibilities that are now given to the INS, Customs, Treasury, Coast Guard, and others for border security and internal security.

We would abolish those agencies, or those parts of agencies that are now given that responsibility, an overlapping and confusing and conflicting responsibility, and create a new agency under Governor Ridge, under the Homeland Defense Agency. We could call it the National Border Security Agency, or whatever we want; but let us make sure that it has only one responsibility, not to on the one hand hand out green cards and help individuals get legal status in the United States, help them figure out a way to get here and achieve their life's dreams as an immigrant, but has as its only responsibility to make sure that people we do not want in this country cannot get into this country, and to make sure that those people who are here illegally are deported.

Now, that is the true and real responsibility of a Federal Government. It is especially our responsibility now. It does not mean we slam the door shut to every single immigrant. We will hear that, I know; that what we are trying to do is deny our heritage as immigrants, as a nation of immigrants. Poppycock. It is irrelevant to talk about the fact that we are all here as immigrants.

Yes, well, so what? What has that got to do with September 11 and what we should do from that day forward? It is irrelevant. It does not matter. Because if we continually look to the past in that respect to try to determine what we do in the future, why do we not simply abandon the border? How much of a death wish do we have?

It is not the fact that we cannot grow our own terrorists. It has happened. But it is the fact that right now the most significant threat we face to this country does not come from a homegrown terrorist; it comes from an immigrant, people who are here either legally or illegally, who are not U.S. citizens, and are here to destroy this Nation.

Now, how do we stop that? Do we just say that only those people whom we deem to be potential terrorists are going to be given a hard time trying to get a visa? Well, that is what we have proposed.

That is the huge immigration reform proposal we have had so far, that we are going to make it much more difficult, Mr. Speaker, for anybody to come into this country on a student visa; and we are going to actually try to make sure if they do come in on a student visa, they go to school.

Well, I feel so much better. That, combined with making sure that that person that is peering through that little box a Federal employee will make me sleep so much easier at night. Idiotic. Almost incomprehensible. But here we are. Here we are.

By the way, when I talk about my suggestion for a bill that would move us in the direction of a brand-new agency, it will not be heard. I am sure it will not find its way into legislative format. I am more than willing to draft a bill, Mr. Speaker, but if history is any guide, I am going to bet that I would not be very successful in getting that bill heard in the committee of reference, the Committee on the Judiciary, chaired by the gentleman from Wisconsin (Mr. SENSENBRENNER), or any other place in this process.

I suggest that there is a problem that needs to be addressed of far greater significance than who pays the salary of the person who looks through the screening device at the airport when we talk about the security of the Nation. Far more serious. Far more serious. The defense of the Nation begins with the defense of our borders.

I find it fascinating, almost, again, incomprehensible that time and again I have to come to this floor and plead with my colleagues to do something significant about immigration reform, to do something that would in fact improve the security of the Nation; that in fact would help us all sleep a little easier.

I ask my colleagues to think about the fact that as we stand here tonight on the floor of the House, not one thing has happened to improve the security of our borders, although a great deal of attention is paid to trying to get on an airplane in America. And whether it is improved or not, I do not know. I certainly go through a lot more security every single week than I ever did before.

But nothing has really happened to change the fact that if a person wanted to come into this Nation and avoid being detected, he or she could easily do so. All it would take is the willingness to expend a little energy to get around the border security checkpoint. That is all it takes.

We talk about tightening the visa requirements. I am all for it. But I ask, Mr. Speaker, for us to apply just a tiny bit of logic to this whole process, this whole question, to this controversy.

Let us assume for a moment that we have someone, a member of the al-Qaeda, or any one of the other various groups that want to do us harm, and that person is in, let us say Saudi Arabia today, or Pakistan or the UAE, or any country that requires a visa. And by the way, we do not require every country to actually approve visas for people coming into the United States.

But let us say that person is coming from one of those countries, and they go to the consulate to try to get a visa and they find out the requirements are a little more difficult: that there is actually a form they have to fill out, maybe even a fingerprint they have to give, maybe even some other form of identification that actually will be shared with other agencies; and that information from the CIA and other groups will all be stored in one place, and we will be able to determine whether this person trying to come into the United States is connected with a terrorist organization; and therefore we will say to them, no, sir, you cannot come in, we will not give you a visa.

Then will we go, oh, thank God, that stopped that. That person is now probably going to go home and say, you know, Mr. bin Laden, I tried to get into the United States but, hey, they would not give me a visa. So I guess I just will not go any farther with this plan. I will just go home and take my bomb with me. I do not think so. I do not think so, Mr. Speaker.

Again, let us apply a little logic. If that person wants to come into the United States, and let us assume we actually tighten up visa requirements, then that person, of course, will come the way that millions of others come every year. He will simply walk across the border, the part of the border that is undefended, and come into the United States, probably the same way that at least six of the nineteen hijackers on September 11 came in. We do not know because, as I say, the INS cannot tell us. They have not the slightest idea how they got here. They shrug their shoulders. I do not know. Gee, we are just the INS, do not expect us to keep track of people.

Here is an interesting statement that was reported in the Marietta Daily Journal in Georgia. It is from Fred Alexander, who is the INS Deputy District Director, speaking to a group of ''undocumented day workers.''

□ 2215

If I am driving without my driver's license, I am undocumented. But if I am here illegally, I am an illegal alien. ''It's not a crime to be in the United States illegally. It's a violation of civil law.''

Oh, I see. It is not a crime to be here illegally. That sentence makes all of the sense in the world. No problem. I do not know if this fellow is really that unable to understand the English language. Perhaps he himself is not able to really communicate well in English, although his name does not suggest it. It is not a crime to be in the United States illegally; it is a violation of civil law. I do not know what that means except this guy is trying to say do not worry about being here illegally. The INS is here to help you. That is what he is saying.

Members wonder why we are concerned about the INS and why we are trying to push this body into truly reforming the INS. There will be bills put into the hopper that will split the INS into two. That idea is not good enough because of course, if we do not gain control over the entire process, we will soon be left with this peculiar and at

least questionable method of border security where people actually look at lines, and this happens, Mr. Speaker. People will actually view which line is being monitored, and this is coming across the border now, which line is being monitored by border patrol and which line is being monitored by any other agency. Customs in this case in particular, because of course Customs has certain regulations that they have to follow and Border Patrol has others. Border Patrol does not look in certain places where Customs will look. If you are trying to smuggle drugs in, you will come in via one line; and if you are smuggling people, you will come via the other. That happens. It is incredible, but it is true. It is because we have this mish-mash of responsibilities.

Trying to actually change all that, reform the system, this is our greatest opportunity, Mr. Speaker. This is the greatest opportunity we have ever had to reform immigration; but I fear that the lethargy, the inertia is so strong and the political obstacles to overcome are so great. We fear the political ramifications of immigration control, both Republicans and Democrats. Those ramifications are significant, but none more so than the potential safety of the Nation.

We have asked, this is our e-mail address and if Americans want to get in touch, we have encouraged them to write Tom.Tancredo@mail.house.gov for more information about immigration reform and for us to be in communication with people when there are important bills coming up in the Congress that they should be aware of and that we can request their help.

This is the only way that this will happen, the only way any of the reforms will be accomplished is if there is a huge outcry, to both Senate and Members of the House, to please, please do something more than just give lip service to immigration reform. Please develop true immigration reform proposals, put them in front of the President for him to sign.

We are going to be looking at one issue coming soon, and that is the extension of 245(i). The only thing we are going to do is perhaps extend amnesty for literally millions of people who are here illegally. That is going to be coming up on the House floor. Whether it is a part of the Commerce, State, Justice appropriations bill or a freestanding bill, that is what we are going to be asked to do, not throw out H–1Bs or diversity visas which give 55,000 visas to special countries because they do not send us enough people, many of those Middle Eastern countries, not to reduce or eliminate the number of immigrants coming into the country, not border security, not doing anything about truly trying to significantly change and improve immigration at INS by creating a new agency, entirely new agency. None of that.

What we are going to be asked to do is to extend, for the ability of people to stay without going through the process of being reviewed in their country of origin so we will not know whether or not they have a criminal background or whether or not they are connected with any sort of agency that will bring harm to the United States. That is what we are going to be facing.

If people are willing to help us, we encourage them to go to that Web site, Tom.Tancredo@mail.house.gov. We need the help of everyone on this issue. It is the only way we will improve the whole procedure of immigration. It is the only way we will reform immigration and the only way we will be able to sleep easier at night, and that is what we are seeking here. It is far more important in my mind and in the mind of most people than who pays the salary, than the person who looks through the screening device at the airport.

TRIBUTE TO JERRY WILLIAMS AND REPRESENTATIVE BOB DORNAN

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I congratulate the gentleman from Colorado (Mr. TANCREDO) for his very excellent statement about the state of the country with respect to control of our borders and the important need to hesitate at this point in our history and put together a strategy that allows us to control our borders and to get a handle on immigration, and on all of the people who have come into this country legally but stayed beyond their legal limit and apparently did not care. I would hope to work with the gentleman and lots of others in the House over the next several months and try to get our arms around this important issue. I thank my colleague for his statement.

Mr. Speaker, on 9–14, just a couple of days after the tragic occurrence that we have been so focused on, a real American, a great Westerner, passed away. That gentleman was named Jerry Williams. I knew him as Mr. Williams because I had a lot of respect for him and for the legacy that he represented.

If one drives north from my district in San Diego and you go past Camp Pendleton, it is the only open area between San Diego and the greater Los Angeles area, and you proceed north, you can drive for hours without leaving the site of lots of pavement, lots of construction, lots of traffic and lots of people. That is the southern California that most Americans know. They see it on television. They see it in person when they fly into LAX or San Diego or any other metropolitan area in southern California.

But if one goes north and inland, one comes to a different California. It is a California of rolling foot hills, and I am speaking of the Santa Barbara area, big oak trees draped with Spanish moss, and a legacy and a tradition of the Old West, a tradition that was started with the founding of the missions along the California coastline.

There are not a lot of great Western families left in southern California because we have urbanized enormously; but there are still a few, and Jerry Williams was one of those great Western ranchers. He represented a hospitality, a big heart, a sense of giving, a sense of community, that is now more rare in the West than it was 20 or 30 years ago.

I got to know him by knowing his sons, Rodney and J.P. Williams, and their families, and their good neighbor, John Wiester and his wonderful wife. The Santa Ynez Valley has a spirit of hospitality, just inland from Santa Barbara 15 or 20 miles with one coastal range between the valley and the Pacific Ocean.

President Ronald Reagan found that area to be the area that he wanted to locate in and he put his house on top of that mountain range about 10 miles or so from the Pacific Ocean.

But that was the world of Jerry Williams. He was a rancher. He was a farmer. He was a businessman extraordinare. Jerry gave of himself to his community during his entire life. He and his wife, Nancy, lived in the Santa Ynez Valley for 40 years. Wild Turkeys flew overhead, and they had a pet raccoon or two. They had a wonder world for their grandchildren, and I could see this was a Western family that really cared about family.

Jerry Williams was a member of the Santa Barbara Cattlemen's Association; the Santa Barbara Fiesta Days is an event that we all remember. For 10 years he was a member of the board of that wonderful event until for the last 10 years he was the chairman of that particular board. This was a guy who represented a lot of California that many of us knew and loved and would like to see return. It is the California of graciousness and hospitality and goodness and people who make business deals by shaking your hand, not by bringing in a troop of lawyers. That was Jerry Williams.

Mr. Speaker, I just wanted to talk about Mr. Williams a little bit and to honor his legacy and the tradition that he has left in the California ranch country.

Mr. Speaker, I would like to talk about another individual. This individual is very much alive. I thought about him today as I was going through the New York Times and read the story about the defeat of Daniel Ortega, who at one time was the leader of communist Sandinistas in Nicaragua, and ran for president, and for the third time was defeated, this time by Enrique Balanos who is a businessman who was arrested a number of times, who always spoke out against the Sandinistas and had much of his property confiscated during the Contra wars.

This race was considered to be one that would go down to the wire. Mr.

Balanos won a fairly convincing victory, but it is not just the victory of Mr. Balanos over the former Sandinista leader that I think is impressive and reminds me of this other guy I am going to talk about; but it is the fact that there was an election, and it is the fact that there was a former communist leader running in that election, putting himself before the will of the people, before the electorate, to let them pass judgment of his fitness for judgment. That is the miracle of Central America and the miracle of the Reagan administration a lot of Members of what this House of Representatives and the other body did in the 1980s to bring about in a Central America that before was one in which military dictatorships were the order of the day, but to bring all of those military dictatorships, whether it was Nicaragua or Salvador or Guatemala, to bring those countries to become fragile democracies.

□ 2230

Obviously this democracy in Nicaragua has endured longer than many experts had predicted.

One of the gentlemen who really worked in those days to help this country win that freedom for Central America was a guy named Bob Dornan. Bob Dornan is a great friend of mine and a friend of many members of the House here. I see my good friend the gentleman from California (Mr. ROHRABACHER) here, who stood side by side with Bob and myself and many others during the Contra wars.

He was a great friend of ours. And because his election was so close and was contested for so long, we never had a chance to sit around or to gather on the House floor as we often do when a Member retires or leaves office pursuant to an election and talk about that Member. We have not had that opportunity. We never did that, because that election was contested for such a long time that we never went through that tradition.

And so I just wanted to say a word or two today and invite my good friend, the gentleman from California (Mr. ROHRABACHER) to say a few words about this guy Bob Dornan.

I am reminded when our troops were killed in Somalia, when the American Rangers were killed and we had that crisis, that Bob Dornan was the one member of the House Armed Services Committee who flew for a dozen hours by himself to go to that location, to meet with the survivors and then came back and personally talked with the families of every American who had given his life in that particular mission, that very dangerous mission. That was Bob Dornan.

Bob Dornan knew every aircraft that was ever made in this country and a few that were made in other countries. He flew everything. He flew every jet aircraft and every bomber and every recon plane that we had. But it was really the people that he loved the most.

He did a wonderful job as the chairman of the Personnel Subcommittee on the House Armed Services Committee, and he loved people so much and loved people who wore the uniform so much that he was the one guy you could count on to meet with families when there had been a tragedy, when there had been a firefight, when there had been a death, and talk to them about the value of their loved one to the United States of America. I will always remember Bob for that and remember him for his great expertise as a fighter pilot who knew the equipment that we were voting on in the committee and on the House floor.

Of course, everybody has their favorite Bob Dornan story, but I can tell you, he was one guy when I was a freshman as a candidate for the House Armed Services Committee back in 1980 and we had a lot of great Members like former colleague Dan Lungren and Pete McCloskey and Bill Lowery and lots of others who were well qualified, probably more qualified than me for that position, and Bob Dornan himself all running for that post.

Bob got up when we were about ready to take the vote and said, you know, there is one guy there who is an Army veteran from Vietnam who has got a district that is a military district and probably deserves this seat or needs this seat more than anybody else, and that is Duncan Hunter. I was as much shocked by that as all my other colleagues, but Bob Dornan, instead of voting for himself, voted for me and let me as a freshman have that particular seat. What a wonderful display of generosity and selflessness that represented. That was the true Bob Dornan and is the true Bob Dornan.

One great thing about him is Bob Dornan stays current with the affairs of the day. He is still in the media. He is doing lots of work now in radio. And so the people across the country still have the opportunity to listen to this guy and listen to that good conservative wisdom that he has displayed so often.

I would be happy to yield to my good colleague, the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I think the gentleman is right. This is a very good day for us to remember Bob Dornan, the day after Daniel Ortega has lost again in a free election in Nicaragua, because I have no doubt if it was not for Bob Dornan and a few stalwarts, and I was very proud to be at your side and at Bob's side during this time during the Cold War when very, very few people were up making the case for supporting the Nicaraguan resistance, Bob was there.

And now we have free elections in Nicaragua, but not only just Nicaragua. Had we not had those freedom fighters that we were supporting to fight the Sandinistas, we would have lost all of Central America. There would not have been a disintegration of the will of the Soviet Union's leadership which happened during Afghanistan and Nicaragua. If they would have seen instead that the Communist forces were just making their way up Central America towards Mexico, you can bet they would have been emboldened rather than weakened as they were. That was an incredible fight.

Bob Dornan, he does not get the credit for it; you are right. People look back right now, they are not going to give Bob Dornan credit for that, but I have no doubt that if it was not for the strength and the vigor and the energy and the excitement that he put into that, I do not think we would have won that. I can honestly look back and think that, because Bob was there 100 percent.

When he was with you, he was with you 100 percent. The Afghans know that. The Vietnamese who were fighting the Communist dictatorship knew that. People all over the world who were struggling against Communist oppression, he would just pop in on them, he would pop right in and say, ''Hold firm, we're going to be with you. Don't worry about it. We're with you right now. What can we do?'' He would get right in the action.

We have a cloakroom back here where the Republicans sit. Bob Dornan would sit there for hours telling us about these various personalities that he had worked with that love America, that need our help and were in a very precarious situation. Or he would be telling us about a new weapons system, because not only was he for strengthening those people who were struggling against the Soviet Union, he was for bolstering the strength of the ultimate freedom fighters, and those ultimate freedom fighters are the ones who wear the uniform of the United States of America, because he knew that our freedom fighters, the people in the United States military, had been done a great wrong, especially during the 1970s when we permitted their strength to be so drained that they were at risk. Their own lives were at risk, not only was our country at risk. Bob would talk about that.

I remember him talking about the food stamps that these kids in our military had to be on at the time. Bob was there not only for the freedom fighters overseas but he was for our freedom fighters as well.

When I was in the White House, and I was in the White House during most of the 1980s, Bob had had his ups and downs. I do not know if he remembers, but when he was on a down time one time in his career, I think he had given up his seat for somebody else, I think that is what it was, he ended up making my office sort of his command center. He took over my desk and, sure enough, he was right at home there.

Mr. HUNTER. That is true. Bob Dornan never had an office. He always had a command center.

Mr. ROHRABACHER. He certainly did. I was looking back in my photos

the other day. Sure enough, there we were.

Which leads me to another thing about Bob. Bob really worked his heart and soul out for Ronald Reagan, and he worked his heart and soul out for George Bush, Sr. Let us all admit, Bob made people mad, we all know that. He got people angry because he is an Irishman who has got a temper. We all know that. But Bob never got the appreciation that he deserved for the things that he did.

I know George Bush, Sr., he worked a full year trying to make sure that man became President of the United States. Then when Bob was down and out, as I say, he was there during the Reagan years, and it was not President Reagan, it was his staff, they did not do right by Bob.

Mr. HUNTER. That is true. Bob Dornan, I think, went to more States for George Bush than anybody else.

Mr. ROHRABACHER. Than George Bush did, I am sure.

Mr. HUNTER. Except George Bush.

Mr. ROHRABACHER. I bet he went to more States than George Bush did.

Mr. HUNTER. You are probably right; he probably did.

We have all seen that the great thing about great Republican Presidents is you continue to love them even when their bureaucracy sometimes does not measure up to their measure of goodness. I think Bob understands that. I think we all have to deal with that on a day-to-day basis.

Mr. ROHRABACHER. If the gentleman will yield further, as I get older, I realize that all of us, every single one of us, has our good traits and our bad traits. We have things that are very admirable and other parts of us that perhaps are not as admirable. Sometimes, because Bob had such a temper, it blinded some people to the very good things that he was doing.

I know many times in technology development issues, most people think of me now because I am so involved with this Afghan thing that they think of me as the Afghanistan guy or the international relations guy, but actually I have spent a lot of time on technology issues in the Science Committee. I am the chairman of Space and Aeronautics.

Whenever we would be in a tight spot and we needed to make sure that a critical piece of technology for America's space program that perhaps had dual use for our military as well, we would go to Bob and Bob would make sure it got done. I can think of two or three times where it was so important and Bob made sure he did it. He took the time and energy to buttonhole the appropriator and make sure that he understood the magnitude of the decision of how much money was going to be spent developing a piece of technology.

Mr. HUNTER. That is true. I think one reason Bob was so helpful on aerospace issues and on military issues and was so good to this House and such a leader in the House is that Bob Dornan loved and appreciated American air power.

Somebody mentioned the other day that American troops had not been killed by foreign air power, that is, by an adversary's air power, for something like 40 years. That is the period of time during which we have held total mastery of the skies in all the engagements that we have been involved in.

Mr. ROHRABACHER. That did not just happen.

Mr. HUNTER. It did not just happen. It is a function of a lot of great expertise, leadership and technology, and guys in the House of Representatives like Bob Dornan. Bob was one of a kind in supporting that continued superiority of air power.

You have got to have a good old Irish temper if you are an Irishman. I think that is one of the great things about Bob Dornan. When you were in a tight spot, you just wanted Bob to get angry at your adversary and you were taken care of.

Mr. ROHRABACHER. That is correct. I should say, if you are not getting people mad at you, perhaps you are not doing your job if you are a Congressman.

But sometimes, I have to admit, Bob lost his temper. But I will say this about Bob, and he does not like it when I say this, he has a temper; but you can see through the temper and you know that he has, he had and has, a wonderful heart. He has a heart of gold. He hates me to use that expression, for whatever reason, but I think he does have a heart of gold. He had a lot of passion in him. He cared a lot. That can get you in trouble sometimes.

With his own constituents, I know sometimes the news media would just take a picture when he had lost his temper about something. I will just have to say that I think it is, again when you say when someone is not appreciated, I think it is wrong what happened to Bob in the end in this body, what happened in the end here, we permitted, and I know that you worked a lot on this and so did I, but the rest of our Members did not.

Bob Dornan did not lose his election. That last election that he had was stolen with the use of illegal immigrant votes. Everybody here knows it and every now and then when you try to confront people with it, they will pull you aside and say something, oh, well, Bob Dornan, he flies off the handle and does this or that.

No, Bob Dornan won his election and his opponent in that election, or maybe not his opponent, maybe it was just his opponent's campaign team, who knows whether his opponent knew about it personally or not, but I can just say that clearly it was illegal alien votes that made the margin of victory. We should never have let that stand. When we let that stand, we did ourselves a disservice and we did Bob Dornan a disservice.

Mr. HUNTER. My colleague is absolutely right. Bob Dornan won the majority of the legal votes cast in that particular race. It is sad that so many officeholders who were in a position to do something about that, to pursue the investigation, became intimidated and allowed that thing to fall through. That happened throughout the State of California. Folks that were supposed to be subpoenaed left and went to other countries.

In the end the race card was played by the opponents of Mr. Dornan's campaign. That is sad, because everybody, regardless of your ethnic background or your religious background, everybody has got a stake in free and fair and honest elections. Bob Dornan got the majority of the votes in that election.

Mr. ROHRABACHER. The gentleman from Colorado (Mr. TANCREDO) was here a few moments ago talking to us about how illegal immigration has gotten so totally out of control. There is no doubt about this. Again he mentioned the fellow who was just caught up at O'Hare in Chicago trying to smuggle the knives and the stun gun onto an airplane. That is a horrible thing no matter who was doing it, but that person was here illegally. He was an illegal immigrant into our country. Not only should he have been arrested, of course, for trying to smuggle these weapons onto the airplane, he should never have been here at all.

□ 2245

I think that it was during this time period when Bob's election was stolen from him and other people backed away that the message went out that government was not going to do anything about illegal immigration. We would even let one of our own Members have his House seat taken by a margin created by illegal alien votes. So I think that was a bad disservice for Bob, it sent a very bad message to the country, and we should regret it in many ways right now.

Mr. HUNTER. There is one other area that Bob was very concerned about, and I think most Americans today, especially in the wake of the September 11 attacks are concerned, and that is the problem that we have, and the problem is that we have no defense against incoming ballistic missiles.

The argument against having a defense against missiles has always been that somehow it is unthinkable, it is unimaginable, that cities in the United States could be attacked by incoming missiles. It is not that there are not dozens of countries around the world making these missiles, and I would just hold up this chart to show the dozens of countries. Each one of these lines and boxes represents ballistic missiles that are being developed by various individual countries around the world. It is not that dozens of countries are not making these missiles, which are becoming increasingly capable of covering large distances, meaning a number of them can now reach the United States from various locations around

the world. But it was somehow that it was too Buck Rogerish to imagine a missile attack on the United States.

Remember when we first started talking about missile defense, and Ronald Reagan started talking about it in 1980, the put-down, and in politics you always try to get, whether you are conservative or liberal, you use a put-down with a touch of humor, and the put-down was this was Star Wars; that this was somehow so unimaginable that we would have an incoming missile hit an American city, that it was something that was more appropriate for a movie screen, where people would go and leave the real world for a few hours and watch a movie, than in real life. So that was a derision that a lot of journalists accorded the idea you should defend yourself against incoming missiles.

Of course, we defended ourselves against every other invention of warfare in this century. We defended ourselves against tanks; we came up with counter measures. We defended ourselves against machine guns. We defended ourselves against aircraft. We learned how to make radar to shoot down aircraft. When our own aircraft were shot down with radar, culminating in hundreds of planes being shot down in the Vietnam theater, we developed an airplane that could avoid radar, that at some places could not been seen by radar, the so-called stealth airplane. So every time there has been a technology that could defeat America's military developed by another country, we always built a countertechnology to defend ourselves.

For the first time in this century, in fact, in our history, we had people saying we should not defend against incoming ballistic missiles. Of course, we made the treaty with the Soviet Union where we promised not to defend ourselves, they promised not to defend themselves, and the idea was no matter who threw the first rock or missile, there would be such a huge response from the other side that both sides could be assured of destruction. That was called the MAD doctrine, mutually assured destruction. To a large degree, we still operate under that with the Soviet Union. We still have no defense against incoming missiles.

But today there are lots of countries, dozens of countries, who never signed that agreement not to defend themselves, or not to attack an America that did not defend itself, building ballistic missiles around the world. So right now President Bush is meeting with President Putin of Russia, and they are both acknowledging the reality that while we have made this agreement between our two countries for better or for worse, there are lots of countries that never signed the agreement who are building these systems with increasing capability to go further and further; and a number of these missiles can now reach the United States of America.

Mr. ROHRABACHER. If the gentleman would yield, I think it is sometimes mind-boggling to be here and to just understand that there are people who will permit something that is so horrendous a threat to the United States of America and just brush it off, just not even think about it, just sweep their hand as if it is not an issue because it is so stupid even to consider it.

There is an arrogance, a personality of arrogance in some of these debates that are overwhelming. Whether it is illegal immigration, where clearly, I mean, millions of people coming in, are bound to have a terrible impact on us in some way; or, I might add, during the last 8 years when I was up giving speeches trying to convince people we could not permit Afghanistan to go the way it was. Just the last administration, the Clinton administration, I might add, some of them, my fellow Members of my Committee on International Relations, just brushed it away as if I was being delusional or something, by suggesting that the last administration was actually having policies that helped the Taliban.

Then missile defense, based, as Ronald Reagan said, on an immoral theory. The immoral theory is we should kill millions of innocent people because our innocent people have been killed. That is an immoral theory. We should have MAD, mutually assured destruction. We are not just destroying their military capabilities. It is based on the idea we are going to slaughter tens of millions, if not hundreds of millions, of women and children.

Now, that is an immoral premise. That is what MAD, that strategy leaves us with. Having a defense system, as Ronald Reagan said, is a moral decision, is a moral stance facing this type of challenge. Instead of saying we are going to kill all of your women and children, you are saying no, we are going to defend ourselves.

Mr. HUNTER. Another thing has happened since September 11, and that is a lot of Americans realize there are people in the world who do not care about mutual assured destruction; and there are people who have technology, who understand how to leverage technology. Today the experts call it asymmetric warfare, that is, you do something that has a great deal of leverage and damage capability, far beyond the parity or the proportionality of your military to the other military. That is, you may have a very small military that could not in a conventional war take on the United States of America; but if you can use a technological weapon, and that includes today missiles, you can do a lot of damage, far beyond your size.

So I think since September 11 it is no longer unimaginable that one of these thousands of missiles that are now being built by our adversaries may in fact be used by them at some point. In fact, with all the construction of ballistic missiles that is taking place right now, it would be the first time in our history that all this construction and development and technology dollars went into a program and it was never utilized.

When we saw technology go into the building and development of tanks, they used tanks. When we saw building and technology development go into the development of machine guns, they used them. The same thing with aircraft and artillery. So the idea that the bad guys are building these missiles but they do not intend to ever use them is itself a myth. I think it is becoming harder and harder to explain why we are not building defenses against missiles.

Finally, we now have a lot of Americans who were killed in that Desert Storm attack with Saddam Hussein's Scud missiles, that killed Americans; and we saw for the first time on the battlefield American casualties caused by ballistic missiles. We sent up our Patriot missiles to try to intercept them. The Army thinks they got about 80 percent hits. We had some private experts from the outside that said they did not think we got any hits. Probably the truth is somewhere in between. But right now we have more capability to knock down those Scud missiles.

Mr. ROHRABACHER. The phoniest argument against missile defense that I know is that we should not build it because it will never work. Well, who would advocate building a system that does not work? If it does not work, it will not be built. The fact is that no one on this side of the aisle or either side of the aisle who believes in missile defense would ever consider building a system that did not work.

But the major decision we have to make is if we can build a system that works, should we build it? And those people who are opposing the missile defense system, they do not want to face that argument. They just want to say it will not work, and, then, again, brush it away in an arrogant manner.

Mr. HUNTER. That is the offering that George Bush, President Bush, is making to the American people with this defense budget. He is requesting the dollars to expand our missile testing range, which presently is in the Pacific. We fire our missiles now, our test missiles, out of Vandenberg. We fire them due west. They cross over Hawaii at about 148 miles above the Earth's surface. And we fire an intercepter missile from Kwajalein Island at that incoming target missile. When they hit, they are both going about three times the speed of a 30.06 bullet.

The last test we did a couple of months ago it was a success, although it was an easier test. We had a transponder part-time in the missile going out. We shot that same shot a number of times, because we have a very limited test range.

So what President Bush has offered to all Members, whether you are for missile defense or against missile defense, is to do some really tough testing. He has said, and General Kadish, who heads up the Ballistic Missile Defense Office, said was, okay, let us do

some tough testing. The critics want it; they say this is too easy. Let us have some tough angles. You shot that pheasant going straight away. Have angles where they cross. Let us have some higher speeds; let us have some difficult geometries. Let us have some more difficult radar acquisition.

To do all of that, you have got to build a bigger test range. You cannot just have this narrow alley where you throw the same target up in the same position every time and you shoot it from the same position.

So we are now expanding this test range in this defense bill to Alaska, to a location at Fort Greely and a location at Kodiak, Alaska. So we are now going to have some very difficult shots.

It will also allow us to shoot-look-shoot. We will have multiple engagements. We throw up a missile, and if we miss it with first shot, we will try to get it with a second one. So we will have a chance to evaluate our success just seconds after we fired our first intercept; and, if we miss that intercept, we come back with a second intercept.

So President Bush has taken the challenge from all the naysayers that you talked about that said it does not work. A lot of the naysayers say we do not even want to test it. It is so unthinkable, we do not want to test it. That is no longer a reasonable position. That is why we need every penny of funding that the President has requested in this defense bill for missile defense.

Mr. ROHRABACHER. I think what we also to have understand, if the President is successful in his strategy, missile defense will actually in the end cost us less, much less, than what President Reagan envisioned missile defense costing, because if President George W. Bush is successful, we will be working with the Russians, as Ronald Reagan had suggested we might do in a more peaceful world; and we could actually work with the Russians to build this shield. It would help bring down the cost. This is something that would make the world a lot safer.

But for us to just suggest that no country, that we could rely on this mutually assured destruction, which was a policy from the 1950s and 1960s, is so ridiculous. China or Korea, for example, you have regimes that murder their own people by the tens of thousands. Why do they care then if we would retaliate against them and kill 100,000 or 200,000 of their people? They do not care. That does not deter them at all.

Mr. HUNTER. We just had an attack by people who did not care about mutually assured destruction.

Mr. ROHRABACHER. Absolutely. I would like to thank the gentleman for, number one, his leadership, and also for helping us recall that Bob Dornan played such an important role on issues like this and other defense issues that have made the country safer.

I am pleased to be standing here at your side now, and wish Bob a lot of success in his radio program that he has on, I guess, on a daily basis.

Mr. HUNTER. I want to thank my good friend for his contribution to this Special Order. I think it is appropriate that we started in southern California talking about Jerry Williams, who was a great cattleman and really carried forth a tradition and legacy of the West in his home and with his great family up in the Santa Ynez Valley where Ronald Reagan settled, and where you and I and Bob Dornan campaigned a number of times.

That was really, to some degree, the heart of the political movement that supported then Governor Reagan through a couple of campaigns for the U.S. Presidency and ended up with leadership in the 1980s that proved the validity of peace through strength. That is the idea that we in the United States would become so strong that we would be able to deter aggression. That means we could not only protect ourselves, but we could protect lots of others.

□ 2300

We did a lot of great things for the world. We freed a lot of people. This little article from the New York Times about the President or the head of the Communist Sandinistas, former dictator of Nicaragua, being beaten in a free and fair election in Nicaragua is great evidence of the validity of the idea of peace through strength that we engendered in the 1980s.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, let us note that for the record, I noted about a week ago on the Los Angeles Times editorial page, they had some leftist, as they always do, lamenting about Latin America and how horrible it was, this war in Latin America in which we stopped the Communists from taking over Latin America, and yes, it was certainly an imperfect war, and there never was a perfect war; innocent people were hurt and there were some unsavory characters on our side at times. But I say to the gentleman, there would be no democracy there; all of these countries would be like North Korea.

Mr. HUNTER. Or Cuba.

Mr. ROHRABACHER. Or Cuba, if we would have lost then, but here we have in the L.A. Times, giving column inch after column inch to these old leftists who are proven wrong every time, and here again we have an election in Nicaragua where the people soundly reject everything this leftist was claiming about Latin America, everything he was claiming about Nicaragua, and the people down there do not believe a darned word of it.

But guess what? Guess what? The L.A. Times gives people like that all of that coverage, and they would not say a good word about Bob Dornan in his entire career. The L.A. Times would not give him one column inch. Detractors, yes. People who were espousing the virtues of the Sandinistas and these people who would have enslaved the people of Latin America, the Communists, they get all of the space they need. Bob Dornan has never gotten a column inch.

Mr. HUNTER. Mr. Speaker, reclaiming my time, that is true. Daniel Ortega is probably sitting in an empty room right now in Nicaragua with an old copy of the Los Angeles Times predicting that he was going to win this election in one hand, and a ''Dear Commandante'' letter from the more liberal Members of this House of Representatives in the other hand, assuring him of his primacy. That is all he has left.

Mr. ROHRABACHER. Mr. Speaker, the gentleman is correct.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for participating. Mr. Speaker, God bless the family of Jerry Williams, God bless Bob Dornan and his family, and God bless Ronald Reagan and his family and the strength that he brought to our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,105.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 7, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

4510. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107–143); to the Committee on Appropriations and ordered to be printed.

4511. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [Releases No. 34–44992; File No. S7–26–98] (RIN: 3235–AH04) received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption For Motorcycles [FRL–7095–8] (RIN: 2060–AJ76) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [AD-FRL–7095–6] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylene Oxide Emissions Standards for Sterilization Facilities [AD-FRL–7096–1] (RIN: 2060–AC28) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Incorporation by Reference of Approval State Hazardous Waste Management Program [FRL–7014–9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska [Alaska 001; FRL–7082–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4517. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to the Compliance Certification Requirements [FRL–7096–4] (RIN: 2060–AJ04) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Administrative Orders Issue to Airport Operators and Airlines Regarding Control of Pollution from Ground Support Equipment (GSE) for the Houston/Galveston (HGA) Ozone Nonattainment Area and a Non-Road Large Spark-Ignition Engine rule for the HGA and Dallas/Fort Worth (DFW) Ozone Nonattainment Areas [TX–134–4–7508; FRL–7093–1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nitrogen Oxides Budget Trading Program [DC 050–2027a; FRL–7094–7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Philadelphia-Wilmington-Trenton Area [PA041–4180; FRL–7089–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; Alabama, City of Huntsville, and Jefferson County [AL–T5–2001–02; FRL–7091–2] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; Kentucky [KY–T5–2001–02; FRL–7095–1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Determination of Attainment for PM10 Nonattainment Areas; Montana and Colorado [MT–001–0038, CO–001–0065; FRL–7093–7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Partial Operating Permit Program; Allegheny County; Pennsylvania [PA–T5–AC2001a; FRL–7093–3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; Designation of East Kern County Nonattainment Area and Extension of Attainment Date; California; Ozone [CA–059–RECL, FRL–7093–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4526. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2001 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 107–142); to the Committee on Veterans' Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. Supplemental report on H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes (Rept. 107–231 Pt. 2).

Mrs. MYRICK: Committee on Rules. House Resolution 277. Resolution providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes (Rept. 107–271). Referred to the House Calendar.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2620. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–272). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GALLEGLY:

H.R. 3229. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. MORAN of Virginia, Mr. NADLER, Mr. CASTLE, Mr. FERGUSON, Mr. FOSSELLA, Mr. GRAVES, Mr. GRUCCI, Ms. HOOLEY of Oregon, Mr. JOHNSON of Illinois, Mr. LAFALCE, Mr. SHUSTER, and Mr. SWEENEY):

H.R. 3230. 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; to the Committee on Small Business.

By Mr. SENSENBRENNER (for himself and Mr. GEKAS):

H.R. 3231. A bill to replace the Immigration and Naturalization Service with the

Agency for Immigration Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.R. 3232. A bill to direct the Federal Election Commission to make grants to States which have adopted an instant runoff voting system for presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. ACEVEDO-VILA:

H.R. 3233. A bill do permit a dependent of a Federal employee who is currently enrolled in the Department of Defense domestic dependent elementary and secondary school system in Puerto Rico to continue such enrollment until graduation from secondary school; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3234. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Education and the Workforce.

By Mr. BROWN of Ohio:

H.R. 3235. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. WAXMAN, Mr. STARK, Ms. NORTON, Mr. ANDREWS, Ms. RIVERS, Mr. BOUCHER, Ms. KAPTUR, Mr. KILDEE, Mr. KUCINICH, Mr. KLECZKA, Mr. GREEN of Texas, and Mr. HALL of Ohio):

H.R. 3236. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. BONIOR):

H.R. 3237. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LATOURETTE, Mr. RANGEL, Mr. BARRETT, Mr. KLECZKA, Mr. POMEROY, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. COYNE, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FILNER, Mr. MURTHA, Ms. KILPATRICK, Ms. SOLIS, Mr. SANDLIN, Mr. OWENS, Ms. LEE, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. FRANK, and Mr. MCDERMOTT):

H.R. 3238. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mrs. WILSON, Mr. NORWOOD, and Mr. GREEN of Texas):

H.R. 3239. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois:

H.J. Res. 72. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. VISCLOSKY, Mr. QUINN, Mr. EHRLICH, Mrs. JONES of Ohio, Mr. NEY, Mr. STUPAK, Mr. GEKAS, Mr. EVANS, Mr. SPRATT, Mr. DINGELL, Mr. BERRY, Mr. HOUGHTON, Mrs. MYRICK, Mr. SHIMKUS, Mr. CALLAHAN, Mr. DOYLE, and Mr. BROWN of Ohio):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:

H. Con. Res. 263. Concurrent resolution expressing the sense of Congress that any Presidential candidate should be permitted to participate in debates among candidates if at least 5 percent of respondents in national public opinion polls of all eligible voters support the candidate's election for President or if a majority of respondents in such polls support the candidate's participation in such debates; to the Committee on House Administration.

ADDITIONAL SPONSORS

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

H.R. 122: Mr. GORDON and Mr. HERGER.

H.R. 218: Mr. CAMP, Mr. DEFAZIO, and Mr. CRENSHAW.

H.R. 250: Mr. FORD.

H.R. 265: Mr. ANDREWS and Ms. LEE.

H.R. 303: Ms. MILLENDER-MCDONALD and Mr. WELLER.

H.R. 488: Mr. FARR of California.

H.R. 510: Mr. TANNER and Ms. HARMAN.

H.R. 531: Ms. PELOSI.

H.R. 536: Mr. MOORE.

H.R. 604: Mr. FARR of California and Ms. DELAURO.

H.R. 782: Mr. EHRLICH, Mr. OWENS, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, Ms. LEE, and Mr. NEY.

H.R. 898: Ms. ESHOO and Mr. GONZALEZ.

H.R. 910: Mr. THOMPSON of California.

H.R. 921: Mr. RYUN of Kansas.

H.R. 952: Mr. DOYLE.

H.R. 981: Mr. GIBBONS and Mr. COMBEST.

H.R. 1043: Mr. DAVIS of Illinois.

H.R. 1097: Mr. DAVIS of Illinois and Mr. MATHESON.

H.R. 1129: Mr. WAXMAN.

H.R. 1158: Mr. UDALL of Colorado.

H.R. 1212: Mr. RILEY, Mr. CHAMBLISS, and Mr. GEKAS.

H.R. 1307: Mr. RAHALL.

H.R. 1354: Mrs. JO ANN DAVIS of Virginia and Mr. CONYERS.

H.R. 1360: Mr. ISRAEL, Mr. BARCIA, Mr. BOEHLERT, Ms. DELAURO, Mr. BORSKI, and Mr. BROWN of Ohio.

H.R. 1436: Mr. FLETCHER, Mr. SHERMAN, Ms. WATERS, Mr. SHOWS, Mr. SHUSTER, Mr. ETHERIDGE, and Mr. SKELTON.

H.R. 1460: Mr. PETERSON of Minnesota.

H.R. 1485: Mr. KING, Mr. FERGUSON, Mr. BORSKI, Mr. CONYERS, Mr. PAYNE, Mr. WYNN, and Mr. HILLIARD.

H.R. 1487: Mr. CUNNINGHAM.

H.R. 1536: Ms. PELOSI.

H.R. 1609: Mr. FLETCHER.

H.R. 1629: Mr. LANGEVIN.

H.R. 1795: Mr. PHELPS and Mr. CARDIN.

H.R. 1822: Mr. PAYNE.

H.R. 1862: Mr. STRICKLAND.

H.R. 1887: Ms. NORTON.

H.R. 1919: Mr. FORBES, Mr. BLUMENAUER, and Mr. SHUSTER.

H.R. 2074: Mr. LEWIS of Georgia.

H.R. 2117: Mr. INSLEE.

H.R. 2134: Mr. ANDREWS.

H.R. 2166: Mr. NADLER and Ms. BALDWIN.

H.R. 2254: Mr. KUCINICH.

H.R. 2269: Mr. HERGER.

H.R. 2349: Mrs. MINK of Hawaii, Mr. BERMAN, and Ms. KAPTUR.

H.R. 2380: Mr. CLYBURN, Mr. JEFFERSON, Ms. WATERS, Mr. LEWIS of Georgia, Ms. CARSON of Indiana, Mr. WATT of North Carolina, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT, Mr. MATSUI, and Mr. GORDON.

H.R. 2405: Mr. GUTIERREZ.

H.R. 2417: Mr. PICKERING.

H.R. 2623: Ms. NORTON and Mr. HINCHEY.

H.R. 2693: Mrs. MALONEY of New York and Ms. BERKLEY.

H.R. 2750: Mr. OWENS and Mr. DOYLE.

H.R. 2758: Mr. JACKSON of Illinois.

H.R. 2820: Mr. STUPAK, Mr. KING, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. UNDERWOOD, Mr. CLEMENT, and Ms. SLAUGHTER.

H.R. 2839: Mr. NADLER.

H.R. 2896: Mrs. BIGGERT.

H.R. 2946: Mr. MARKEY, Mr. NADLER, Mr. BARCIA, Mrs. NAPOLITANO, and Mr. HOYER.

H.R. 2981: Mr. PETERSON of Pennsylvania, Mr. OSBORNE, and Mr. STUPAK.

H.R. 3015: Mr. LANGEVIN.

H.R. 3024: Mr. WHITFIELD.

H.R. 3026: Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. PASCRELL, Mr. UDALL of Colorado, and Mr. FORD.

H.R. 3029: Mr. FILNER and Mr. BLUMENAUER.

H.R. 3935: Mr. HOUGHTON and Ms. WOOLSEY.

H.R. 3046: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. CANTOR, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. NEY, Mr. CLEMENT, Mr. BACHUS, and Mr. FARR of California.

H.R. 3054: Mr. ISRAEL, Mr. CAMP, Mr. QUINN, Mr. BERRY, Mr. RANGEL, Mr. MCINNIS, Mr. PALLONE, Mr. GILMAN, Mr. CRANE, Mr. WYNN, Mr. BENTSEN, Mrs. EMERSON, Ms. LEE, Mr. UDALL of Colorado, Mrs. ROUKEMA, and Mr. ISAKSON.

H.R. 3059: Mr. COSTELLO.

H.R. 3067: Mr. WAXMAN and Ms. WOOLSEY.

H.R. 3107: Mr. BROWN of Ohio.

H.R. 3115: Mr. DUNCAN, Mr. PAYNE, Mr. RUSH, and Mr. BACA.

H.R. 3134: Mr. GIBBONS and Ms. BERKLEY.

H.R. 3163: Ms. LEE, Mr. WYNN, Ms. HOOLEY of Oregon, Mr. MCGOVERN, Mr. COSTELLO, Ms. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, Mr. BOEHLERT, Mrs. CHRISTENSEN, and Mr. MEEHAN.

H.R. 3172: Mrs. MALONEY of New York, Mr. ORTIZ, Mr. BLUNT, Mr. JONES of North Carolina, Mr. FROST, Mr. KIRK, Mr. BAIRD, Mrs. BIGGERT, Mr. VITTER, Mr. SWEENEY, Mr. GORDON, and Mr. RAMSTAD.

H.R. 3175: Mr. GILMAN, Mr. HOLT, and Mr. MENENDEZ.

H.R. 3194: Mr. ANDREWS, Mr. BARRETT, and Mr. BACA.

H.J. Res. 23: Mr. FORBES.

H.J. Res. 54: Mr. TERRY.

H. Con. Res. 102: Mr. BOUCHER and Mr. FLETCHER.

H. Con. Res. 164: Mr. LANGEVIN.

H. Con. Res. 211: Mr. SANDERS.

H. Con. Res. 216: Ms. MILLENDER-MCDONALD.

H. Con. Res. 230: Mr. WU, Mr. TANCREDO, Mr. TRAFICANT, Mr. RANGEL, and Mr. SABO.

H. Con. Res. 249: Mr. HOUGHTON, Mr. CRENSHAW, Mr. TAYLOR of North Carolina, Mr. BROWN of South Carolina, Mr. PETERSON of Pennsylvania, Mr. BASS, Mr. YOUNG of Florida, Mr. REHBERG, Mr. HILLEARY, Mr. UPTON, Ms. ROS-LEHTINEN, Mr. LEACH, Ms. PRYCE of Ohio, Mr. PORTMAN, Mr. HOEKSTRA, Mr. MCCRERY, Mr. LEWIS of Kentucky, Mr. ENGLISH, Mr. CAMP, Mr. KERNS, Mr. GREENWOOD, Ms. DELAURO, Mr. MARKEY, Mr. LAFALCE, Mr. WEINER, Mr. ACKERMAN, Ms. VELAZQUEZ, Mr. MCHUGH, Mr. GRUCCI, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. MANZULLO, Mr. CULBERSON, Mr. SHIMKUS, Mr. SCHROCK, Mr. TAUZIN, Mr. TIAHRT, Mr. HAYES, Mr. BOSWELL, Ms. MILLENDER-MCDONALD, Mrs. CLAYTON, Ms. LOFGREN, Mr. KUCINICH, Mr. ANDREWS, Mr. DEFAZIO, and Mr. MOORE.

H. Con. Res. 253: Mr. WATT of North Carolina, Mr. COSTELLO, and Mr. UDALL

H. Con. Res. 254: Mr. HOEFFEL and Mr. TOOMEY.

H. Con. Res. 257: Mr. PETERSON of Minnesota, Mr. FARR of California, Ms. LEE, Mr. PAYNE, Mr. SHOWS, Mr. CAPUANO, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. KIND, Mr. MALONEY of Connecticut, Mr. HILLIARD, Mr. POMEROY, Ms. PELOSI, Mrs. CHRISTENSEN, Mrs. CLAYTON, and Mr. TOWNS.

H. Res. 128: Mr. LEVIN.

H. Res. 235: Mr. GRUCCI.

H. Res. 265: Mr. EVERETT and Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 9811: Mr. PETERSON of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

45. The SPEAKER presented a petition of the California State Lands Commission, California, relative to a Resolution petitioning the United States Congress to continue the moratorium on oil leasing in FY 2002, to take all steps appropriate and necessary to protect California's coast by ending all new oil leasing and preventing development of oil and gas from the 36 undeveloped federal oil leases remaining off the coast of California; to the Committee on Resources.

46. Also, a petition of the Elk County Board of Commissioners, Pennsylvania, relative to a Resolution petitioning the United States Congress that the Board condemns the cowardly and deadly actions of the terrorist attacks and supports the President as he works with his national security team to defend against additional attacks, and finds the perpetrators to bring them to justice; jointly to the Committees on Armed Services, the Judiciary, and Energy and Commerce.