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House of Representatives

The House met at 10 a.m.

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

Lord God of Heaven and Earth, through the stories of the ancient Scriptures You bring us to faith and renew us in hope. May Your word live in the hearts of the Members of this House and Your spirit guide them in their journey of service to Your people.

The ancient story of the tower of Babel describes the origin of diverse languages in the human family. It is from You, another illustration of the refusal to accept human limitations. Yet out of this context of diversity and confusion, You call Your servant Abraham to be the father of faith in You as the one, true living God.

Help us in our day to embrace not only our limitations but also our diversity. Let us not be as those who build for themselves a tower or city only to make a name for themselves. Rather, shape us by our differences to be one Nation under God who has a message You scatter to people all over the face of the Earth. Seeking to live beyond words, enable us to accept all human diversity, even the more subtle differences of perception and opinion. In such loving acceptance we give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. FOLEY. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA 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.

HONORING ROSITTA KENIGSBERG

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, our Nation has many outstanding citizens. One such individual is Rositta Kenigsberg, a child of Holocaust survivors, born in the displaced persons camp of Bindermichel in Austria.

Rositta is the founding Chair of the Children of Holocaust Survivors of Southeast Florida. She also serves as the executive vice president of the Holocaust Documentation and Education Center in North Miami Beach.

Rositta has worked with Nobel Prize winner Elie Wiesel, and she served on the North American Advisory Board for the ''March of the Living.''

She has traveled to the concentration camps of Poland to retrace the steps of her father, the sole survivor of a family of over 120 members. She has contributed countless hours and worked endlessly to implement Holocaust education in the State of Florida.

Rositta currently serves a presidential appointment to the United States Holocaust Memorial Council. Please join me in congratulating Rositta Kenigsberg for her contributions to Holocaust education and to Holocaust survivors as well as their children.

DIABETES AWARENESS MONTH

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

NOTICE

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Michael F. DiMario, *Public Printer*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Ms. SANCHEZ. Mr. Speaker, since November is National Diabetes Awareness Month, I would like to take this opportunity to encourage people to be screened for this disease and to learn more about the prevention and the treatment of this disease.

Approximately 16 million people in the United States have diabetes, although about 5 million of those people do not even know they have it. Sadly, this is a disease that disproportionately affects minority groups and individuals who are 65 years or older. African Americans are 1.7 times more often having diabetes than Caucasians. And Hispanics are almost twice as likely to have diabetes than non-Hispanic whites; 6.3 million people with diabetes are 65 years of age or older.

According to the American Diabetes Association, total health care costs incurred by people with diabetes for the year 1997 was $98 billion. At present there is no method to prevent or cure diabetes, but there are several things that we can do as legislators and individuals. We can promote research that includes minority populations and people over 65 years of age. These groups are rapidly-growing segments of our population, and we should do this research.

BULLENTINI COMFORT QUILTS PROJECT

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

Mr. GIBBONS. Mr. Speaker, September 11 of course was a day of tragedy where thousands of Americans lost their lives, and some of the youngest victims of this heinous attack were the children who lost one or both parents in the disaster. Today, I am proud to announce that a resident of Reno, Nevada, is spearheading a project to benefit these children facing a world without one, either a mother or a father from this disaster.

Ms. Debby Bullentini, a former fifth grade teacher, has begun the Comfort Quilts Project, a project to provide the children with a special hand-made quilt made up of patches from all over the country. Every Member of this Chamber can help by signing an individual patch for the quilts which will be distributed to the 10 to 15,000 children who lost one or both parents on September 11.

I have encouraged every Member of Congress to visit any office or call at 100 Cannon and take a few minutes to sign a patch like this one to show that we do care about these children, and I wish we could do more to ease the pain of these children who are the youngest victims of this terrorist attack.

PASSING A HATE CRIMES BILL

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, it is time to pass a hate crimes bill. Some people confuse hate crimes with the idea that some victims are worthier than others. What that misses is the fact that when there is a hate crime there is more than one victim: the individual who has been assaulted and the group that that victim belongs to.

We know that when there is a hate crime the intent is to intimidate, frighten, and alarm people who share the same trait as the victim, whether it is their religion or some other trait. So we need to make sure that we protect Americans against hate crimes.

I am a member of the Committee on the Judiciary with jurisdiction over this bill which I am a co-sponsor of. We are not even meeting today. We should use our time to enhance law enforcement to protect Americans to pass a strong hate crimes bill.

ENACTING COMMONSENSE ECONOMIC STIMULUS POLICIES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, yesterday's front page of the Wall Street Journal reads like this: ''The U.S. fell into a recession in March for the first time in a decade.''

By historical standards, the current contraction is unusual. Despite some optimism that the recession has run its course, turmoil in the commodity markets could indicate that a recovery will not arrive until summer at best, at best.

If the American economy has been in a recession since March, it is obvious the American people need help now. We cannot wait until next summer for a turnaround.

History has shown that providing tax relief is a better way to jump-start the economy than increasing spending. By enacting some commonsense stimulus policies, we can get our economy back on track.

Our House-passed tax relief bill does just that. More tax relief would be great news for American families, American companies, and the American economy. Our friends at the other end of the Capitol need to quit stalling, get in gear and pass tax relief now. America will say thank you.

CHINA'S TWO-TIMING OF AMERICA

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

Mr. TRAFICANT. Mr. Speaker, reports say that China is two-timing Uncle Sam big time. With one hand China slaps Uncle Sam on the back and wishes us well in Afghanistan. With the other hand China sells missiles and weapons to Iran and Iraq and continues to funnel support under the table to the Taliban. Bottom line, China continues to aid and abet our enemies.

Beam me up.

I yield back the fact that the Taliban are a fly on our face, but China is a dragon eating our assets. Think about that.

PASS AN ECONOMIC STIMULUS PACKAGE

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

Mr. FOLEY. Mr. Speaker, let me associate myself with the comments from the gentleman of Texas (Mr. SAM JOHNSON) urging the Senate to bring about an economic stimulus package.

We passed over 6 weeks ago a very important bill that would bring real tax relief to American families. Now, maybe the other Chamber's idea of a stimulus is Metamucil, but we need more than a dose of fiber to get this economy moving. I urge them based on the numbers we saw yesterday, rising unemployment, lower consumer confidence, today's Wall Street opening again declining, based on the fact that there is little confidence in this economy, we could make a dramatic step forward by bringing the House and Senate together and conferencing this very important economic stimulus bill, send it to the President for signature, and get the economy moving for the holiday season.

PASSING A RESPONSIBLE STIMULUS PACKAGE FOR AMERICAN WORKERS

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

Mr. HINOJOSA. Mr. Speaker, I rise today to express my growing concern for the decaying state of our Nation's economy. Yesterday, leading economists confirmed what 7 million laid-off workers already know: our Nation is in a recession for the first time this decade.

If we are to truly address this country's growing economic crunch, any economic stimulus legislation passed by Congress must include more than corporate tax breaks for large and already profitable companies.

A responsible stimulus package that would benefit every American must include provisions that will invest in American workers, assist small and medium businesses, and foster fiscal responsibility. These ends can be achieved by creating a bill that combines tax relief with critical funding for ready-to-go construction projects, including airport security and school modernization.

This is the only way to ensure that workers are put to work and businesses stay in business.

Mr. Speaker, I ask that this body make a pledge to act responsibly in the coming days and work with the Senate

to address this Nation's difficult economic times, not just to use this recession as an excuse for the passage of an even larger number of tax cuts.

□ 1015

BANNING HUMAN CLONING

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

Mr. RYUN of Kansas. Mr. Speaker, recent polls show 9 out of 10 Americans believe that all cloning should be banned. As Members of Congress, each of us has the responsibility to address this critical issue that the American people care about. Failure to do so is intolerable.

I am categorically opposed to all human cloning, but I rise today on behalf of millions of American people who are concerned about cloning technology and the desire for it to be addressed. This Chamber has already voted overwhelmingly to ban all human cloning. However, a recent announcement that an embryo has been successfully cloned brings an added sense of urgency to banning this practice.

Congress must complete consideration of this issue immediately and send a bill to the President for his signature. The leader of the other body can no longer sit on his hands and ignore his constituents. The American people deserve to be heard and deserve to be represented. This must not be ignored.

CONGRATULATIONS TO DR. LAURA DUHAN KAPLAN AND UNC-CHARLOTTE

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

Mr. WATT of North Carolina. Mr. Speaker, I rise today to honor Dr. Laura Duhan Kaplan, Associate Professor of Philosophy at the University of North Carolina at Charlotte, which is located in my congressional district.

On November 13, Dr. Kaplan was named one of four U.S. professors of the year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. Dr. Kaplan was honored for her creative and nontraditional methods of teaching philosophy, which have made her classes a favorite of UNC-Charlotte students and earned praise from her colleagues.

Dr. Kaplan's award is an honor for her and the entire UNC-Charlotte community. UNC-Charlotte becomes the first university in the Nation to have three U.S. Professors of the Year serving on its faculty.

I offer my congratulations to Dr. Kaplan and to the University of North Carolina at Charlotte on this high honor.

TRADE PROMOTION AUTHORITY IS IMPERATIVE

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

Mr. LINDER. Mr. Speaker, free and fair trade is the foundation of our capitalist society. It creates jobs and improves wages. It contributes to economic growth and improves standards of living. It promotes freedom, opportunity and openness.

One in ten Americans work in export-related jobs. Typically, those jobs pay 18 percent more than the national average. In addition to rising wages, trade has resulted in lower prices, resulting in a benefit of between $1,300 and $2,000 per year for the average family of four. Clearly, American workers benefit from expanded trade.

The benefits of trade reaped by American workers and their families extend to the entire U.S. economy, as trade facilitates our global competitiveness. Exports have accounted for nearly one-quarter of U.S. economic growth during the past decade. In fact, NAFTA and the Uruguay Round combined have increased U.S. income by nearly $60 billion per year. Further, U.S. industrial production is 48 percent higher today than in 1990, prior to the enactment of NAFTA and the Uruguay Round.

The passage of Trade Promotion Authority is imperative. Free trade will stimulate our economic recovery and preserve the very core of capitalism. I urge my colleagues to join me in supporting H.R. 3005.

H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it is time to bring the bipartisan bill, the Local Law Enforcement Hate Crimes Prevention Act, of the gentleman from Michigan (Mr. CONYERS) to the floor to be voted on.

The terrorists who committed the atrocities on September 11 want nothing less than to destroy our American way of life. Terrorists want our children to grow up divided because of weaknesses, not unified by America's strengths.

The Conyers' bill, supported by 199 bipartisan cosponsors, defends every American from the kind of hate and bigotry that has followed September 11, particularly our children.

Kids, because of the way they appear, have been beaten by their peers, harassed at their schools, and spit on in supermarkets. We must give local law enforcement the tools that they need to punish and prevent these crimes. The Conyers Hate Crime Prevention Act will do just that.

AGAINST CLONING: DESIGNING DISCARDABLE DONORS

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

Mr. STEARNS. Mr. Speaker, last Sunday, we heard the news that a Massachusetts biotechnology firm had turned a revolutionary scientific corner. Delicately transferring human DNA into a donated human female egg, they then artificially nurtured the egg into a 6-cell embryo. The embryo then went off about its business, dividing as if fertilized by a sperm, but stopped far short of maturing into a baby.

Their objective in creating this being? To harvest its stem cells to be crafted into potential replacement tissues for patients suffering from various degenerative diseases. Advanced Cell Technology, Inc. positions the product of their research as ''only cellular life, not human life.'' Still, building a life, whether you call it a ''cellular life'' or a ''human life'' to serve as a discardable donor is not moral science.

The House passed H.R. 2505, a human cloning prohibition in July, and I urge our colleagues in the Senate to expeditiously pass legislation banning such destructive research.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members they should not urge action in the other body.

FIRST THINGS FIRST

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

Mr. PRICE of North Carolina. Mr. Speaker, in recent months, we have passed legislation to rebuild the communities ravaged by terrorism, to bring down the Taliban and root out the al-Qaeda network, and to make our skies safer for the flying public. But there is one glaring omission, left out of the airline bailout bill, left out of the aviation security bill, and that is the workers laid off in the aftermath of these attacks.

What we have known for weeks is now official: Our economy is spiraling downward in a recession worsened by the events of September 11. North Carolina's unemployment rate for last month was 5.4 percent, the highest it has been in almost 9 years.

In this time of financial crisis, we need a recovery plan that includes all our citizens, not just the big corporations looking to benefit from a preexisting Republican tax cut agenda. Our Republican friends have found time to pass a 16-year refund of the alternative minimum tax for large corporations, but precious little for the

working people who need extended unemployment benefits and reimbursement of their COBRA health care coverage.

These priorities are way out of whack and we must reverse them now.

ON THE ECONOMY

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

Mr. ARMEY. Mr. Speaker, earlier this week, we learned we have been in a recession for the past 8 months. Mr. Speaker, that is not acceptable to the American people and it is not acceptable to this Congress.

The House has responded. We passed an energy bill that creates jobs; we passed an economic growth bill that creates jobs; and next week we will pass a trade bill that creates jobs.

There are some people that have a different idea about the question of what creates jobs. Mr. Speaker, I have a pop quiz for our friends on the other side of the building:

Which of the following do you think would best grow the economy and get it back on its feet? Investment-based tax relief; a railroad retirement bill; a farm bill; or more funding for bison meat and sight-seeing tours in the Dakotas?

Mr. Speaker it does not take a degree in economics to know the answer. We need to give the President a growth package that will create jobs not just for today but for the future. Yet some people think that other legislation should be the ''front burner'' issues. These bills have even been scheduled, while the President's plan for economic growth languishes in the other body.

Mr. Speaker, there is no time left. An economic growth package built on tax relief should be the only ''front burner'' issue this Congress addresses today. It is a big deal, Mr. Speaker. The American people want to get back to work. They want this Congress to act now to jump-start this economy. They do not want to see the process thwarted by a Senate that does not understand which burner should be the front burner.

TRIBUTE TO DR. LEE HATWELL

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

Mr. BAIRD. Mr. Speaker, I am proud to rise today and pay tribute to one of Washington State's leading citizens, Dr. Lee Hartwell.

I join my colleagues in honoring Dr. Hartwell for winning the Nobel prize in Physiology or Medicine. This award, as we all know, is recognized as one of the world's most distinguished honors for those involved in basic medicine and clinical research.

During his more than 30 years involved in groundbreaking research studying cell division and its relation to cancer, Dr. Hartwell has won numerous awards, including the Massry Prize, the American Cancer Society's Medal of Honor Basic Research Award, the General Motors Sloan Award, the Albert Lasker Basic Medical Research Prize, the Leopold Griffuel Prize, and the Gardiner Foundation International Award for Achievements in Science, and now the Nobel Prize.

Much of Dr. Hartwell's pioneering research has been conducted at the University of Washington. He began his service with the university in 1968 and has been Professor of Genetics since 1973. Twenty-three years later, Dr. Hartwell joined the faculty of the Fred Hutchinson Cancer Center, and in 1997 became its president and director.

Since it opened its doors in 1975, the research undertaken by the Hutchinson Center has given hope and extended life to thousands of people. My cousin is among one of those whose life was so extended, and I am deeply grateful, and I join my colleagues in honoring Dr. Hartwell for his life's work and becoming the recipient of the Nobel Prize.

HUMAN CLONING UNETHICAL

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

Mr. WELDON of Florida. Mr. Speaker, on Sunday, it was announced that the Massachusetts biotechnology company, Advanced Cell Technology, had created the first human clones. They claim they only want to use these embryos for research purposes. However, this research is unethical for at least two reasons:

First, it involves the special creation of human life for experimentation and then destruction. There are morally acceptable alternatives to this type of research.

Secondly, for this research to advance, scientists will need massive quantities of women's eggs to generate the necessary number of clones for the research to proceed. Women will be donating their eggs not for the purpose of having children but for the purpose of making money.

As pro-choice feminist Judy Norsigian said in a Boston Globe column, ''Because embryo cloning will compromise women's health, turn their eggs and their wombs into commodities, compromising their reproductive autonomy and virtually certainly lead to the production of experimental human beings, we are convinced the line must be drawn here.''

Judy is right. The Senate needs to act.

SUPPORT H.R. 1343, HATE CRIMES PREVENTION ACT

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

Mr. CONYERS. Mr. Speaker, I join my colleague, the gentlewoman from California (Ms. WOOLSEY), today to resurrect a bill that is almost ready to leave this body with 199 cosponsors. I want to thank the gentlewoman from California and also my colleagues that are joining her in this effort, the gentlewoman from California (Ms. LOFGREN), the gentleman from California (Mr. SCHIFF), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from Connecticut (Ms. DELAURO), and many others.

Now, we have a hate crimes bill, my colleagues. What we need is some improvements that get through some old Federal jurisdictional hang-ups that have been around since about 1994. So join us in this last push. It is not too late.

BAN HUMAN CLONING

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I rise today to urge the other body to act immediately to ban human cloning. The news over the weekend that a firm in Massachusetts had successfully cloned a human embryo makes it vitally important that that happen now.

Scientists are creating human life for the sole purpose of destroying it. And this is not the plot of a bad science fiction movie, this is very real. Cloning is very real and it is happening in America right now. We must put a stop to this horrific practice.

□ 1030

PASS HATE CRIMES LEGISLATION

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

Mr. SCHIFF. Mr. Speaker, I rise today to urge the House to pass hate crimes legislation before we recess this year. We are a Nation still at war. We are a Nation still healing, and we are still standing strong as a people unified. The events of September 11 have brought out the very finest in what America stands for. Communities have rallied around its law enforcement officers, neighbors have come together, individuals have stopped by a fire station to say a word of thanks. In many ways we have celebrated our diversity and united as a Nation.

Unfortunately, some have taken the events of September 11 to act violently towards those who may appear different from the majority. Since September 11 there have been 1,200 recorded deaths, assaults, discrimination, bomb threats or intimidation against men, women, children and families who look like or are Arab or Muslim Americans.

At a time when we are fighting a war against terrorism and hatred, we have a golden opportunity to show the world that we celebrate our diversity; that every American citizen or everyone who visits here will not be in danger because of their national origin or religious faith; that we will not allow these acts of terror to divide us; that we are one Nation under God, indivisible and we will stay that way.

SENATE CONTINUES TO STALL ON ECONOMIC SECURITY

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

Mr. BALLENGER. Mr. Speaker, the Nation's economists have confirmed what thousands of American workers have already feared, that our economy is in a recession.

House Republicans have passed an economic security package to create new jobs and help unemployed workers. But the stalling economy continues to be in jeopardy because the Senate continues to stall economic security legislation.

People are hurting, unemployment is rising, and now we have proof that the economy is in recession. What more does the Senate Democratic leadership need? The American people deserve action on this right now. The Senate Democrat leadership failed to push through a strictly partisan version of a stimulus plan on November 14.

Mr. Speaker, it is time for the Senate Democrat leadership to stop stalling and send President Bush an economic stimulus package that creates jobs and helps affected Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members they should avoid urging action or inaction by the Senate.

WORK YET UNDONE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to talk about the work yet undone, the work this Congress, this House needs to complete. I believe it is imperative that we pass the Conyers Hate Crimes Prevention Act with 199 cosponsors, and I join my colleagues in reminding us of the values of this country of equality and justice.

This past week I commemorated and celebrated Ramadan with members of my community, the Muslim community. They should be protected just as anyone else, and terrorism should not divide us. Muslim and Arab lives have been lost, and they have been intimidated. We should pass this legislation.

We also announced today that we are in a recession, something we know about and that does not make for a happy holiday. We need an economic stimulus package that addresses the unemployed workers of America; in my own State, Enron, which is about to merge with another company, which I encourage to save the opportunities for workers and the resources that America needs. Maybe upwards of 3,000 employees will be laid off.

Mr. Speaker, we need an economic stimulus package. We need to pass hate crimes legislation, and this Congress needs to finish its unfinished business.

PROHIBIT HUMAN CLONING

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

Mr. SHIMKUS. Mr. Speaker, Thomas Jefferson wrote in the Declaration of Independence that we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness. That is why we have government. We have government to protect these rights, and more importantly, the rights of those who are the most innocent and the most vulnerable.

Mr. Speaker, on July 31 the House passed the bipartisan Weldon-Stupak Human Cloning Prohibition Act by a large majority. Advanced Cell Technologies of Massachusetts threatens human lives; and if government does not act, we are co-conspirators.

To produce one live cloned sheep, Dolly, scientists created 277 sheep embryos; 276 died in different stages of development or were discarded. The head of the U.S. Conference of Catholic Bishops, Bishop Wilton D. Gregory of Belleville, Illinois, said that human cloning does not treat any disease but turns human reproduction into a manufacturing process by which human beings are mass produced to preset qualifications. It is time for the other legislative body to move and prohibit human cloning.

PASS HATE CRIMES LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, at a time when we are waging war around the world against terrorism, oppression and hate, we must be sure that we are sending a clear message at home to all Americans, especially our children, that hate crimes will not be tolerated, period.

President Bush has repeatedly called on Americans to resist all acts of bigotry and hate; and yet since the terrorist attacks on September 11, thousands of assaults have been reported across the country against people of South Asian, Arab, Muslim, and Sikh backgrounds. Some of those occurred in my district, one of the most diverse districts in the Nation.

The Conyers bill, H.R. 1343, is the right antidote. It is not just talk; it is action. We must elevate the status of hate crimes within Federal law to ensure that the punishment fits the seriousness of the crime. Congress has given law enforcement new tools to fight terrorism, and we must not delay in adding new tools to fight hate here at home.

BAN HUMAN CLONING

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

Mr. PENCE. Mr. Speaker, 88 percent of the American people think that human cloning is immoral. Accordingly, this representative body overwhelmingly outlawed human cloning this July. Many of us are outraged to learn that a bio-technical firm has gone forward and made significant gains in the area of cellular-level human cloning.

Mr. Speaker, I must say today that amoral bio-technical firms ought not to lead America as America leads the world in medical ethics. Rather, America ought to be informed by history, by conscience, by history and by our laws and by this institution.

Our Chaplain spoke today about the Tower of Babel that was built on pride, of technology rising to the skies that destroyed their people. I submit that the creation of nascent human life, for research or vanity, is such a tower that threats to tear at the fabric of our society and our laws and our very civilization. It must be banned.

PASS HATE CRIMES LEGISLATION

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

Mr. SHERMAN. Mr. Speaker, I rise along with the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WOOLSEY) and 199 cosponsors in support of a Federal hate crimes statute. We must show the world that we are not engaged in a war on Islam, but instead are forming our laws to reflect the fact that we are building the most diverse country in the history of the world.

Mr. Speaker, it is said that a single act of violence should not be subject to different levels of punishment. But the fact is that we often enhance punishment due to the motivations of the perpetrator, and racial and religious hatred is one motivation that deserves enhanced punishment. We also adjust punishment when the perpetrator causes a greater harm; and hate crimes not only hurt the physical victim, but also tear at the fabric of our society.

There was a hate crime in my district 2 years ago. The Jewish Community Center was invaded and children

were shot. Not only were their families victims of this act, but there was fear at Jewish community centers from one end of this country to the other. It is time that we reflect this higher level of harm with a higher level of punishment by passing the Federal hate crimes statute.

BAN HUMAN CLONING

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

Mr. FORBES. Mr. Speaker, I rise today to voice my strong opposition to human cloning. The announcement over the weekend that an American company had cloned the first human life is a profoundly disturbing step toward a brave new world for which none of us are prepared.

My father suffers from Parkinson's disease; and while I recognize the agony of so many Americans with devastating illnesses and injuries, I cannot countenance the creation and destruction of human life as a potential means to ease their suffering. There are other methods of scientific research using adult stem cells and umbilical cord blood that can lead to medical breakthroughs for Alzheimer's, spinal cord injury, and more. These alternatives promote the quality of human life without forsaking the value of human life in its most vulnerable form.

Mr. Speaker, it is clear that science has overtaken the law in this instance. The House, in a strong bipartisan vote, has said we should not proceed down this path. The President has stated his opposition to human cloning. And in poll after poll, the American people overwhelmingly object to it as well. The other body must act, and act soon to ban human cloning.

BAGS IN BELLY OF AIRPLANE MUST BE SCREENED

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

Mr. INSLEE. Mr. Speaker, on November 18 the President signed a law promising the American people that every bag that goes into the belly of the airplanes will be checked for explosives, a promise that was long overdue. It is within certain time limits imposed by the U.S. Congress and signed into law by the President. Therefore, it is most disturbing that the administration has now told us, 9 days later, that they cannot meet the deadline set forth in law just 9 days ago.

Mr. Speaker, this is very disappointing because the word ''cannot'' is not in the American lexicon. In a Nation that sent people to the Moon and whose Armed Forces are doing such an exemplary job in Afghanistan, we cannot say we cannot solve this problem.

If there are not enough people to do the job, hire them. Get the National Guard to do the job, and come to Congress and tell what us what is needed to get this job done because we will stand with the administration and make sure that it gets done. The American people deserve it.

BAN HUMAN CLONING

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

Mr. FERGUSON. Mr. Speaker, this past summer I spoke on the floor of this House and voted with my colleagues overwhelmingly to ban human cloning. Two weeks ago I stood at this podium and urged our colleagues in the Senate to act on and pass this important legislation which would ban this mad science. This past weekend, as we all know, it happened. American scientists announced that they had cloned a human embryo.

Mr. Speaker, now is the time. Now is the time to choose between reckless science and a respect for human life, the time to choose between courageous action and silence.

Mr. Speaker, the message to our colleagues in the Senate must be to act now to ban human cloning. We can afford to wait no longer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members, including certain past speakers, to refrain from urging action or inaction in the other body.

PASS HATE CRIMES LEGISLATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a quote from the New Haven Register, my hometown paper, dated yesterday, ''Hate Crimes Are a Local Danger.'' What it does is cites three recent reports that were conducted in the State of Connecticut: one by the Anti-Defamation League which says in recent years Connecticut has experienced a breadth and scope of extremist activity disproportionate to its small size. This is an alarming report if added to that is a State police analysis showing that reported hate crimes in Connecticut increased by almost 20 percent from 1998 to 1999. Add to that the chief State's attorney's recent report that says that since September 11 and the terrorist attacks on New York City and Washington, D.C., that there have been 13 hate crimes reported since that day, mostly aimed at American citizens merely on the grounds that they were of Arab extraction or of the Muslim faith. This reemphasizes the need for religious, cultural and educational institutions of Connecticut to continue promoting understanding.

Mr. Speaker, we have an opportunity at the Federal level to pass a bill, the Hate Crime Prevention Act of 2001, that would help local law enforcement officials deal with hate crimes. We must do it nationally, and we must do it for our local communities.

BAN HUMAN CLONING

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

Mr. PITTS. Mr. Speaker, we learned last week that just because a person has an advanced degree, there is still no guarantee that they are ethical or that they even exercise common sense. Some scientists are claiming today that they need to clone human beings in order to develop cures for diseases. We have been cloning animals for years; and not one, not one animal study has resulted in even a single useful therapy.

The history of animal cloning is replete with defects, deformities, and death. Dolly the sheep was the 277th try. To clone a human being, scientists will have to sacrifice hundreds and thousands of tiny human beings who will die because they are mutated and full of genetic defects and used for experimentation and harvesting of organs and cells.

Mr. Speaker, human life is human life. This kind of mad science should not be permitted. The House has passed the cloning ban. It needs to be passed into law so the American people can rest assured our government still knows right from wrong. It is obvious some scientists do not.

□ 1045

HUMAN CLONING

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

Mr. SMITH of New Jersey. Mr. Speaker, let me tell my colleagues about the company that informed us that they have the technology to clone human beings. This is the same company that conducted research in which they introduced human cells into cow eggs, they have created human embryos specifically for scientific experimentation. In other words—use newly created human beings—steal their stem cells, then kill them. And now they have cloned human beings that lived for a few hours as embryos and then died. The drill here is to clone then kill the newly created human.

Their president, Michael West, has made clear that he has no problems with cloned births once so-called ''safety issues'' are resolved. Glen McGee, the former chair of their ethics advisory board, current professor of bioethics at the University of Pennsylvania and editor in chief of the American Journal of Bioethics, resigned

from this company's ethics advisory board last fall because they were using it as a front.

But that should come as no surprise, Mr. Speaker, when you consider what is going on in their labs. These are not the people we want to defend. These are not the people we want to hold up as scientific trailblazers, nor do we want to empower or enable them.

Their actions are more like, Mr. Speaker, the Third Reich, where scientists routinely played God, than the work of visionaries like Copernicus, Galileo, Madame Curie or Jonas Salk.

The Senate must pass the House-passed bill to proscribe cloning.

AMERICANS WAITING FOR ECONOMIC STIMULUS AND ENERGY BILLS

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

Mr. BARTLETT of Maryland. Americans are waiting for desperately needed economic stimulus and energy bills.

Mr. Speaker, the other body has put Americans on hold; on hold for a comprehensive energy bill, on hold for an economic stimulus bill. Both are long past due as evidenced by our growing energy dependence and our deepening recession. The President wisely asked Congress to pass both months ago.

The House passed a comprehensive energy bill in August. The House passed a tax relief bill to spur the economy more than 6 weeks ago. Meanwhile, America is still waiting for the other body to act on both of these high priorities.

How much longer will the other body leadership keep Americans on hold, Mr. Speaker?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members once again to refrain from encouraging action or inaction in the Senate.

TRADE PROMOTION AUTHORITY

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

Mr. DREIER. Mr. Speaker, a week from tomorrow, we in this House are going to be voting on the very important trade promotion authority that the President of the United States needs. The administration has not had it, the past administration did not have it, it expired in 1994; and because of the fact that it was not there and has not been there, we have been a party to only 2 of the 130 free trade agreements that have been established worldwide in the last several years, basically meaning that the United States of America has ceded its very important leadership role when it comes to global economic growth.

What is it that we need to do? We need to make sure that we step up to the plate and do everything that we can to militarily provide leadership, geopolitically provide leadership and, yes, economically provide leadership. That is what trade promotion authority is all about. It is an important vote. We will be giving this authority to the President so that he can pry open new markets and find opportunities for U.S. workers and businesses around the world. It is about creating jobs right here in the United States. I hope that a week from tomorrow, in a bipartisan way, we can provide overwhelming support for this very important measure.

ECONOMIC STIMULUS

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

Mr. KINGSTON. Mr. Speaker, I must start out by saying I know that we have been admonished not to refer to the other body, but in a bicameral legislative body such as the U.S. Congress, often one side of government will pass legislation that the other side does not pass. That is our situation right now.

This House has passed a Patients' Bill of Rights. This House has passed an education bill. This House has passed a ban on human cloning. And this House has passed a jobs economic stimulus plan. Unfortunately, it is not moving. It has to pass both bodies in order to become law and get the President's signature.

Meanwhile, folks are getting laid off. Meanwhile, workers who are laid off are not getting the benefits that they need. Meanwhile, workers who are laid off and their families are not getting the health care extensions that they need. I hope, as a Christmas present to the American people and to the economy and to all the jobs that are out there at risk, that the other body will in fact pass this job security program so that we can give the American people a very merry Christmas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again Members are reminded not to urge action or inaction in the other body across the Rotunda.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approving the Journal and then on each remaining motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;

House Concurrent Resolution 77, by the yeas and nays;

H.R. 2722, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 39, answered ''present'' 1, not voting 20, as follows:

[Roll No. 451]

YEAS—372

Abercrombie	Capito	Eshoo
Ackerman	Capps	Etheridge
Akin	Capuano	Evans
Allen	Cardin	Farr
Andrews	Carson (OK)	Fattah
Armey	Castle	Ferguson
Baca	Chabot	Flake
Bachus	Chambliss	Fletcher
Baker	Clayton	Foley
Baldacci	Clement	Forbes
Baldwin	Clyburn	Fossella
Ballenger	Coble	Frank
Barcia	Collins	Frelinghuysen
Barr	Combest	Frost
Barrett	Condit	Gallegly
Bartlett	Conyers	Ganske
Barton	Cooksey	Gekas
Bass	Coyne	Gephardt
Becerra	Cramer	Gibbons
Bentsen	Crenshaw	Gilchrest
Bereuter	Crowley	Gillmor
Berkley	Culberson	Gilman
Berman	Cummings	Gonzalez
Berry	Cunningham	Goode
Biggert	Davis (CA)	Goodlatte
Bilirakis	Davis (FL)	Gordon
Bishop	Davis (IL)	Goss
Blagojevich	Davis, Jo Ann	Graham
Blumenauer	Davis, Tom	Granger
Blunt	Deal	Graves
Boehlert	DeGette	Green (TX)
Boehner	Delahunt	Green (WI)
Bonilla	DeLauro	Greenwood
Bonior	DeLay	Grucci
Bono	DeMint	Gutierrez
Boswell	Deutsch	Hall (OH)
Boucher	Diaz-Balart	Hall (TX)
Boyd	Dicks	Hansen
Brady (TX)	Dingell	Harman
Brown (FL)	Doggett	Hart
Brown (OH)	Dooley	Hastings (WA)
Brown (SC)	Doolittle	Hayes
Bryant	Doyle	Hayworth
Burr	Dreier	Herger
Burton	Duncan	Hill
Buyer	Dunn	Hobson
Callahan	Edwards	Hoeffel
Calvert	Ehlers	Hoekstra
Camp	Ehrlich	Holden
Cannon	Emerson	Holt
Cantor	Engel	Honda

Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Aderholt
Baird
Borski
Brady (PA)
Costello
Crane
Filner
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Kelly
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
Moore
Moran (KS)
Olver
Peterson (MN)
Ramstad
Sabo
Sanchez
Schaffer
Slaughter
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—20

Carson (IN)
Clay
Cox
Cubin
DeFazio
English
Everett
Ford
Hilleary
Hinojosa
Johnson (CT)
Jones (OH)
Larson (CT)
Miller, George
Oberstar
Pelosi
Quinn
Sweeney
Wexler
Wilson

□ 1111

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each question on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS REGARDING EFFORTS OF PEOPLE OF UNITED STATES OF KOREAN ANCESTRY TO REUNITE WITH FAMILY MEMBERS IN NORTH KOREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 77.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 77, 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 420, nays 0, not voting 12, as follows:

[Roll No. 452]

YEAS—420

Abercrombie
Ackerman
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
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
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
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
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
Whitfield
Wicker
Wilson

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Carson (IN)
Cubin
DeFazio
Everett
Ford
Hilleary
Johnson (CT)
Jones (OH)
Oberstar
Quinn
Sweeney
Wexler

□ 1122

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLEAN DIAMOND TRADE ACT

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2722, 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 California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2722, 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 408, nays 6, not voting 18, as follows:

[Roll No. 453]

YEAS—408

Abercrombie
Ackerman
Aderholt
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
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
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
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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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)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Akin
Coble
Flake
Otter
Paul
Taylor (NC)

NOT VOTING—18

Carson (IN)
Cubin
DeFazio
DeLay
Everett
Ford
Goodlatte
Gordon
Hilleary
Hunter
Johnson (CT)
Jones (OH)
Meeks (NY)
Oberstar
Quinn
Sweeney
Visclosky
Wexler

□ 1131

Mr. JONES of North Carolina changed his vote from ''nay'' to ''yea.''

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.

The title was amended so as to read: ''A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, this morning I attended an important Congressional Steel Caucus meeting with Department of Commerce Secretary Don Evans and Undersecretary of Commerce for International Trade Grant Aldonas to discuss effective remedies to combat the illegal importation of subsidized steel products. I was presiding this steel caucus discussion when recorded votes were ordered, and I miss three rollcall votes. Had I been present, I would have voted ''no'' on the Journal vote (rollcall Vote 451); I would have voted ''aye'' on H. Con. Res. 77 (rollcall Vote 452); and I would have voted ''aye'' on H.R. 2722 (rollcall Vote 453).

PROVIDING FOR CONSIDERATION OF H.R. 3338, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: ''to be derived from the Airport and Airway Trust Fund and'' on page 183, lines 24 and 25; ''to be derived from the Airport and Airway Trust Fund and'' on page 184, lines 7 and 8; ''to be derived from the Highway Trust

Fund and'' on page 184, lines 18 and 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 3338, the Department of Defense Appropriations Act for 2002.

Mr. Speaker, the rule waives all points of order against consideration of the bill. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered for amendment by paragraph. The rule provides that the amendment printed in the Committee on Rules report accompanying the resolution shall be considered as adopted.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill, except as specified in the rule.

The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI prohibiting nonemergency-designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair and open rule for a very important bill. We need to pass this rule and the underlying defense bill so that the citizens of New York and our Armed Forces get the support they need and they get it now.

Mr. Speaker, make no mistake about it, a vote against this rule is a vote to table this legislation. A vote against this rule is a vote to delay money for New York, and it is a vote to delay funds for homeland defense, and it is a vote to delay support for our men and women in Afghanistan.

I would like to make three important points.

First, this is an open rule. It cannot get any better than that. The rule allows any Member to offer any amendment to the bill, as long as their amendment complies with the normal rules of the House. Every Member who will come down here to complain is doing so because they are unable or unwilling to offer an amendment that complies with the rules. They are mad because the committee did not make a special exemption for them.

Second, we are really talking about two separate bills here, the regular defense appropriations bill, and the $20 billion supplemental. This defense bill provides vital support to our military and to New York. The supplemental allows New York to get $11 billion in recovery funds. It provides an extra $1.5 billion above and beyond what we have already spent this year for our government's defenses against chemical and biological attack, and the regular Department of Defense appropriations bill provides an additional $11.7 billion in extra funds to prosecute Operation Enduring Freedom, including $1.7 billion to develop a rapid response capability after a terrorist attack.

As we speak, our best and brightest young men and women are risking their lives over in Afghanistan. Meanwhile, we have let the budget for our Armed Forces expire. The fiscal year ended on September 30 and we still have not passed a defense bill. What kind of message does that send to the men and women in uniform? It is shameful.

Now is not the time to further delay, to nitpick this bill for political reasons or political gain. Let us pass it and provide our military with $317 billion in much needed support, including a much needed 4.6 percent pay raise.

Thirdly and last, Mr. Speaker, the funds in this bill, both for New York and our antiterrorism defenses, are above and beyond the $40 billion we provided immediately after the September 11 attacks.

Only a few days after September 11, Congress came together and provided billions for our recovery and defense efforts. Indeed, we provided so much money that President Bush has not had enough time to spend it all yet.

As Mayor Giuliani recently said, ''So far, the money we have asked for, we have gotten just as quickly as we asked for it. The reality is that we have gotten more help than we have asked for. The cooperation on the part of the Bush administration and the Federal Government has been absolutely 100 percent. Right now, we do not need $10 billion, and we would put it in T-bills if we got it. As we need the money, we get it.''

I point this out because some Members will come to the floor in a few minutes and will have conveniently forgotten about the $40 billion we allocated a few weeks ago. They will pretend New York has been left in the lurch.

This rule and this bill will pass, Mr. Speaker, because it is an open rule and because it is a responsible, generous bill. But unfortunately, we will see that some lawmakers have abandoned the spirit of constructive bipartisanship that prevailed so beautifully in the wake of September 11.

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

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

Mr. Speaker, halfway around the world, the men and women of the U.S. military are demonstrating unmatched courage and professionalism in the fight against the Taliban and al-Qaeda. Their successes on the battlefield are a tribute to them and their families and to America's longstanding commitment to a strong national defense.

Meanwhile, here at home, domestic security has become our top priority, and Democrats and Republicans alike are united in our efforts to prevent and defend against further terrorist attacks. This bill provides a good foundation for supporting these efforts.

In my 23 years of service in this Congress, I have always been a strong supporter of America's national and domestic security. I strongly support the funding in this bill to provide for our Armed Forces. I have consistently supported funding for our troops, for without them, we cannot fight. I have consistently supported modernizing and upgrading our equipment, for without it, our military cannot carry out its mission. I support the programs and funds in this year's appropriations for the Department of Defense.

Unfortunately, Mr. Speaker, this bill does not go far enough, because the Republican leadership in this House has refused to make the investment needed to support the war abroad fully and to protect America at home fully.

Last night in the Committee on Rules, the Republican leadership reported a rule that will not allow the House to even debate three important and relevant amendments. The first one is critical to ensuring that our troops now fighting in Afghanistan have the equipment they need to carry out their mission and to ensure the safety of their loved ones and, indeed, all Americans at home.

In the case of the second amendment, the Republican leadership refused to allow the House of Representatives to even debate an amendment which would have fulfilled the bargain made

with the city of New York to help rebuild that wounded city after the terrorist attacks of September 11.

Finally, the Republican leadership refused to allow the House to consider an amendment which would have provided critically needed funds to shore up our homeland defenses; to make sure our mail, as well as the men and women who carry it, is safe; to protect patrols on our borders; and to make sure the that ships, trains, and airplanes entering our country do not carry more danger than cargo or passengers.

For that reason, Mr. Speaker, for the first time since I came to Congress, I will oppose a rule on a Department of Defense appropriation bill. It is unconscionable that the Republican leadership in this House should cut off the ability of Members of this body to debate and vote on amendments which are clearly critical to the safety and well-being of every American, whether at home or fighting abroad.

Just last month, Republican leaders insisted on spending $25 billion on retroactive tax breaks for some of the largest corporations in this country, but now they cannot find half that amount for homeland security or national defense.

□ 1145

So they are shortchanging some of America's most pressing needs in the war on terrorism.

Take national defense. This bill does not fund 70 percent of the critical needs identified by the Department of Defense and the intelligence agencies in the wake of September 11. While America's Marines are on the ground in Afghanistan, Republican budget officials have tried to slash $817 million from the Defense Department's request for small arms ammunition for the Marine Corps and the Army. While U.S. Special Forces work to hunt down Osama bin Laden, these same Republican budgeters have tried to cut $1 billion from the Defense Department's request for Special Forces. That is why I offered an amendment to the rule last night to allow the House to debate an amendment providing an additional $6.5 billion for the military's most critical needs, like intelligence, special forces and defense against chemical and biological warfare.

This amendment, which is identical to the amendment offered in the Committee on Appropriations markup by the Subcommittee on Defense ranking member, the gentleman from Pennsylvania (Mr. MURTHA), was rejected on a straight party-line vote. The Republicans on the Committee on Rules, each and every one of them, voted against allowing the House to even consider an amendment which would provide crucial critically needed money to carry out the operations in the war against terrorism.

Or, Mr. Speaker, consider the assistance pledged and promised to New York City after the attacks of September 11. Immediately after that tragedy, the people of New York as well as the other States affected by the tragedy were promised half of the $40 billion down payment passed by this Congress. But the Republican leadership has chosen to shortchange the City of New York and only provide a portion of the amount of the money needed to help that great city continue its recovery process.

A bipartisan amendment offered by the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. LOWEY) that would have delivered on the promise made to New York was rejected by the Republican leadership in favor of an amendment which will not only shortchange New York but every other State in the country by literally lifting money out of their pockets.

Finally, Mr. Speaker, let us consider homeland security. Just this week, Tom Ridge, the Director of the Office of Homeland Security spoke to the House, spoke to the New York Times about the billions of dollars America needs to strengthen our homeland defense systems. We need to be stronger, Mr. Ridge said. We need to be larger. We need to be better. We all know he is right.

We need massive investments in priorities like small pox vaccinations and emergency personnel. Food and water supply safety must be improved and law enforcement agencies, from the FBI to the border patrol to State and local police, need more resources to respond to added responsibilities of America's new war on terrorism at home.

At the same time that Tom Ridge has been warning that our homeland defenses are not up to snuff right now, other administration officials have repeatedly warned the public that future terrorist attacks are possible if not reasonable to expect. Yet, the Republican leadership in this House insists that Americans can afford to wait 6 months before making the homeland security investments that everyone knows we need right now.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations, has offered an amendment that provides $6.5 billion for these and other critical homeland security needs not addressed by this bill. But the Republican leadership has refused to allow us to even debate the amendment, much less vote on it.

So, Mr. Speaker, the Republican leadership has given me little choice on this rule. In fact, their actions make my decision very easy. If Members believe that these priorities, bioterrorism, nuclear non-proliferation, ammunition for the Marines on the ground in Afghanistan, are not immediate needs in the war on terrorism, then they should vote for this rule. But they should also be ready to explain to their constituents why our troops in America's homeland security can afford to wait 6 months or more for what they need right now.

Or if Members believe it is our duty to act now to provide resources to defend America at home as well as abroad, then I believe those Members should vote to defeat this rule and force the Republican leadership to allow the House to vote on our amendments, to increase homeland security and national defense.

I urge every Member of this body to vote to defeat this rule so the House might have an opportunity to live up to its responsibilities as an institution and as representatives of the American people.

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

Mrs. MYRICK. Mr. Speaker, as I said before, I am a little surprised to hear my Democratic colleagues sounding like this is a closed rule. This is an open rule and any Member can come down and make any amendment to the bill as long as it complies with the normal rules of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), who has worked very, very hard on securing the funds for New York in this bill.

Mr. REYNOLDS. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me time, and I certainly want to pay great respect to her and her leadership on the Committee on Armed Services and on the defense budgets. For years she has led a fight, not only in the Committee on Rules, but throughout the entire Congress to increase important funding.

There will be a lot of rhetoric on this rule today. I am used to that and I am used to being in the minority in New York. I know the loyal opposition never has enough. I know many of us who are defense hawks, there is never enough money for defense. There is never enough money for homeland security. We changed the whole direction of how America thinks.

For those of us who have toured and worked closely with the great State of Israel, we have seen time and again what they have looked at for homeland defense that we took for granted here. Yes, we will continue to have to invest in a rational sense those types of important money.

I think my colleague as she spoke today, the gentlewoman from North Carolina (Mrs. MYRICK) talked about the fact that is pure and simple. A vote against this rule is to vote against and to table money for the war on terrorism, homeland security, and New York recovery. And the part I want to address in the time I have allocated is on New York recovery.

There are 435 Members of the House of Representatives. There are 100 Senators. There is a President. There are 536 different solutions of how we ought to do something. Now, some of my colleagues believe the law in their view says that $20 billion should be in this

budget right now because it said so. And they want the $20 billion. They want to put it under their mattress so they can look at it and know that it is there.

There are others of us who have looked at what do we have, what do we need. And as the gentlewoman from North Carolina (Mrs. MYRICK) said, the Mayor has indicated he has the money he needs to do the job as he continues on New York recovery.

When I looked Mr. Daniels in the face as the Director of OMB, he says, Do you know that 600 million has been drawn down on FEMA on the 7 billion set-aside?

So there is enough there over the next couple of months.

The gentleman from New York (Mr. WALSH) was able as an expert in the VA-HUD and the other agencies as a cardinal in this House on the Committee on Appropriations to drive even more money in great flexibility of $2.5 billion in community-involvement block grants; things that my colleagues in this House who represent the borough of Manhattan can immediately put into application in order to make sure that small businesses and utilities are back up and running as part of the partnership under the Mayor's direction as the city and chief-elected officer of the City of New York.

As we look at the reality of money, most of us realize that $20 billion will not be enough for New York. Some have cited the New York City partnership and the $83 billion implication that this has on the attack of 9–11. We certainly know that all of us as New Yorkers need to plow through and make sure that money comes through in a steady flow to make sure that New York City and New York State is on a well, strong move back to a recovery.

How we get it done becomes what has been the debate today, not that it will get done; and so from my colleagues who want the $20 billion under the mattress, I accept their view. For those of us who will look at it as a credit card, a credit card where we can draw down the $20 billion, I do not want to take the whole $20 billion out and put it under my mattress. I want to know that the President of the United States, when he gave this House and he gave New York his word and the Speaker of the House said he would support that, that it will get done because right now New York recovery is getting done. That money is flowing faster than we can use it, and it is up to us as oversight and up to us as a delegation from New York to make sure that money just keeps moving in as fast as we can spend it.

The Mayor of the City of New York says that is the case. I support him on his view. I support this rule because we need to get moving on a defense budget that fights the war on terrorism, increases our homeland security, and brings back cash for New York recovery.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for the time.

Mr. Speaker, the only delay that this vote has anything to do with is TOM DELAY. That is the only delay. We offered on this side of the aisle last week to take this bill up Tuesday, Wednesday, Thursday, or Friday if they would do one simple thing, remove the gag on this House so that we can fully debate the most important domestic security issue that we have faced in at least 2 decades.

We have been attacked in what is in essence a second Pearl Harbor. The war abroad appears to be going quite well so far. The problem is we are going after the snake and we are trying to kill it, and they are going to try to retaliate; and they are going to try to retaliate at home as well as abroad, and we have huge, huge security risks, some of which are classified and cannot even be mentioned on this floor. But there are many of them that we can talk about today.

All we are asking is to give the President the authority to spend additional money, $7 billion or so. If he does not want to spend the money, he does not have to; but we are asking that we simply be allowed to make it available so that we can do the following things.

So that we can help the FBI to develop a new computer system so that it is not in the stone age when it comes to investigating terrorism. We can make their new computer system available by next spring rather than the year 2004 without the amendment.

We want to add 800 more Customs agents at the Canadian border. How many people have we heard saying on both sides of the aisle, ''Seal the borders.'' We do not have a sealed border right now. We have a sieve as far as Canada is concerned. We need to correct that.

At our ports, only 2 percent of cargo is inspected. Only 40 ships out of 300 that come into our ports every day are fully inspected. We want to correct that problem by adding more and more inspectors in those ports.

Food supply: Tommy Thompson, Secretary of Health and Social Services, says the thing that worries him most is the fact that we only inspect 1 percent of the foreign food that we import into this country. We want to raise that inspected percentage to 10 percent. Do you really think that is going too far?

Public health: Again Secretary Thompson has said that our public health ability to respond to bioterrorist attack is in ''tatters.'' We are trying to do something about that by adding a billion dollars to increase our capability to defend against all of those agents of terror. That is what we are trying to do.

Most importantly, we are trying to do something about the fact that on 13 separate occasions we have had weapons-grade nuclear material fall into the wrong hands in Russia itself, and we are trying to provide money in this bill to see to it that that never happens again. Mr. bin Laden wants to get his hands on that material. God knows what will happen if he does.

The essence of the question we face is very simple. Are we going to do something about these threats now because the customs people, the FBI people, they tell us they can use these additional tools now? The question is are we going to give them the tools to use them now or are we going to put a ''Wait-Till-Next-Year'' sign on efforts to defend this country against terrorism? That is what we are trying to do.

Member after Member on the majority side of the aisle has come up to me and said, ''Dave, I know you are right, but I cannot vote with you because our leadership is breaking our arms.'' I am asking you to please, instead of consulting your whip, consult your conscience. Vote for what you know this country needs. Not a single dime of this money can be spent unless the President in the ends agrees that it ought to be spent and signs an emergency designation saying it is an emergency. Therefore, you cannot have a runaway budget. Vote your conscience. Vote this rule down so we can do something real to defend the security of this country.

Mrs. MYRICK. Mr. Speaker, I remind my colleagues again, this is an open rule.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

As probably the most junior member of the Committee on Appropriations, I can tell my colleagues that I sat through the debate on this provision that the gentleman from Wisconsin (Mr. OBEY) is talking about; and I want all Members to know that we did have a healthy debate about it, and certainly the gentleman from Wisconsin (Mr. OBEY) makes his argument very, very well and makes his case very, very well; but the amendment that he offered, to add this additional money, was voted down by the committee.

□ 1200

And I think it was voted down because there are some of us on the committee that take great stock in what the President of the United States has told us. The President has told us that he has the resources that he needs to fight this war. He has the resources that he needs to carry out the homeland security that is necessary to secure our borders and to secure our country. And the President has told us that when there are more resources that are needed, he will come forth and ask us for those resources. And I have no doubt that next year, sooner rather than later next year, we will be looking at a supplemental bill to add the resources that the President feels that he needs.

Now, the President is the Commander in Chief. He is the one that is waging the war. And I think all of us are delighted that he has the strong support of the vast majority of the Members of this body, the other body, and certainly of the American people. He has that support because he is doing a good job at the job that he has been elected to do, and that is in part to wage this war. And he has a good team of people helping him, a good team in his Cabinet, and a good team of people surrounding him at the White House. They are doing a good job. And, in part, they are doing a good job because they have made good decisions, put good people in the field, and they have the resources that they need.

Now, the President has also put into place the former Governor of Pennsylvania to really secure our borders, to really look at homeland security. And at this point what they are saying is the bill we passed earlier on, which was for $40 billion, $20 billion for New York and $20 billion for the President to wage this war, and the bill we passed for $15 billion to help the airlines get out of the economic doldrums they are in, those bills contain an enormous amount of money.

The idea there is not enough money simply did not fly in the committee. The arguments that were made by the gentleman from Wisconsin did not have standing to the point that they were able to pass the committee. Even though he made good arguments, the committee decided otherwise. And I think they decided otherwise because they put great stock in the President of the United States, the Commander in Chief.

Certainly when the minority party had their person in the White House as the Commander in Chief, they went along with many of the provisions and legislation and ideas that he had about areas that we went into, like Bosnia, like other areas of the world where we had to go in and rout out terrorists. During those debates we did support the Commander in Chief. And I think that is the point we want to make here today: The President of the United States is doing a good job, he is the Commander in Chief, and nobody knows more.

I am on the Permanent Select Committee on Intelligence; I have been on that committee for 2½ years, and we know an awful lot about terrorists and we know an awful lot about what people want to do in the United States. Nobody knows more about it than the Commander in Chief, than the President of the United States, and we have to give him his due on this.

I think when the President needs the money, when his administration needs the funds, when they need the resources, they are going to come to the Congress. Are we going to step up? Of course we are, just like we stepped up with the $40 billion, $20 billion for New York and $20 billion for the Defense Department. We stepped up when it came to the airline industry.

Look, Congress will respond, but we need to be responsible about these things. And I think the House should realize that this is a good rule. This is a rule that sets the right tone for the kind of defense spending. Now, the chairman of the subcommittee and the ranking member have done a good job on this bill. They have done a good job, they have worked hard and tried to incorporate the kind of resources that are necessary.

Let me just say this. This subcommittee has done a good job, they really have, and everyone in the House knows this. I guarantee that if this rule passes, this bill is going to pass overwhelmingly because it is a good bill for the defense of our country, it is a good bill for the people that are waging the war, it is a good bill that Congress will be very proud of in passing. We do need to pass it to send a signal that the Congress is really behind having a strong defense.

So I urge Members to vote for the rule. This is a good bill, it has been worked on very hard, very long by the chairman and ranking member, and it really sends a message to the Commander in Chief, to his team of people and those people that are waging the war, not only in this country but also offshore, that we are providing the resources at this time that are necessary to do what we have to do.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise today to voice my strong opposition to this ridiculous so-called open rule. The refusal of the Committee on Rules to allow consideration of the Obey amendment, the New York delegation amendment, and either of two amendments that I offered is an affront to democracy and an insult to the people of this great Nation.

My colleagues on the other side of the aisle can offer no logical excuse for denying this body the right to debate provisions for the strengthening of our national security, the rebuilding of Ground Zero in lower Manhattan, and disaster relief to American businesses and workers. In fact, their only excuse for denying the American people increased funding for border patrol, airport and airline security upgrades, cargo inspectors at our ports, mail screening and processing machinery, food and water safety, and a host of other security measures has been that these pressing problems can wait until the spring. That is what I was told last night after the Committee on Rules said no to saving American businesses.

I offered an amendment that would have provided the Small Business Administration with the necessary financial resources to administer all emergency disaster relief loans that have been applied for since September 11. I need my colleagues to realize that if Congress does not help American businesses today, then these businesses will not be around next spring to be helped.

So I ask my friends on the other side of the aisle: Do any of you have a problem with saying yes to more than $4 billion in new spending on national missile defense, while at the same time saying no to displaced workers, American businesses, and homeland security? I certainly do.

While the American people wait for spring, only seven-tenths, or 1 percent, of our imported food is inspected; only 2 percent of the cargo containers that enter American ports are viewed by Customs inspectors; our airlines remain vulnerable to hijackers; and the people in businesses of America wait vainly for Federal assistance. Perhaps the other side is blind to the more than 500,000 layoffs and thousands of business closures.

I emphatically urge my colleagues to vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

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

Mr. THOMAS. Having been around here when my party was in the minority, I tend to scrutinize rules very carefully, because when we were in the minority, the minority had no automatic privilege under the rules to provide motions to recommit with or without instructions. That is now in the rules; something that was never available when we were in the minority.

So I assumed this was some kind of a closed rule, which normally gets the blood pressure up because you have to swallow hard and take what has been given to you. And then I found out this was an open rule. So, then, the reason why people are voting against an open rule is because certain amendments were not made in order. And when we examine what the amendments requested to be made in order were, there were people on the Committee on Rules and others which wanted to move defense money from one area to the other, notwithstanding the fact that people charged with that responsibility have spent months negotiating the package.

Then I discovered that someone said that New Jersey, for example, our colleague from New Jersey, put out a ''Dear Colleague'' saying protect unemployment, job training, and health benefits for New Jerseyans, vote ''no'' on the rule; which is kind of an interesting argument. So I examined what he said New Jersey was not going to get. For example, it said New Jersey is not going to get $52 million.

I would remind my friends on this side of the aisle that we just recently passed an economic stimulus bill. And had my colleagues voted for it, they would have been voting for $368 million for New Jersey for unemployment and

health care. Had my colleagues voted for that bill, they would have provided New York with $766 million for unemployment and health care. And, for example, Pennsylvania would have been $531 million, and so on, because there was more than $12 billion in that pot which is being distributed.

So if my colleagues are worried about voting no on a rule because New Jersey is not getting $52 million, why in the world did my colleagues vote ''no'' on a bill which would have provided $368 million to New Jersey? I fail to understand the desire to stick New Jersey in the eye on the one hand but then scream vote ''no'' on the rule to protect some kind of money that maybe was supposed to have been there.

By the way, we are not through helping New York. The victims' bill that we passed on the Thursday, that has been over in the Senate all these weeks, is now back. We are attaching to that bill the New York delegation's desires on tax adjustments to enhance New York. For example, in the bill that most of my colleagues did not vote for, an opportunity was created for leaseholders to build out, in a new structure for a restaurant or a dry cleaners, a 15-year period, reduced from a third of a century. What we have said in the recovery zone of Manhattan is that that 15 years is reduced to 5.

Those kinds of real incentives to rebuild in the recovery zone will be part of the victims' bill, which, after all, was a response to what happened on September 11. So to argue that Members should vote ''no'' on this rule to deny New Jersey something is really a pretty bizarre argument.

Vote ''yes'' on this rule. And by the way, vote ''yes'' on the stimulus package when it comes back from conference.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time. This is a bad rule, specifically in the area of homeland security, because it forces us to provide homeland security on the cheap.

What they do in this rule is block the Obey amendment. That means they block an additional $150 million for local firefighters. It is not just about what the President says, it is what local governments needs. They need firefighter money, they need money for local police. They are paying for overtime, lengthened hours, special security details, protecting facilities, and they need additional resources.

We also need more money for our port security and we need money to protect our Strategic Petroleum Reserve. That is blocked in this rule.

We can have a better rule. We can have real homeland security. Oppose the rule. It is a bad rule.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today in support of the Department of Defense Appropriations Act, and commend the chairman and the ranking member for crafting a very fair rule.

Mr. Speaker, at this very moment, American troops are on the battlefields risking their lives to defend our freedom and our very way of life. And while they are fighting to defend everything that we hold dear, we gather in this hallowed Chamber and quarrel over the details of a very small portion of this bill, the $20 billion supplemental, which, in contrast to the core of this legislation, is quite small.

So I rise today to support the core of the legislation, Mr. Speaker, $317 billion at the core of the Department of Defense Appropriations Act today, which is well crafted and which will provide the resources for personnel, operations, maintenance, research into the types of weapons systems that are making our troops safe at this very hour, and, most importantly, funding the counterterrorism efforts.

American troops are engaged in a long war. This bill will ensure their safety and preparedness now and for years to come. I urge my colleagues to set aside regional and parochial arguments and interests for a day. Help us strengthen the American military. Pass this bill and support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. The Republican majority is blocking consideration of a series of amendments that would provide for increased domestic security at our ports, at our nuclear plants, for our public health system, for increased capacity with the FBI, the lead agency to hunt down terrorists.

We could be taking steps to reduce the likelihood, better prepare for the possibility of a bioterrorist attack, and we could have made good on our word to help New York recover from the worst attack on American soil in this Nation's history. It is not just enough to go and take photographs at Ground Zero, promise people money that you are going to help individuals and businesses, and then pull the rug out from under them.

The amendments would help to secure the safety of our food supply, increasing inspections of imported food from today's level of less than 1 percent to 10 percent of all the food imports that enter into our country.

We could have helped the Centers for Disease Control to provide scientists with the kinds of help they need to protect Americans from infectious diseases, and that they do not have to work in laboratories with rotting floors and roofs.

We could do something to protect our domestic defense and security today. Let us oppose this rule.

□ 1215

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, today we are engaged in a debate, as we are every year. Several years ago we were engaged in this same debate when Republicans stood up and talked about securing our borders, taking care of this country, making sure that Americans were safe. We are doing that again today.

Today our colleagues across the aisle are trying to outbid us on how much money can we spend now that the September 11 tragedy has occurred. In 1999 we had this same debate, and each of my colleagues that has spoken here today on the other side from Wisconsin, Florida, and Texas wanted to make sure that as we stood up to try to defend this country, as we were defending the FBI, the Border Patrol and our National Instant Check System which would catch these people, it is each one of these, my colleagues, who voted to take money out of those funds.

Mr. Speaker, yes, it is true. They wanted to eliminate cutting $20 million from the FBI for the National Instant Check System; cutting $44 million from the Border Patrol; cut $32 million from the Federal prison system; cut $24 million from the judicial branch of government that pays our judges.

This is what happened just 2 years ago. They were standing up gutting every single bit of the funding that we could do for what is now known as homeland security. Now today we cannot add enough money in.

After being in Washington 5 years, I will say I have learned that virtually every single vote is about more spending and more money, or less spending and less money. Today what this is about is wise and prudent spending of the taxpayers' resources, working with the administration, that has made sure what they are asking for they can adequately spend and take care of the needs of this country.

This should not be a bidding war. This should not be a war where we fight each other. It should be about providing the money that this President, this administration has asked for, to make sure that DOD has what they need. This is a fair rule. It is a rule that provides money for resources and allocations for people where they know it will be effectively spent.

Adding tens of millions of dollars, trying to get into a bidding war at this time after each one of these colleagues of mine has just tried to take money away in the previous years, I think is something that we should take a look at and wonder why.

What this administration is trying to do, what this bill is trying to do is the right thing. I support the rule. I am going to make sure that they get this money, and I hope that each of my colleagues will do the same.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER) in whose district the attack on the World Trade Center occurred.

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

Mr. NADLER. Mr. Speaker, on September 18 the President signed a supplemental appropriations bill that provides, quote, ''that not less than one-half of $40 billion should be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania.''

The bill before us today welshes on this solemn pledge and amends the law to cut almost in half the $20 billion previously appropriated. To add insult to injury, the pending rule will not allow the bipartisan amendment to restore the $10 billion cuts to redeem the $20 billion pledge by the Congress and the President even to be debated on the floor of the House.

Congressional leaders and the President have repeatedly stressed their intentions to provide more than the promised $20 billion aid to New York, just not now. The funds will come eventually. Be patient. Trust us, they say. But the funds are desperately needed now, not in 6 months or a year.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and medical insurance now, not next year. Small business owners are making decisions now whether to try to keep going or to shut the business. Large businesses must decide whether to return to downtown eventually or to seek permanent quarters elsewhere now. And residents are debating whether or not to return to Lower Manhattan.

They need to know whether there is a commitment on which they can depend to rebuild Lower Manhattan. How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's future on such a commitment from such people?

Mr. Speaker, the honor of this House is at stake today. We must vote down this rule so the Members may vote on whether to break our word and welsh on our solemn pledge to the immediate victims of the attack on the Nation, or whether to redeem the honor of the House. Let the House not dishonor itself without the Members at least being permitted to vote on it.

In his inaugural address, the President said under his administration we would not cross to the other side of the road when we passed the injured traveler on the road to Jericho. Today under this rule, not only have we paused to cross to the other side, but, indeed, we are telling many of those injured travelers, drop dead.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this rule. It is absolutely outrageous that the Committee on Rules, at the direction of the House leadership and the administration, is preventing this body from voting on an amendment that provides already-promised assistance to New York City.

No one denies that New York bore the brunt of the assault of our Nation on September 11. And although the terrible loss of lives was contained to that single day, for millions of New Yorkers the struggle continues. Families and friends continue to search for the remains of loved ones, small businesses teeter on the brink of bankruptcy. Unemployed workers wait in line for aid, all while the wreckage of the World Trade Center still burns. New Yorkers are hurting; yet the administration and this leadership are about to renege on their promise to help the residents of my city.

If this rule passes, New Yorkers will continue to go without help. I am tired hearing that the Mayor of the City of New York said that $9.6 billion is enough; but Members forget to mention the other side, that he also instructed all city agencies to cut 50 percent of their budget for New York City because of the financial constraints. This is morally wrong, and I urge my colleagues to vote down this rule.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), who has done all this hard work on this bill.

Mr. WALSH. Mr. Speaker, indeed, I have not done all of the hard work on this bill. There has been a lot of work done by many, including the chairman of the subcommittee, the gentleman from California (Mr. LEWIS), who has been so patient with us as we attached the supplemental to this bill. I rise in strong support of the rule and the bill, and I urge my colleagues to support the rule and the bill.

There has been a good deal of debate about this, but not much about the substance of the DOD appropriation. It is a good bill and it needs to be supported. The supplemental has drawn most of the attention. As all of us know, the President issued a veto threat that if we added more to the bill than the $40 billion, he would veto it. That changed all of the rules when that occurred. The President did say that New York should get half of this money, and I believe we will receive $20 billion plus. Most agree that $20 billion is a floor, not a ceiling.

When we negotiated with the White House, there were very few options we had. We had to operate within the existing structure of the bill. What we did was allocated $1.5 billion national emergency grants to the Community Development Block Grant Program. Community development block grant funds are the most flexible funds the Federal Government has. They are the most important funds that we have, the best tools that we have to rebuild the City of New York. CDBG can be used for infrastructure, public utilities, help hospitals, it can be used to help incent businesses to stay there, help residents to stay there, improve the quality of life in that neighborhood. It is the best money we can put in at this point. That is why we settled for that amount.

Is it all we wanted? No, it is not. My belief is that the President will keep his commitment and the rest of those funds will flow. I remind my colleagues that 75 percent of the bill here for New York City is FEMA. Many of us go back 10, 15, even 20 years here. Not once has the Federal Government ever withdrawn its commitment to fully fund the FEMA program.

Mr. Speaker, this bill is a good bill. This is a good rule. New York will benefit from it. I urge my colleagues to support the rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

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

Mr. Speaker, the issue is one promise on top of another promise. The promise that New York will get half of the dollars has been broken already. That is a fact. We are not here to create a problem, but that is a fact. Now we are being told wait until next spring.

Next spring we are being told that we will move dollars from other parts of the budget to accommodate New York. That means that next March, April or May we are going to take money out of the agriculture budget, out of the Department of Defense, the State Department, the Department of Justice, the INS to move over to New York? If that is the situation New York finds itself in next spring, I can assure my colleagues, in that scenario we lose that fight. We cannot win a fight where we have to bid with other parts of the Nation for help.

America was hit. New York was the scene of that hit. The President came forward, the Congress, the Speaker, the leadership, and said we will take care of New York. It is sad that we are here opposing this rule because it will not allow an amendment that simply says to enforce the law that is already on the books.

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

Mr. Speaker, I remind my colleagues that both the current Mayor of New York and the new Mayor of New York have stated that they have plenty of money right now and they do not need extra above and beyond what we are currently providing them in these bills.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), who has worked tirelessly to bring this bill to the floor today.

Mr. LEWIS of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I did not intend to speak on the rule, but as I listened to the discussion, I thought it was important to point out that the base bill, the

Defense Appropriations bill, that will be considered today involves some $317 billion for national security. It is designed in a fashion to meet our highest priority needs ranging from money for basic research projects that affect national security, all of the way to paying for increased pay and the health care needs of our men and women who serve in the various Armed Forces.

The bill, above and beyond that, contains the supplemental; and in total, $40 billion supplemental, as the money has been distributed, I am pleased to say very much effectively supplements the work we have been about. There is slightly in excess of $20 billion from the original $40 billion package that flows to a variety of important defense needs, and because of that I am pleased with this rule.

Mr. Speaker, I urge my colleagues to recognize that we do not solve problems, defense problems or otherwise, by simply throwing money at those difficulties, but rather, measuring very carefully the challenges themselves and then attempting to figure out what ways we can best apply dollars to solve those difficulties.

□ 1230

This rule is a good rule. It allows us the kind of flexibility we need for the near term. Indeed, as we go into the next year, if we find challenges both in terms of national security or meeting the needs of New York and New Jersey, we will respond to those needs by way of additional supplementals.

Because of that reality, I urge my colleagues to support this rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Texas for yielding time.

Mr. Speaker, I appreciate the good gentlewoman for placing into the record the fact that the Mayor of the city of New York and the Governor said we do not need the money right now. Maybe the gentlewoman can explain to us why it is, then, that the city of New York is cutting by 15 percent across the board, programs throughout New York City. It is an austerity budget. I do not have an answer for that, but maybe the gentlewoman does.

The fact is we do not want to vote against this rule. We do not want to vote against the bill. But a promise that was made has been broken. We are not getting the full $20 billion funding to New York City that was promised early on. We know there are a lot of great things in this bill for our Nation. We know that our Nation is at war. We want to support and we will be supportive of our men and women overseas in the armed service. But the simple fact of the matter is that a promise was made to the city of New York and the State of New York and that promise is being broken right now.

While our men and women are fighting in Central Asia to protect our quality of life and the sanctity of our country, they do so with the heavy memories of the martyrs of September 11. It is with a heavy heart that I ask my colleagues to oppose this rule, not to disrespect our Armed Forces, as has been said or at least been alluded to here today, but to respect the memory of those who lost their lives on September 11. We need to do the right thing by New York, New York State and New York City, who took the brunt of this hit on America. Why do we have to continue to bleed 15 percent across the board?

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

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

Mrs. MALONEY of New York. Mr. Speaker, the World Trade Center is still burning, and this administration is wavering in its support for New York.

New York has enormous unmet needs and unpaid bills. Whoever says we do not need the money, just look at some of the invoices that are long overdue that I have brought to the floor today. Like money for hospitals that canceled elective surgery so they could aid the victims. Like costs to utilities to rewire lower Manhattan. Like reimbursements to transport children to temporary schools.

Right after the attacks, the administration said that they would do ''whatever it takes'' to help New York. But now, with full support of the administration, the House leadership is doing ''whatever it takes'' to deny New York the money and the aid that it was promised. Out of the $40 billion that was allocated, only $11 billion is allocated for New York, when $20 billion was promised.

Vote against this rule on the New York amendment alone that was denied, so we can come back with the New York amendment included.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. Last night, a bipartisan group of New Yorkers asked the Committee on Rules to make in order our amendment to allocate $10.4 billion in contingency emergency spending for New York's recovery.

Mr. Speaker, in the hours after the World Trade Center attack, President Bush made a commitment that New York would receive $10 billion plus $10 billion, $20 billion, to recover and rebuild. And Congress made that commitment law, $20 billion. But the gentleman from New York (Mr. SWEENEY) and I and our entire delegation have spent the last 2 months trying to ensure that law is complied with, and we are still fighting today.

Mr. Speaker, an agreement is an agreement is an agreement. The law says that New York, Virginia, and Pennsylvania are entitled to ''not less than half'' of the $40 billion supplemental; 422 Members of this body supported that supplemental. No Member voted against it. Eleven weeks later, we are still having the debate. We are still fighting. It does not make any sense.

Eleven weeks after the worst disaster in the history of our country, the crisis in New York has not ended. Thousands are facing the holidays without a spouse, a child, or a parent. Thousands are out of work. Small businesses remain shuttered. Thousands of residents are still unable to return to their homes. Work at Ground Zero goes on 24 hours a day, 7 days a week. Fires are still burning underground. Memorial services at the site continue. Families are coming to terms with the knowledge that there will never be anything of their loved ones recovered. New York will never be the same.

We put together an amendment that would commit the billions needed to continue the enormous recovery and rebuilding effort. We designed it as contingency emergency spending which would allow the President to determine when the funds are needed and declare an emergency, at which point the money would become available. We believe that this is the most appropriate way to respect the need to manage Federal spending while assuring the Americans who took the blow for our country on September 11 that Congress is committed to their recovery.

We ask for consideration of this amendment. Let us have a full debate on the issue. A promise is a promise. When the President of the United States makes a promise, we appreciate it and expect that promise will be met.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me. I have listened to the New Yorkers who have argued to defeat the rule so they can have consideration of an amendment to help New York. I think we ought to defeat the rule as well so that we can help the post office.

It is terrific that the House is now going to get its mail. We are spending the money to make the mail safe and to protect all of our staff who open the mail. But what about everybody else in the country? Will their mail be safe? If we defeat this rule, we can pass an amendment that will provide funding to make the mail safe for everyone.

But the Republicans say we do not have the money. It is funny, but the Republicans have found $1.4 billion to give to IBM, $1 billion to give to Ford, $600 million to the Texas utility companies, and over $500 million for Chevron and Texaco in the outrageous giveaway bill that passed 2 weeks ago. But somehow we cannot find $500 million for the Postal Service to make the mail safe for everyone.

None of this makes sense, but if we defeat the rule and pass the Obey amendment, we can begin to restore sanity to our priorities.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I do believe that the three amendments were germane to this argument. It really galls me to see some from the other side, to be perfectly frank, question the patriotism of my party which I proudly represent. We all want the same thing. We want to defend the Nation. We want to be strong abroad. We want to be strong at home.

This Nation flew, was part of 38,000 air sorties against Kosovo when we helped regain the freedom of those people. We were ready. We are ready now. I do not believe it is nitpicking if the gentleman from Pennsylvania wants to ensure the defense of this Nation. I do not think it is nitpicking that the firefighters, the first defenders of this Nation, need help and need resources. I do not think it is nitpicking. You go out and talk to the emergency responders throughout this Nation, Mr. Speaker, and you will have the same response. They need the resources. I believe that these amendments were germane. It is a terrible shame that they are not going to be debated on this floor.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I feel that this so-called open rule is anything but. It is a sham. If it were truly open, it would allow us to debate an issue that is important for New Yorkers and Virginians and Pennsylvanians. We have a law that requires not less than $20 billion to be provided for those States as a result of the attack on September 11. This bill, in effect, negates that law. It takes that money away from the people who need it. This is especially true of the people in New York City which has been so devastated as a result of the attack on the 11th of September.

Already, unemployment is up, businesses have been lost, health insurance has been lost. People are being denied the help and assistance that they need. There is a substantial amount of human suffering and a direct negative impact on the economy of the city. This money is drastically needed to cover those expenses. This rule makes it impossible for us to debate that amendment. Therefore, the rule ought to be defeated.

Mrs. MYRICK. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, the attempt to help New York recover speedily moves beyond boundaries, State boundaries or city boundaries. When the terrorists struck on September 11, they struck at the heart of the Nation, the nerve center of the Nation, the communications nerve center, the financial nerve center, the morale nerve center. The domino effect throughout the Nation is obvious. So we are not talking about New York. We are talking about speedy recovery for the whole Nation.

In all due respect to the Mayor and the Governor of the State, I think the institutional history of this body is far wiser. In the past decade we have handled several emergencies. The California earthquake was the example we ought to follow. This body quickly committed $6 billion and later an additional $2 billion. California's whole economy was in the tank at the time, but the effort to repair and recover from the earthquake made the whole economy recover. That kind of rapid commitment and rapid implementation expenditure is what we need here now. Speed is very important. Every dollar's value is increased. If we speed the commitment of it and expenditure of it to recover in New York, we recover in the entire Nation.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this rule which fails to make the Obey homeland security amendment in order. Just listen to the words of Health and Human Services Secretary Tommy Thompson who said, ''Am I satisfied with the food inspection we are doing? No, I am more fearful about this than anything else.''

The Obey amendment would provide the agency 10 percent of the resources that it needs to meet the food inspection requirements of this country. Right now we inspect less than 1 percent of what comes over our border. Our Nation's food safety needs are real and compelling, and the risks from imported food products are real and compelling. We must do the right thing to protect our food supply and to help ensure food safety for all of our people. This rule denies us the opportunity to vote on the Obey substitute. I urge a ''no'' vote on the rule.

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

Mr. Speaker, I guess George Orwell has taken up residence on the other side of the aisle, the famous author who defined words by changing their meaning. Black was white, day was night, open is closed, closed is open.

They keep saying they have an open rule. Their open rule prohibits the gentleman from Wisconsin, the ranking member of the committee, from offering an amendment to increase the amount for homeland security. Their open rule prohibits the gentleman from Pennsylvania (Mr. MURTHA) from offering an amendment to increase the amount of spending for defense. Their open rule prohibits a bipartisan group of New Yorkers from offering an amendment to honor the President's original commitment of amount of money for New York.

Open is closed, closed is open. The world stands on its head. This rule is a sham. They know it. We know it. The American people know it. Everyone supports the money for national defense. All we are asking for is the opportunity to provide additional resources right now for homeland security, additional resources right now for New York. I urge a ''no'' vote on the rule.

□ 1245

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

Mr. Speaker, I want to remind my colleagues again that this is not a so-called open rule, it really is an open rule. I know some people are upset because they did not get the special exceptions that they wanted, but, quite frankly, it is an open rule, and we can debate this on the floor. It is very critical that this money come forward for our homeland defense, for our men and women in Afghanistan, and also for the City of New York.

Mr. Speaker, I urge my colleagues to vote for this rule.

Ms. KILPATRICK. Mr. Speaker, all of you know that I represent Detroit, Michigan. The Detroit Port of Entry at the Ambassador Bridge, Windsor Tunnel and Blue Water Bridge handles 40 percent of the trade between U.S. and Canada. More than $1 billion in trade crosses the U.S.-Canada border every day. The auto industry makes up one third of that trade. The auto industry operates under ''Just in Time'' inventory systems, and the quick, efficient processing and clearance of auto parts is essential to the industry's survival.

Detroit border crossings accommodate over 61 percent of all cross-border truck traffic along the U.S.-Canada border. It is the largest border truck crossing area in the nation. Long limes and 15-hour traffic backups are not unusual. In the days following the September 11th assault, the border—for all practical purposes—was shut down.

The U.S.-Canada border embodies 40 percent of the total U.S. ports of entry, has only 14 percent of U.S. Customs primary inspectors who perform 33 percent of the U.S. Customs national workload. The number of Customs inspectors along the U.S.-Canada border is less than 900. That number has been relatively constant since the Reagan Administration, although the cross border commercial transactions have increased 600 percent. We need to address the imbalance.

Since September 11, our border enforcement personnel have been on Level One security alert. Customs and INS inspection personnel along the northern border have historically suffered from inadequate funding. These problems have dramatically intensified in the aftermath of the attack.

The Treasury, Postal Service and the Commerce, Justice, State Appropriations bill provides increases for Customs and INS inspection personnel. Customs received a $28 million increase to provide for an additional 285 inspectors along the northern border. INS was increased $25 million to provide 348 additional positions to address understaffing problems at northern border ports of entry. The Ambassador Bridge and Detroit-Windsor Tunnel currently operate with only 23 INS inspectors. According to a study provided to the Senate, these ports of entry need 151 inspectors. By the way, that study was released in December 2000. It is outdated given the tragic events that occurred in September.

These increases in Customs and INS inspectors were based on assessments conducted well before the terrorist attack. These increases in Customs and INS personnel are based on a peace time assessment, not one based on the heightened state of security under which our government is operating.

We have been trying to get official estimates of the Customs and INS inspection personnel needs but without success. But we do know one thing: Detroit ports of entry will be unable to receive the resources necessary to process goods, people and traffic in an efficient manner that ensures the continued vitality of U.S.-Canada commercial relations in a state of higher security.

The State of Michigan is supporting the work of Customs inspectors and INS inspectors assigned to the ports of entry. The State of Michigan has assigned anywhere from 30 to 45 National Guard personnel a day to assist Customs in conducting commercial inspections at the Detroit ports of entry. Twenty-four National Guard personnel assist INS agents in processing travelers coming across these border points. I should point out that we have National Guard personnel assisting Customs and INS staff at Port Huron and the Soo Locks. Certainly the need for more Customs and INS personnel is real, immediate and over and above the number appropriated for in the regular fiscal year 2002 appropriations process. We have a chance to correct this shortfall, but we are being denied that opportunity.

This denies the opportunity for Mr. OBEY to offer an amendment that addresses these security needs of a nation that is vulnerable to domestic and foreign-source terrorist threats. The Rules Committee will allow one individual to raise a point of order against amendments we plan to offer to plus-up spending for defense and homeland security needs. For instance, the Obey amendment proposes to add $140 million for 790 additional Customs inspectors along the northern border. This is a minimum proposal that certainly recognizes the long-ignored border resources needs of Detroit. To those among us who have signed or written letters of support for more help along our borders, you should support efforts to have the Obey proposal receive the full and fair consideration of the House. If you have a water port, the security of that port is important to sustaining the economic viability of your community. If that is the case, you should support a rule that protects these amendments from parliamentary tactics. The Obey proposal would increase the Coast Guard by 640 positions for port security operations, provide money to conduct port security assessments and enhancements and 840 additional Customs agents for cargo inspection.

Recently, I received a petition from a number of INS inspectors working at one of the Detroit land border ports. The petition they sent to my attention contained a number of grievances they wished to call to my attention. Their complaints centered on the fact that their resources were already stretched thin before September 11, but they have worsened since then. Here are some of the problems they called to my attention: In the last three years INS manpower has been halved while the amount of vehicles that require processing has tripled; inspectors are expected to work a six-day week, plus additional overtime; the average inspector works 56 to 64 hours per week. They go on with other complaints concerning other working conditions, but these employees need some relief from the pace of work they are experiencing.

When I go home to my constituents, I would like to be able to tell them that Congress did something to improve the security at the ports of entry that serve the Greater Detroit Area. The only way that can happen is if we vote down this rule, so we can have an opportunity to vote for the resources necessary to improve the homeland security of this country.

Mr. ENGEL. Mr. Speaker, I am disappointed today that we as a Congress are not debating any amendments relating to rebuilding New York. After the September 11th attacks, the NY delegation met with the President to discuss the city's needs for rebuilding. He promised then and there that our needs would be taken care of. Yet he's not living up to his promise. And we're letting him get away with it.

At yesterday's press briefing, a reporter asked Ari Fleischer why the Administration was opposing any add-ons to the anti-terrorism bill. Fleischer's response was: Well, the Congress has entered into an agreement with the President, many weeks after September 11th, when people already understood the need to beef up on the domestic front, the need to provide more resources. And an agreement is an agreement is an agreement.

Doesn't that statement apply to the agreement the President made regarding New York? Isn't an agreement an agreement an agreement?

We must provide the funds New York needs to rebuild. We must remember this was not an attack on New York it was an attack on America. And we as Americans must help the City recover their costs directly related to the World Trade Center attacks.

This rule does not allow an amendment to guarantee that New York receives at least the 20 billion that the President promised us, that the Congress voted for, and that the President signed into law. Therefore, I will vote against the rule and ask my colleagues to do the same.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to this rule and urge my colleagues to join me in defeating it. I object to this rule because the implications of its unfairness go beyond the petty political games of life in Washington. This rule actually threatens the national security of the United States. At a time when our country faces such serious challenges to our security and way of life, it is unconscionable that this body would attempt to pass a rule that squelches debate and prevents the Congress from appropriating money that is so desperately needed to ensure our safety.

But the debate today is about more than simply a rule for considering the defense appropriations bill; it is about addressing urgent needs that have been neglected for far too long. America is facing the most serious threat of the last sixty years, a threat so great the world has united in response to the tragedies of September 11. The President of the United States has called upon all Americans to live as if we are in a state of war, and he has asked for—and received—unprecedented authorities to combat terrorism. In this atmosphere, the country expects the Congress to do its duty and contribute its share to the effort.

Across the country, from Maine to California, Americans are losing their jobs, hotels remain half-empty, airliners fly with empty seats, shop-owners wait in vain for additional customers, and children of laid-off workers face the prospect of a bleak Christmas. Just this week, the National Bureau of Economic Research officially announced that the longest peace time economic expansion in American history had ended and that we are now in recession. But we did not need an official announcement to know we face real problems

These are serious problems we face. Terrorism. Recession. Unemployment. It is our job as the Congress to do what we can to help our constituents through these times. Our constituents need us to act in their interests. Our constituents need us to secure our nation. Our constituents need us to rebuild the damage done by terrorists. Our constituents need us to stimulate the economy. This rule fails all of these tests.

Why does this rule not allow for the urgent funding needed to prepare our defenses against the threat posed by biological weapons? Why does this rule not allow for the urgent funding needed to pursue justice in Afghanistan? Why does this rule not allow for the funds to hire additional air marshals and airport safety equipment? Why does this rule not allow for the funds needed to secure our postal system?

What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we know about? What will we say to our constituents who ask us if the Congress has done everything possible to protect them from the threats we don't know about? What will we say at town hall meetings in the upcoming weeks when asked if America is safer today than it was on September 10?

These are serious times in which we live, and we must act deliberately and swiftly to protect our constituents and the nation. We must do our duty under the Constitution—a duty to which we swore in this very chamber eleven months ago—by responding as best we can to the threats we face, both at home and abroad. The Constitution tells us that we must ''provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.'' I believe in these words, yet I do not believe that today this body is acting faithfully to fulfill them.

Defeat this rule. Vote for a substitute that will allow for a full debate and the inclusion of funding to guard our nation against biological weapons, to hire new border patrol agents and law enforcement officers, and to purchase new airport security equipment. Do not allow the Congress to be distracted from the issues before us from doing what we all know is right.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 211, answered ''present'' 1, not voting 5, as follows:

[Roll No. 454]

YEAS—216

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

NAYS—211

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

ANSWERED ''PRESENT''—1

Istook

NOT VOTING—5

Carson (IN)
DeFazio
Ford
Quinn
Wexler

□ 1340

Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. MCCOLLUM, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CLYBURN changed their vote from ''yea'' to ''nay.''

Mr. ISTOOK changed his vote from ''yea'' to ''present.''

Ms. GRANGER, and Messrs. LEWIS of California, ADERHOLT, DOOLITTLE, TIAHRT, SHERWOOD, and HOBSON changed their vote from ''present'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplication standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

David E. Demag, of Vermont.

Thomas J. Scotto, of New York.

The message also announced that pursuant to Public Law 107–12, the Chair, on behalf of the Republican Leader, announces the appointment of the following individuals to serve as members of the Medal of Valor Review Board:

Michael D. Branham, of Arizona.

Jimmy Houston, of Mississippi.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 296 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3338.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. DREIER) to assume the chair temporarily.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3338)

making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I am prepared to yield my time so we can get this bill moving. People have been waiting so long. So I am prepared to yield back whenever my colleague is ready, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Pennsylvania is yielding back his time and he wants me to follow that course so we can save some time here today?

Mr. MURTHA. Mr. Chairman, yes.

Mr. LEWIS of California. Mr. Chairman, does the gentleman from Pennsylvania (Mr. MURTHA) realize I have at least a half hour presentation here?

Mr. Chairman, I am happy to yield such time as he might consume to the gentleman from Florida (Mr. YOUNG), the chairman of the committee.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentleman from California (Mr. LEWIS) for yielding me the time. He will discuss the main part of this bill, which is the $317 billion defense package that he and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, have provided for the Committee on Appropriations.

After he does that, I will briefly discuss the $20 billion supplemental that we added in the full committee to explain exactly what the President had requested and what the committee is recommending relative to that $20 billion.

So with that explanation, I will let the gentleman from California (Mr. LEWIS) proceed with his bill, and I will take up the $20 billion supplemental. At this point, Mr. Chairman, I would also like to insert a table providing detail on the $20 billion supplemental.

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Office of the Secretary (emergency)	45,188	4,582	-40,606
Agriculture buildings and facilities and rental payments (emergency)		2,875	+2,875
Agricultural Research Service: Salaries and expenses (emergency)		5,635	+5,635
Animal and Plant Health Inspection Service:			
Salaries and expenses (emergency)		8,175	+8,175
Buildings and facilities (emergency)		14,081	+14,081
Food and Safety Inspection Service (emergency)		9,800	+9,800
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries & expenses (emergency) 1/		104,350	+104,350
INDEPENDENT AGENCIES			
Commodity Futures Trading Commission (emergency)	6,495	6,495	
Total, chapter 1	51,683	155,993	+104,310
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration			
Administrative review and appeals (emergency)	3,500	3,500	
Legal Activities			
Salaries and expenses:			
General legal activities (emergency)	12,500	12,500	
United States Attorneys (emergency)	74,600	68,450	-6,150
United States Marshals Service (emergency)	11,100	11,100	
Federal Bureau of Investigation			
Salaries and expenses (emergency)	538,500	538,500	
Immigration and Naturalization Service			
Salaries and expenses, Enforcement and Border Affairs (emergency)	399,400	409,600	+10,200
Office of Justice Programs			
Justice assistance (emergency) 2/		400,000	+400,000
State & local law enforcement assistance (emergency)	4,400	17,100	+12,700
Crime victims fund (emergency)	68,100	68,100	
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Salaries and expenses (emergency)	335		-335
International Trade Administration			
Operations and administration (emergency)	1,500	750	-750
Export Administration			
Operations and administration (emergency)	1,756	1,756	
National Telecommunications and Information Administration			
Public telecommunications facilities, planning and construction (emergency)	8,250	8,250	
National Oceanic and Atmospheric Administration			
Operations, research, and facilities (emergency)	2,750	750	-2,000
United States Patent and Trademark Office			
Salaries and expenses (emergency)	3,360		-3,360
National Institute of Standards and Technology			
Scientific & technical research & services (emergency)	400		-400
Construction of research facilities (emergency)	1,225		-1,225
Departmental Management			
Salaries and expenses (emergency)	7,276	8,636	+1,360
THE JUDICIARY			
Supreme Court of the United States			
Care of Buildings and Grounds (emergency)	10,000	10,000	
Court of Appeals, District Courts, and Other Judicial Services			
Court security (emergency)	21,500	21,500	
DEPARTMENT OF STATE AND RELATED AGENCY			
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)		9,200	+9,200
Broadcasting capital improvements (emergency)		10,000	+10,000
RELATED AGENCIES			
Equal Employment Opportunity Commission			
Salaries and expenses (emergency)	1,301	1,301	
Securities and Exchange Commission			
Salaries and expenses (emergency)	20,705	20,705	

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Small Business Administration			
Disaster loan program account (emergency)	150,000	140,000	-10,000
Total, chapter 2	1,342,458	1,761,698	+419,240
CHAPTER 3			
DEPARTMENT OF DEFENSE - MILITARY			
Operation and Maintenance			
Defense Emergency Response Fund (emergency)	7,020,969	7,242,911	+221,942
Transfer to Department of State, Nonproliferation, Anti-Terrorism, Demining and Related Programs		(30,000)	(+30,000)
Procurement			
Other Procurement, Air Force (emergency)	303,000		-303,000
Total, chapter 3	7,323,969	7,242,911	-81,058
CHAPTER 4			
DISTRICT OF COLUMBIA			
Federal Funds			
Federal Payment to the District of Columbia for Emergency Response and Planning (emergency)	25,000	25,631	+631
CHAPTER 5			
DEPARTMENT OF DEFENSE - CIVIL			
Department of the Army			
Corps of Engineers - Civil			
Operation and Maintenance, General (emergency)	139,000	139,000	
DEPARTMENT OF THE INTERIOR			
Bureau of Reclamation			
Water and related resources (emergency)	30,259	30,259	
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Weapons activities (emergency)	106,000	88,000	-18,000
Defense nuclear nonproliferation (emergency)		18,000	+18,000
Environmental and Other Defense Activities			
Defense environmental restoration and waste management (emergency)	8,200	8,200	
Other defense activities (emergency)	3,500	3,500	
Total, chapter 5	286,959	286,959	
FOREIGN ASSISTANCE			
Agency for International Development			
Operating expenses (transfer) (emergency)	(50,000)		(-50,000)
CHAPTER 6			
DEPARTMENT OF THE INTERIOR			
National Park Service			
Operation of the National Park System (emergency) 3/	6,098	10,098	+4,000
United States Park Police (emergency)	25,295	25,295	
Construction (emergency)	21,624	21,624	
Departmental Offices			
Departmental Management: Salaries and expenses (emergency)	2,205	2,205	
OTHER RELATED AGENCIES			
Smithsonian Institution			
Salaries and expenses (emergency)	21,707	21,707	
National Gallery of Art			
Salaries and expenses (emergency)	2,148	2,148	
John F. Kennedy Center for the Performing Arts			
Operations and Maintenance (emergency)	4,310	4,310	
National Capital Planning Commission			
Salaries and expenses (emergency)	758	758	
Total, chapter 6	84,145	88,145	+4,000
CHAPTER 7			
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)	2,000,000		-2,000,000
State unemployment insurance and employment service operations (emergency)	4,100	4,100	
Pension and Welfare Benefits Administration			
Salaries and expenses (emergency)	1,600	1,600	
Occupational Safety and Health Administration			
Salaries and expenses (emergency)	1,000	1,000	
Departmental Management			
Salaries and expenses (emergency)	5,880	5,880	

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Public Health and Social Services Emergency Fund (emergency) 1/	1,595,000	1,990,600	+395,600
DEPARTMENT OF EDUCATION			
School Improvement Programs			
Project SERV (emergency)	10,000	10,000	.....
RELATED AGENCIES			
National Labor Relations Board			
Salaries and expenses (emergency)	180	180	.....
Social Security Administration			
Limitation on administration expenses (emergency)	7,500	7,500	.....
Total, chapter 7	3,625,260	2,020,860	-1,604,400
CHAPTER 8			
LEGISLATIVE BRANCH			
Joint Items			
Legislative Branch Emergency Response Fund (emergency)	256,081	.....	-256,081
Senate			
Sergeant at Arms and Doorkeeper of the Senate (emergency)	.....	34,500	+34,500
House of Representatives			
Salaries and expenses (emergency)	.....	40,712	+40,712
United States Capitol Historical Society			
Grant (emergency)	.....	1,000	+1,000
Capitol Police Board			
Expenses (emergency)	.....	179,869	+179,869
Total, chapter 8	256,081	256,081	.....
CHAPTER 9			
MILITARY CONSTRUCTION			
Defense Emergency Response Fund (emergency)	25,000	.....	-25,000
Military Construction, Army (emergency)	.....	55,700	+55,700
Military Construction, Navy (emergency)	.....	2,000	+2,000
Military Construction, Air Force (emergency)	.....	47,700	+47,700
Total, chapter 9	25,000	105,400	+80,400
CHAPTER 10			
DEPARTMENT OF TRANSPORTATION			
Office of the Secretary			
Salaries and expenses (emergency)	1,500	458	-1,042
Transportation security administration (emergency)	.....	15,000	+15,000
Aircraft passenger and baggage screening activities (emergency)	.....	1,000,000	+1,000,000
Offsetting collections (emergency)	.....	-1,000,000	-1,000,000
Coast Guard			
Operating Expenses (emergency)	203,000	144,913	-58,087
Federal Aviation Administration			
Operations (Airport and Airway Trust Fund) (emergency)	300,000	291,500	-8,500
Facilities & equipment (Airport and Airway Trust Fund) (emergency)	108,500	175,000	+66,500
Federal Highway Administration			
Miscellaneous appropriations (emergency)	10,000	.....	-10,000
Federal-aid highways (Highway Trust Fund): Emergency relief program (emergency)	75,000	75,000	.....
Federal Railroad Administration			
Safety and operations (emergency)	6,000	6,000	.....
Federal Transit Administration			
Formula grants (emergency)	23,500	23,500	.....
Research and Special Programs Administration			
Research and special programs (emergency)	6,000	2,500	-3,500
RELATED AGENCY			
National Transportation Safety Board			
Salaries and expenses (emergency)	836	465	-371
Total appropriations	734,336	1,734,336	+1,000,000
Offsetting collections	.....	-1,000,000	-1,000,000
Total, chapter 10	734,336	734,336	.....
CHAPTER 11			
DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and expenses (emergency)	9,400	.....	-9,400
Treasury Inspector General for Tax Administration (emergency)	2,032	2,032	.....
Financial Crimes Enforcement Network (emergency)	1,700	1,700	.....

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
Federal Law Enforcement Training Center			
Salaries and expenses (emergency)	13,846	23,231	+9,385
Acquisition, construction, improvement and related expenses (emergency)	.....	8,500	+8,500
Financial Management Service			
Salaries and expenses (emergency)	600	.....	-600
Bureau of Alcohol, Tobacco and Firearms			
Salaries and expenses (emergency)	31,431	31,431	.....
United States Customs Service			
Salaries and expenses (emergency)	107,500	301,759	+194,259
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs (emergency)	6,700	6,700	.....
Internal Revenue Service			
Processing, Assistance, and Management (emergency)	16,658	.....	-16,658
Tax Law Enforcement (emergency)	4,544	4,544	.....
Information Systems (emergency)	15,991	.....	-15,991
United States Secret Service			
Salaries and expenses (emergency)	104,769	104,769	.....
EXECUTIVE OFFICE OF THE PRESIDENT			
Office of Administration (emergency)	50,040	.....	-50,040
INDEPENDENT AGENCIES			
General Services Administration			
Real Property Activities			
Federal Buildings Fund (emergency) 3/	200,500	87,360	-113,140
National Archives and Records Administration			
Operating Expenses (emergency)	4,818	.....	-4,818
Repairs and Restoration (emergency)	2,180	.....	-2,180
Total, chapter 11	572,709	572,026	-683
CHAPTER 12			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Management and Administration			
Office of Inspector General (emergency)	1,000	1,000	.....
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration			
Construction, Major Projects (emergency)	2,000	.....	-2,000
Departmental Administration			
General operating expenses (emergency)	.....	2,000	+2,000
INDEPENDENT AGENCIES			
Environmental Protection Agency			
Science and Technology (emergency)	40,040	10,000	-30,040
Environmental Programs and Management (emergency)	25,170	140,360	+115,190
State and Tribal Assistance Grants (emergency)	5,000	5,000	.....
Hazardous Substance Superfund (emergency)	5,790	5,800	+10
Federal Emergency Management Agency			
Disaster relief (emergency)	4,900,000	4,345,000	-555,000
Emergency Management Planning and Assistance (emergency) 2/	580,000	35,000	-545,000
Salaries and expenses (emergency)	20,000	30,000	+10,000
National Aeronautics and Space Administration			
Human space flight (emergency)	64,500	81,000	+16,500
Science, Aeronautics and Technology (emergency)	28,600	36,500	+7,900
Office of Inspector General (emergency)	.....	3,000	+3,000
National Science Foundation			
Research and Related Activities (emergency)	300	300	.....
Total, chapter 12	5,672,400	4,694,960	-977,440
CHAPTER 14			
ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Centers for Disease Control and Prevention			
Disease control, research, and training (emergency)	.....	12,000	+12,000
National Institutes of Health			
National Institutes of Environmental Health Sciences (emergency)	.....	10,500	+10,500
DEPARTMENT OF HOUSING AND DEVELOPMENT			
Community Planning and Development			
Community development fund (emergency)	.....	1,825,000	+1,825,000

H.R. 3338 - DIVISION B - FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS—Continued
(Amounts in thousands)

	FY 2002 Request	Recommended in Bill	Bill vs. Request
DEPARTMENT OF LABOR			
Employment and Training Administration			
Training and employment services (emergency)	.....	32,500	+32,500
State Unemployment Security Office			
Workers compensation programs (emergency)	.....	175,000	+175,000
Total, chapter 14	.....	2,055,000	+2,055,000
Grand total	20,000,000	20,000,000	.....

1/ FDA appropriation of $104.35 million was originally requested by the President as part of the HHS Public health and social services emergency fund account.

2/ Amounts for counterterrorism assistance to State and local governments were requested by the President as part of FEMA.

3/ National Park Service relocation costs were originally requested by the President as part of the GSA Federal buildings fund account.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I always appreciate hearing from the chairman of the full committee.

Mr. Chairman, the bill before us provides the funding for national defense for the fiscal year 2002. The base bill, which is the fundamental consideration today, involves some $317 billion for national security; and, Mr. Chairman, I would like the entire body to know that this bill was prepared and we were taking it to the committee on the very day of the tragedy that occurred in New York.

All of us watched with horror as that first plane hit that first tower and then in amazement, fear, and anger as we watched the second plane and the subsequent results.

Over these several weeks, the Nation has reacted in a fashion that all of us have watched with great interest, for indeed America had been attacked; and for the first time since World War II, more Americans were killed by a foreign agent in a single event than had been killed in our history.

As we observed that scene, America first responded in fear, responded in anger and in frustration; and over these weeks and months now, we watched as our public has come together in a kind of unified response that says directly to the Congress, we expect you to help America be ready to deal with this war on terrorism that the President is so ably leading us to wage at this moment.

Subsequent to this bill, the base bill of $317 billion, as the gentleman from Florida (Mr. YOUNG) suggested, there is a supplemental appropriations that affects defense that is slightly in excess of some $20 billion. We do not know, we cannot be sure, this may be but only the beginning, for the war on terrorism could indeed go beyond months, into years; but there is little question about our public's commitment. We will carry forward this war against terrorism, and we will win this war.

Mr. Chairman, at this point I would like to insert into the RECORD a summary of the provisions of Division A of this bill, that is, the Defense Appropriations bill.

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	22,175,357	23,626,684	23,336,884	+1,161,527	-289,800
Military Personnel, Navy	17,772,297	19,606,984	19,574,184	+1,801,887	-32,800
Military Personnel, Marine Corps	6,833,100	7,365,040	7,343,640	+510,540	-21,400
Military Personnel, Air Force	18,174,284	20,151,514	19,784,614	+1,610,330	-366,900
Reserve Personnel, Army	2,473,001	2,604,197	2,629,197	+156,196	+25,000
Reserve Personnel, Navy	1,576,174	1,643,523	1,644,823	+68,649	+1,300
Reserve Personnel, Marine Corps	448,886	463,300	466,800	+17,914	+3,500
Reserve Personnel, Air Force	971,024	1,055,160	1,055,160	+84,136	.....
National Guard Personnel, Army	3,782,536	4,014,135	4,004,335	+221,799	-9,800
National Guard Personnel, Air Force	1,641,081	1,776,744	1,777,654	+136,573	+910
Total, title I, Military Personnel	75,847,740	82,307,281	81,617,291	+5,769,551	-689,990
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	19,144,431	21,191,680	21,021,944	+1,877,513	-169,736
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Navy	23,419,360	26,961,382	26,628,075	+3,208,715	-333,307
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Marine Corps	2,778,758	2,892,314	2,939,434	+160,676	+47,120
Operation and Maintenance, Air Force	22,383,521	26,146,770	25,842,968	+3,459,447	-303,802
(By transfer - National Defense Stockpile)	(50,000)	.....	.....	(-50,000)	.....
Operation and Maintenance, Defense-Wide	11,844,480	12,518,631	12,122,590	+278,110	-396,041
Operation and Maintenance, Army Reserve	1,562,118	1,787,246	1,788,546	+226,428	+1,300
Operation and Maintenance, Navy Reserve	978,946	1,003,690	1,003,690	+24,744	.....
Operation and Maintenance, Marine Corps Reserve	145,959	144,023	144,023	-1,936	.....
Operation and Maintenance, Air Force Reserve	1,903,659	2,029,866	2,029,866	+126,207	.....
Operation and Maintenance, Army National Guard	3,333,835	3,677,359	3,723,759	+389,924	+46,400
Operation and Maintenance, Air National Guard	3,474,375	3,867,361	3,972,161	+497,786	+104,800
Overseas Contingency Operations Transfer Fund	3,938,777	2,844,226	2,744,226	-1,194,551	-100,000
United States Court of Appeals for the Armed Forces	8,574	9,096	9,096	+522	.....
Environmental Restoration, Army	389,932	389,800	389,800	-132	.....
Environmental Restoration, Navy	294,038	257,517	257,517	-36,521	.....
Environmental Restoration, Air Force	376,300	385,437	385,437	+9,137	.....
Environmental Restoration, Defense-Wide	21,412	23,492	23,492	+2,080	.....
Environmental Restoration, Formerly Used Defense Sites	231,499	190,255	190,255	-41,244	.....
Overseas Humanitarian, Disaster, and Civic Aid	55,900	49,700	49,700	-6,200	.....
Former Soviet Union Threat Reduction	443,400	403,000	.....	-443,400	-403,000
Quality of Life Enhancements, Defense	160,500	.....	.....	-160,500	.....
Support for International Sporting Competition, Defense	.....	15,800	15,800	+15,800	.....
Total, title II, Operation and maintenance	96,889,774	106,788,645	105,282,379	+8,392,605	-1,506,266
(By transfer)	(150,000)	.....	.....	(-150,000)	.....
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,571,812	1,925,491	1,974,241	+402,429	+48,750
Missile Procurement, Army	1,320,681	1,859,634	1,057,409	-263,272	-802,225
Procurement of Weapons and Tracked Combat Vehicles, Army	2,472,524	2,276,746	2,252,669	-219,855	-24,077
Procurement of Ammunition, Army	1,220,516	1,193,365	1,211,615	-8,901	+18,250
Other Procurement, Army	4,497,009	3,961,737	4,103,036	-393,973	+141,299
Aircraft Procurement, Navy	8,477,138	8,252,543	8,084,543	-392,595	-168,000
Weapons Procurement, Navy	1,461,600	1,433,475	1,429,492	-32,108	-3,983
Procurement of Ammunition, Navy and Marine Corps	498,349	457,099	492,599	-5,750	+35,500
Shipbuilding and Conversion, Navy	11,614,633	9,344,121	10,134,883	-1,479,750	+790,762
Other Procurement, Navy	3,557,380	4,097,576	4,290,776	+733,396	+193,200
Procurement, Marine Corps	1,233,268	981,724	1,028,662	-204,606	+46,938
Aircraft Procurement, Air Force	7,583,345	10,744,458	10,549,798	+2,966,453	-194,660
Missile Procurement, Air Force	2,863,778	3,233,536	2,918,118	+54,340	-315,418
Procurement of Ammunition, Air Force	647,808	865,344	866,844	+219,036	+1,500
Other Procurement, Air Force	7,763,747	8,159,521	7,856,671	+92,924	-302,850
Procurement, Defense-Wide	2,346,258	1,603,927	1,387,283	-958,975	-216,644
National Guard and Reserve Equipment	100,000	.....	501,485	+401,485	+501,485
Defense Production Act Purchases	3,000	50,000	50,000	+47,000	.....
Total, title III, Procurement	59,232,846	60,440,297	60,190,124	+957,278	-250,173
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	6,342,552	6,693,920	7,115,438	+772,886	+421,518
Research, Development, Test and Evaluation, Navy	9,494,374	11,123,389	10,896,307	+1,401,933	-227,082
Research, Development, Test and Evaluation, Air Force	14,138,244	14,343,982	14,884,058	+745,814	+540,076
Research, Development, Test and Evaluation, Defense-Wide	11,157,375	15,050,787	6,949,098	-4,208,277	-8,101,689
Operational Test and Evaluation, Defense	227,060	217,355	245,355	+18,295	+28,000
Total, title IV, Research, Development, Test and Evaluation	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	916,276	1,951,986	1,524,986	+608,710	-427,000
National Defense Sealift Fund:					
Ready Reserve Force	270,500	506,408	412,708	+142,208	-93,700
Acquisition	130,158			-130,158	
Subtotal	400,658	506,408	412,708	+12,050	-93,700
National Defense Airlift Fund:					
C-17	2,170,923			-2,170,923	
C-17 advance procurement	257,800			-257,800	
C-17 ICS	412,200			-412,200	
Subtotal	2,840,923			-2,840,923	
Total, title V, Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	11,414,393	17,565,750	17,574,750	+6,160,357	+9,000
Procurement	290,006	267,915	267,915	-22,091	
Research and development	413,380	65,304	434,738	+21,358	+369,434
Total, Defense Health Program	12,117,779	17,898,969	18,277,403	+6,159,624	+378,434
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	600,000	789,020	728,520	+128,520	-60,500
Procurement	105,700	164,158	164,158	+58,458	
Research, development, test and evaluation	274,400	200,379	200,379	-74,021	
Total, Chemical Agents	980,100	1,153,557	1,093,057	+112,957	-60,500
Drug Interdiction and Counter-Drug Activities, Defense	869,000	820,381	827,381	-41,619	+7,000
Office of the Inspector General	147,545	152,021	152,021	+4,476	
Total, title VI, Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+6,235,438	+324,934
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	216,000	212,000	212,000	-4,000	
Intelligence Community Management Account	148,631	152,776	144,929	-3,702	-7,847
Transfer to Department of Justice	(34,100)	(27,000)	(34,100)		(+7,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	60,000	25,000	25,000	-35,000	
National Security Education Trust Fund	6,950	8,000	8,000	+1,050	
Total, title VII, Related agencies	431,581	397,776	389,929	-41,652	-7,847
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(2,000,000)	(2,500,000)	(2,500,000)	(+500,000)	
Indian Financing Act incentives (Sec. 8022)	8,000		8,000		+8,000
Disposal & lease of DOD real property (Sec. 8038)	24,000	19,000	19,000	-5,000	
Overseas Mil Fac Invest Recovery (Sec. 8041)	3,000	3,362	3,362	+362	
Rescissions (Sec. 8055)	-546,980		-441,578	+105,402	-441,578
Navy Working Capital Fund Cash Balances (Sec. 8084)	-800,000		-245,000	+555,000	-245,000
Fuel Pricing/Rate Stabilization Adj (Sec. 8085)	-705,000		-527,000	+178,000	-527,000
Excess Foreign Currency Cash Balance (Sec. 8093)	-856,900		-200,000	+656,900	-200,000
Travel Cards (Sec. 8099)	5,000	8,000	8,000	+3,000	
Transfer to Department of Transportation	(10,000)			(-10,000)	
United Service Organizations (Sec. 8107)	7,500		10,000	+2,500	+10,000
Davis Bacon Act Threshold Increase		-190,000			+190,000
Depot Maintenance Utilization Waiver		-140,000			+140,000
Government Purchase Card (Sec. 8139)			-330,000	-330,000	-330,000
Performance Based Academic Model	5,000			-5,000	
BMDO Support reduction	-14,000			+14,000	
Preservation of Democracy	20,000			-20,000	
Quarantine benefits	1,000			-1,000	
National D-Day Museum	2,100			-2,100	
Chicago Military Academy	5,000			-5,000	
Ship scrapping initiative	10,000			-10,000	
American Red Cross	5,000			-5,000	
U.S./China Security Review Commission	3,000			-3,000	
Gulf War Illness	1,650			-1,650	
Oakland military academy	2,000			-2,000	
Newmark (Sec. 8134)	10,000		10,000		+10,000
Brownfield site	2,000			-2,000	
Fisher House (Sec. 8115)	2,000		2,000		+2,000

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Zero emission steam technology demo (Sec. 8116)	2,000		2,000		+2,000
CAAS/Contract Growth (Sec. 8117)	-71,367		-955,000	-883,633	-955,000
Excess Funded Carryover (Sec. 8127)	-92,700		-797,919	-705,219	-797,919
Headquarters and Administration	-159,076			+159,076	
Overseas Contingency Operation Transfer Fund	-1,100,000			+1,100,000	
Utilities (Sec. 8126)			-230,000	-230,000	-230,000
Tethered Aerostat Radar System (Sec. 8136)			3,000	+3,000	+3,000
Fairchild Air Force Base (Sec. 8132)			6,000	+6,000	+6,000
Army Acquisition Restructuring (Sec. 8144)			-37,200	-37,200	-37,200
USS Alabama Museum Memorial (Sec. 8130)			6,000	+6,000	+6,000
Special Needs Learning Center (Sec. 8133)			5,000	+5,000	+5,000
USS Intrepid Museum Memorial (Sec. 8131)			5,000	+5,000	+5,000
Pentagon Renovation Cost Adjustment (Sec. 8143)			-333,000	-333,000	-333,000
910th Airlift Wing, Youngstown-Warren (Sec. 8146)			10,000	+10,000	+10,000
Pentagon Reservation Emergency Response (Sec. 8147)			10,000	+10,000	+10,000
C-5 avionics modernization (Sec. 8151)			20,000	+20,000	+20,000
Agile combat support (Sec. 8152)			10,000	+10,000	+10,000
WRAMC equipment (Sec. 8153)			6,000	+6,000	+6,000
Total, title VIII (net)	-4,227,773	-299,638	-3,953,335	+274,438	-3,653,697
TITLE IX					
COUNTER-TERRORISM & DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION					
Counter-Terrorism & Operational Response Transfer Fund			1,670,000	+1,670,000	+1,670,000
Transfer to Department of Justice			(10,000)	(+10,000)	(+10,000)
Former Soviet Union Threat Reduction			403,000	+403,000	+403,000
Ballistic Missile Defense Organization - Procurement			794,557	+794,557	+794,557
Ballistic Missile Defense Organization - RDT&E			7,053,721	+7,053,721	+7,053,721
Ballistic Missile Defense Organization - FY 2001 Rescission			-73,800	-73,800	-73,800
Defense Against Chemical & Biological Weapons, Defense-Wide			1,065,940	+1,065,940	+1,065,940
Defense Threat Reduction Agency			806,471	+806,471	+806,471
Total, title IX, Counter-terrorism and Defense against Weapons of Mass Destruction (net)			11,719,889	+11,719,889	+11,719,889
Total for the bill (net)	287,806,054	319,547,116	317,624,089	+29,818,035	-1,923,027
OTHER APPROPRIATIONS					
Miscellaneous Appropriations (P.L. 106-554):					
Repair of U.S.S. COLE (emergency funding)	150,000			-150,000	
Marine Corps Ground Task Force Training Command	2,000			-2,000	
Overseas Contingency Operations Transfer Fund (emergency funding)	100,000			-100,000	
Defense Imagery and Mapping Agency	2,000			-2,000	
Rapid diagnostic and fingerprinting techniques	1,000			-1,000	
Fort Irwin National Training Center expansion:					
O & M, Army	2,500			-2,500	
BLM, Management of Lands & Resources	2,500			-2,500	
Supplemental (P.L. 107-20) (net)	5,457,700			-5,457,700	
Emergency Response Fund (P.L. 107-38)	5,460,400			-5,460,400	
Across the board cut (0.22%)	-469,000			+469,000	
Total, other appropriations	10,709,100			-10,709,100	
Net grand total (including other appropriations)	298,515,154	319,547,116	317,624,089	+19,108,935	-1,923,027
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000			-150,000	
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000		
O&M, Army transfer to National Park Service:					
Defense function	-5,000		-1,000	+4,000	-1,000
Nondefense function	5,000		1,000	-4,000	+1,000
O&M, AF transfer to Dept of Transportation:					
Defense function	-10,000			+10,000	
Nondefense function	10,000			-10,000	
Disabled military retiree payments (mandatory)		55,000	55,000	+55,000	
Military personnel accounts (discretionary)		-55,000	-55,000	-55,000	
Total adjustments		-150,000	-150,000	-150,000	

H.R. 3338 - DEFENSE APPROPRIATIONS BILL, 2002—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	75,847,740	82,307,281	81,617,291	+5,769,551	-689,990
Title II - Operation and Maintenance	96,889,774	106,788,645	105,282,379	+8,392,605	-1,506,266
(By transfer)	(150,000)	.....	.....	(-150,000)	.....
Title III - Procurement	59,232,846	60,440,297	60,190,124	+957,278	-250,173
Title IV - Research, Development, Test and Evaluation	41,359,605	47,429,433	40,090,256	-1,269,349	-7,339,177
Title V - Revolving and Management Funds	4,157,857	2,458,394	1,937,694	-2,220,163	-520,700
Title VI - Other Department of Defense Programs	14,114,424	20,024,928	20,349,862	+6,235,438	+324,934
Title VII - Related agencies	431,581	397,776	389,929	-41,652	-7,847
Title VIII - General provisions (net)	-4,227,773	-299,638	-3,953,335	+274,438	-3,653,697
Title IX - Counter-terrorism & Defense against Weapons of Mass Destruction (net)	.....	.....	11,719,889	+11,719,889	+11,719,889
Total, Department of Defense (in this bill)	287,806,054	319,547,116	317,624,089	+29,818,035	-1,923,027
Other appropriations	10,709,100	.....	.....	-10,709,100	.....
Total DoD funding available (net)	298,515,154	319,547,116	317,624,089	+19,108,935	-1,923,027
Other scorekeeping adjustments	.....	-150,000	-150,000	-150,000	.....
Total mandatory and discretionary	298,515,154	319,397,116	317,474,089	+18,958,935	-1,923,027
RECAP BY FUNCTION					
Mandatory	216,000	267,000	267,000	+51,000	.....
General purpose discretionary:					
Defense discretionary	298,282,154	319,130,116	317,204,089	+18,921,935	-1,926,027
Nondefense discretionary	17,000	.....	3,000	-14,000	+3,000
Total discretionary	298,299,154	319,130,116	317,207,089	+18,907,935	-1,923,027
Grand total, mandatory and discretionary	298,515,154	319,397,116	317,474,089	+18,958,935	-1,923,027

1/ Included in Budget under Procurement title.

□ 1345

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

Ms. HARMAN. Mr. Chairman, I support this bill, but believe we have missed an unprecedented opportunity to transform the United States military.

The attacks of September 11 and the threat of anthrax across the country have shown that threats to U.S. security no longer come just from tanks and bombs. The war in Afghanistan demonstrates that the military increasingly relies on information superiority, long-range power projection, stealth technology, and precision-guided munitions.

It is time to invest more in a defense for the 21st century, and to move away from unneeded bureaucracy and outmoded platforms.

We must transform our military into a more flexible, multi-functional force. We need technologies for intelligence gathering, more robust use of uninhabited vehicles and long-range platforms.

President Bush promised in his campaign to skip ahead to the next generation of military technology. Where is the transformation? The Quadrennial Defense Review talked grandly about progress but put its money into funding the status quo.

It was as true before September 11 as it is now that enemies will use asymmetric means to exploit American vulnerabilities and use terror to inflict both psychological and physical damage.

Our defense must reflect the revolution in military affairs—in weapons systems, in bureaucratic organization, and in military infrastructure. We must improve the ''tooth-to-tail'' ratio of fighting capability to support structure.

Most importantly, defense spending on specific weapons or strategies should be proportional to the likelihood and seriousness of the threats.

Mr. Speaker, we all know that resources are limited. We risk buying less defense for more money if we buy the wrong things.

Now that the public is tuned in and the stakes are higher than any point in our history, we fail to act at our own peril.

Mr. STENHOLM. Mr. Chairman, the approach that we are taking to financing the war on terrorism is penny wise and pound foolish. Everyone acknowledges that meeting all of our challenges in the war on terrorism will require substantially more resources than this bill provides. In fact, the President's chief of homeland security has said that he will recommend significant increases in funding for agencies involved in the war on terrorism. Yet today we are being asked to pretend that those costs do not exist so that we can make the budget look better artificially.

Deferring a full discussion on the costs of combating terrorism at home and abroad until next year will result in higher spending levels and budget deficits than would be the case if we honestly accounted for these costs up front. Failing to honestly budget for the costs of the war on terrorism will allow us to pretend that we can afford other tax cuts or spending proposals that are unrelated to the war on terrorism. When we are presented with the inevitable supplemental early next year to finance the needs not addressed in this bill—which will in all likelihood have a higher price tag than it would if we addressed those needs now—we will find that we need to use borrowed money to pay for the war because we have spent all of our resources.

Our objective must be winning the war against terrorism without jeopardizing the economy. Congress will be required to prioritize our efforts to strengthen domestic security, fight the war on terrorism, provide assistance to dislocated workers and spur our economy. These needs will then have to be balanced with our obligation to protect against long-term economic and fiscal harm.

Congress and the administration must work together to identify the needs of the various agencies involved in domestic security, law enforcement, intelligence, military and other activities in the fight against terrorism and reach a bipartisan agreement on the amount of funding required to meet these needs. Any tax cuts or spending increases unrelated to the war on terrorism must be considered in the context of an overall budget framework which sets aside the resources which will be needed to meet the challenges in the war against terrorism.

All members who care about honesty in budgeting and maintaining fiscal discipline should oppose this rule and insist that the administration and leadership in Congress get together to develop a responsible budget framework that honestly addresses all of our priorities.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 3338, providing appropriations for the Department of Defense. This bill does not currently comply with the fiscal year 2002 budget resolution, but is generally consistent with legislation recently marked up by the Budget Committee in the wake of the terrorist attacks of September 11.

H.R. 3338 is actually comprised of two bills: Division A of the bill provides appropriations for the Department of Defense. Division B provides for the obligation of $20 billion in emergency-designation appropriations that was previously appropriated as part of a supplemental appropriations measure in September.

Division A of the bill provides $317.2 billion in new discretionary budget authority and $308.9 billion in outlays for the Department of Defense for fiscal year 2002. This appropriation comes on top of approximately $21 billion that was made available to the Department of Defense in response to the terrorist attacks.

In order to fully accommodate the defense levels in this bill, I am adjusting the 302(a) allocation to the Committee on Appropriations by $17.3 billion in budget authority and $14.9 billion in outlays. Section 218 of H. Con. Res. 83 authorized the Budget Committee to increase the appropriate levels in the President's budget to accommodate any structural reforms the President might propose as part of the national defense review.

Once the Appropriations Committee makes the necessary changes in its 302(b) allocations, the bill would still exceed the applicable 302(b) allocation. This is mostly because the bill implicitly assumes an additional $3.4 billion for nondefense priorities than the Congress initially agreed to as part of the budget resolution (H. Con. Res. 83).

You might recall that last month the Office of Management and Budget announced an agreement with the appropriations committees to increase total discretionary spending by $3.4 billion. This was apparently the price of getting an agreement with the new Senate majority.

While many members of the Budget Committee believed that the discretionary allocation established pursuant to the budget resolution provided an adequate increase for nondefense priorities, we recognized the need for flexibility if the Congress was to maintain the bipartisan comity necessary to wage a successful war against terrorism.

In that spirit, the Budget Committee passed H.R. 3084, which revised both the applicable levels in the budget resolution and the statutory caps of accommodate the national defense review, but an additional $3.4 billion for various nondefense priorities. While I had hoped to bring this bill to the floor before the defense appropriations, it now appears that this language will be incorporated into one or more of the appropriations conference reports.

At the end of the day, I am confident that this bill will be consistent with the budget resolution as modified by H.R. 3083 to reflect our new priorities in the wake of an economic downturn and the terrorist attacks of September 11.

Division B of the bill essentially permits the obligation of half of the $40 billion that was previously appropriated in response to the terrorist attacks in September. As you may recall, the supplemental expressly prohibited the Congress from obligating half of the total appropriation until a subsequent appropriations bill is enacted.

Since the previous supplemental designated the entire amount as an emergency, I am required to adjust the levels in the budget resolution by the entire amount. Accordingly, this part of the bill will not exceed the applicable levels in the budget resolution.

Like most of you, I am fully committed to provide whatever resources are needed to wage a successful war against terrorism. However, we would be well advised to hold off on the next installment until the executive agencies have the opportunity to absorb what is already in the pipeline. I am informed that as much as $14 billion of the $40 billion that was provided in September remains unobligated. As we have proven before, Congress will act expeditiously to respond to the terrorist acts and to fight this war.

In conclusion, this bill may be a necessary response to terrorist attacks no one could have foreseen and an unprecedented midsession change in control of the Senate. At times such as this, budget concerns should not be paramount. We should set aside partisan and institutional concerns for the greater public good.

Nevertheless, both the President and the Congress will soon be confronted with the economic and budgetary fallout of its actions this fall. Over the course of only four months we have now seen the fiscal year 2002 surplus fall from $176 billion to zero. It could get even worse if the economy further deteriorates or we continue to enact bills that exceed the levels established in the budget resolution. We are all going to have to continue to work together next year if we are to get the Federal Government back on a path toward fiscal responsibility.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 3338, the fiscal year 2002 Defense Appropriations bill. As a member of this subcommittee, let me first thank our Chairman JERRY LEWIS and our ranking member, Congressman MURTHA, as well as the staff for all their hard work in crafting the bill we are considering today.

Our subcommittee was first scheduled to begin work on this bill on the morning of September 11 at the very hour that terrorists attacked our country, killing thousands of our fellow Americans and forever changing the course of our Nation's history.

America is now at war and our young men and women in the military have been called on to defend our citizens and our Nation. The course of our Nation's history will not be written by the terrorists but by the bravery and success of our troops now serving on the frontlines of this war against terrorism. And our history will be written, in part, by the actions we take here today.

Today, there is no more important task before this Congress than to provide our military with the tools and resources they need to defend our citizens and fight for our freedom. Our military needs to know that this Congress not only supports their mission in theory but in substance; that we are prepared to take all the necessary steps and provide all the necessary means for their safety and their success in battle. With this bill, we provide those critical resources. And let us not forget that even before the events of September 11, our troops have been and continue to serve on frontlines around the globe including in the Balkans, South Korea, the Persian Gulf, and elsewhere—24 hours a day and throughout the year.

This subcommittee has worked in a bipartisan way to meet the immediate needs of our troops and their families, to keep our military at the ready, and to invest in all the many, diverse capabilities we need to protect our citizens from all potential threats.

In recent years, this subcommittee has fought attempts to cut funding for our military. Even as the missions of our military increased, there were those who argued that increased military spending was no longer a priority. And there have always been those who charged that we were shortchanging our domestic priorities to pay for our military needs. We know today that there is no more vital domestic priority than our nation's security.

As our troops and military fight in Afghanistan, it is clear that our investments of the past are paying dividends today. Whether Air Force, Army, Marines or Navy, these warriors are more professional, better trained and equipped because of our committee's longstanding commitment to meet their needs.

Let me discuss just some of those investments we provide for in this bill. Overall, we provide $317.5 billion for the Department of Defense and with those dollars, we do the following:

First and foremost, we give our troops better pay.

We add much needed dollars for troop readiness, training, supplies, and mobility that allow our Commander in Chief to send our Armed Forces into battle anywhere and at a moment's notice.

We add $153 million for our National Guard and reserves, so many of whom have now been called to duty.

We provide for modernizing major weapon systems that allow us to better combat our enemies in the air, on the ground and at sea.

We continue to provide over $47 billion for critical long-term investments in research and development so we have the most lethal and effective weapons now and in the future.

We add significant resources to strengthen classified intelligence programs, and accelerate and enhance U.S. military intelligence, surveillance and reconnaissance capabilities.

And we add a new title and $11.7 billion for our homeland defense against chemical, biological and nuclear threats against our citizens.

The commitments we make in this bill do not meet every need. As more will be required of our troops, more will be required of this Congress.

Mr. Chairman, as those of us who have served in the military know only too well, wars are fought by the young. We know, too, that freedom never has, nor will it be this time, free. Liberty is paid for by the sacrifices of those who serve. At no time in our nation's history has their sacrifice and service been more important to the defense of our country and the security of our future.

Mr. Chairman, I urge my colleagues to pass the fiscal year 2002 Defense Appropriations bill and to do so unanimously.

Mr. DICKS. Mr. Chairman, I congratulate Chairman LEWIS and Ranking Member MURTHA on this bill. It is a fine piece of work and they can be proud.

The bill provides $317 billion for DOD, an increase of $20 billion over last year's bill, a step in the right direction.

It is the right direction, but we have not done nearly enough. DOD still has over $25 billion in unfunded requirements for Personnel, O&M and Research, and beyond that over $20 billion in unfunded requirements for procurement alone.

I am most troubled by the shortfalls in procurement because the President's request for procurement this was lower than it was in the last year of the Clinton Administration. The committee has taken some steps to correct that, but the President must make a commitment to increase the procurement budget if we are really going to make progress on this problem.

Several important steps are taken in this bill to modernize the force structure of the services in innovative ways.

I am pleased that the committee included $454 million to help the Air Force begin acquiring next generation replacements for its tanker fleet and to add to its JSTARS fleet. The current tanker fleet averages over 40 years in age, and yet it is the backbone of our ability as a superpower to project force to places like Afghanistan. The Air Force desperately needs to replace these aircraft and this bill begins that process. I am hopeful that at the appropriate time we will also consider whether the Air Force can lease these aircraft in a commercial type arrangement. The funding also begins development of a Multi-Mission Command and Control Aircraft, which will operationalize the Common Widebody concept and streamline the fleet of command and control and intelligence, surveillance, and reconnaissance aircraft.

I am strongly encouraged that the committee included $80 million to continue upgrades to the B–2 bomber. We are continuing the Link 16 Datalink program, we will complete the integration of the EGBU–28 bunker buster bomb, and we will continue to upgrade the EHF Satcom program. All of these programs are part of the Air Force's unfunded requirements list and continue ongoing programs that are urgently needed.

The committee has also made a decision which makes tremendous military and financial sense, to convert all four retiring Trident submarines into SSGN cruise missile platforms. These ships will provide incredible capability to the nation, and the committee's addition of $463 million will allow the Navy to perform these conversions in the most cost effective way possible.

I am also pleased to note that the committee included an additional $181 million to begin a second C–17 multi-year procurement for another 60 aircraft.

Future military commanders and future generations of Americans will look back on these decisions in several years and applaud the committee's foresight. These assets will ensure that America can continue to fight for just causes with the same excellence as the military which is in Afghanistan today.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for H.R. 3338, the Defense appropriations bill for FY2002. This Member would like to offer particular thanks to the chairman of the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from California (Mr. LEWIS), and the ranking minority member on the Subcommittee on Department of Defense Appropriations, the distinguished gentleman from Pennsylvania (Mr. MURTHA), for their work on this important bill.

Additionally, this Member is pleased to thank the Committee on Appropriations for including $3.8 million in fiscal year 2002 for the Air National Guard's Project ALERT. Currently, Project ALERT serves as an on-line training tool developed and used by the Nebraska National Guard in collaboration with the Department of Defense, the National Guard Bureau, the University of Nebraska, and Nebraska Educational Television. The $3.8 million appropriated in H.R. 3338 will assist with the completion of the initial development and implementation phases.

Indeed, the implications of Project ALERT extend nationwide and to components of both the active and reserve military forces. Allowing military forces to complete some training courses on their own time, as Project ALERT does, provides an opportunity to cut on-site training costs and time and to maximize exercise time. For the U.S. military to meet the challenges it will face during the current war on terrorism and throughout the 21st century, it is crucial that Congress invest in innovative and flexible training tools such as Project ALERT.

In closing, Mr. Chairman, this Member urges his colleagues to support H.R. 3338.

Mr. BLUMENAUER. Mr. Chairman, our annual defense authorization and appropriations bills provide opportunity to respond to changing global security conditions. Our military is the best-equipped and best-trained by far in the world, spending more than the next 15 countries combined (and 12 of those are our close allies). We need a new beginning now more than ever.

Today, we need to begin anew to guarantee our security from the threats of today and tomorrow as well as to protect the wellbeing of fighting forces and their families.

Ever since I have been in Congress, we have been making noises about restructuring our forces to meet tomorrow's threat. Making compromises leaves us vulnerable. We are not making the hard choices on a number of crucial issues such as dealing with excess base infrastructure, facing environmental

cleanup costs, and rendering decisions about weapons systems that do not fit today's world. I cannot support a bill that does not make those hard choices.

I do appreciate the hard work of the committee and the importance of the task. Yet, this is not the time for us to continue with a patchwork approach to our defense needs that looks to our past and not to the real threat for the future. The most perplexing expenditure in this bill is for national missile defense. September 11 demonstrated that we have more immediate security threats to the United States than a missile from a rogue state ten years from now.

The anthrax attack which paralyzed Washington, DC, together with the terrorist attacks on the World Trade Center and the Pentagon, demonstrated that we have threats here and now that demand attention and demand resources. Spending perhaps a hundred billion dollars or more on unproven technology for the vague future threat of intercontinental ballistic missiles when we have more immediate concerns is not an appropriate response. The fact that it would have a potential destabilizing effect on other countries at precisely the time when we want them to coalesce around our leadership is even more reason to reject this approach. Increasing spending on missile defense by almost 50 percent over last year is not reasonable.

There are other examples of current weapons systems which are just as bad if not so expensive. The Army plans to spend over $10 billion to field its lightweight force of the future that can go anywhere in the world in under 100 hours. At the same time, it is moving full speed ahead with the $13 billion Crusader mobile howitzer that is too heavy for even the largest planes in our arsenal to lift. My concern was best expressed by a Bush policy adviser quoted in U.S. News and World Report this summer. ''Why would you buy the same artillery pieces that Napoleon would understand? It's all Industrial Age equipment.''

There are at least eight big-ticket weapons systems in this bill for which spending far exceeds levels requested by the White House—by almost a billion dollars. When Vice-President DICK CHENEY was Secretary of Defense, he tried but failed to kill the V–22 Osprey aircraft program. It has been involved with 30 fatalities in four crashes; nonetheless appropriators earmarked $1.8 billion to buy 11 more of these questionable aircraft.

The most obvious yet controversial example where we spend money fighting wars of the previous generation is the number of military bases that, in some cases, are left over from World War I and World War II. To right-size the U.S. military by undertaking another round of the base closing process will help us to adequately prepare ourselves to face the challenges of today.

Our budget process needs to follow through on some of the stated intentions of Secretary Rumsfeld. The Quadrennial Defense Review was released in early October, yet a general who had worked on it for six months said it was rendered irrelevant by the September 11 attack. No major weapons systems were cut nor were there any force structure changes. The 2-Major Regional Contingency (MRC) strategy (to fight two major wars simultaneously) remains in place with only minor tweaking. We have yet to implement the prior QDR call to reduce force structure and equipment, for example reducing the number of F–22s purchased. The 1997 QDR made more substantive changes than this one, even though the world was more stable.

John Isaacs, president of the arms control organization Council for a Livable World, was right when he said, ''Review after review has been completed without taking a hard look at new weapons systems. It's full steam ahead with the status quo. Congress is only encouraging this behavior by approving huge increases in military spending. We could easily approach $400 billion in military spending and rival the peak cold-war budgets of the Reagan administration.''

It is important to bear in mind that for FY02, so far we have allocated a total of $363 billion for the Department of Defense. That includes the $318 billion in this defense appropriations bill, as well as the military spending in the military construction and energy and water appropriations bills, and the $21 billion for the defense portion of the $40 billion post-September 11 supplemental. This is a 15 percent increase over the $316 billion spent in FY01. For reference, the consumer price index rose 2.6 percent last year. In addition, it is highly likely that we will consider at least one other supplemental in 2002.

We all should be concerned that the management of these large sums of money may not receive the priority it deserves. According to an audit by the DOD inspector general dated September 19: ''Of the $4.4 trillion in department-level accounting entries . . . $1.1 trillion were unsupported or improper.'' In FY98, 2,993 parts requisitioned by the military services had a price growth of 1,000 percent or more, according to the General Accounting Office. In one case, the unit price for a ball bearing jumped from 4 cents in 1997 to $11.25 in 1998. In another case, the price of an aircraft filter went from $41.96 to $972.71 during the same period.

One critical function that is seriously underfunded is cleaning up our military's toxic legacy. This bill includes a line item for the very first time for research and development on unexploded ordnance, the 10–15 percent of the bombs and shells that did not detonate as intended. However, we are not addressing it seriously. We are spending only $17.3 million (a small increase of $2–5 million) when we are spending a total of a billion dollars a day on our military.

This is a glimmer of a better future, but this bill overall is basically an environmental retreat. It contains an 18 percent reduction from last year's level for all environmental restoration at formerly used defense sites for a total of $190 million. In the critical area of cleaning up unexploded ordnance and other environmental restoration at formerly used defense sites, this budget falls far short. Even if, as we hope, the Senate Appropriations Committee restores the funding to last year's level, that is insufficient. A General Accounting Office report earlier this year states that DOD's own estimates put the cost of cleaning up UXO alone at these sites at over $100 billion, but experts expect the bill to be much greater. We have as much as 50 million acres that is potentially contaminated with UXO. Our failure to fund cleanup of these formerly used defense sites is unacceptable.

There are other ways that this bill fails to meet the critical need for environmental cleanup. It has only been in recent decades that our military has had to face the enormous expense and political challenge of becoming ''greener.'' Local communities are asking why military units should be exempt from Federal laws like the Clean Water Act. The Maine-based Military Toxics Project recently reported that military exemptions from laws and lax enforcement by regulatory agencies have produced over 27,000 toxic hot spots on 8,500 military properties. Minority and Native American groups, which often live closest to military facilities, see the issue as one of environmental justice.

The Legacy Program assists the Department of Defense (DOD) in maintaining biological diversity, and the sustainable use of land and water resources for military mission and other uses. As part of DOD's efforts to maintain biodiversity, the Legacy Program has directly supported natural resource projects around the country. The natural resource funding levels in this bill before us today were reduced from previous funding levels and will restrict the Legacy Program's ability to continue protecting our nation's natural resources.

What is particularly disappointing is that our commitment to be a good neighbor is absolutely essential in order to be able to have the public support and confidence to do what the military needs to do. Our military needs to have areas where it can train and in some cases, use live ammunition. The extent to which the public can't rely on safe cleanup and disposal will cause it to be less interested in having these practices continue where they are or to be located elsewhere.

DOD is faced with cleaning up the contamination from decaying ordnance, mothballed warships, fuels, solvents, and other pollutants left over from the wars of the 20th century and before. This costs money and must be a priority.

There is a recognition that the United States continues to have more military base infrastructure than it needs but faces political and community resistance regarding base closures. The problem goes beyond just the economic loss suffered from base realignment and closure. Those areas that are abandoned by the military often cannot be easily converted to other productive uses. Witness the continuing saga of facilities around the country like Fort Ord ten years after it was closed.

The failure of the United States Department of Defense to be able to respond meaningfully and to quickly clean up former bases, restore them to a safe condition, and then turn them over to the community without a cloud of uncertainty means yet another reason for communities to resist base closure. They don't trust us. The evidence suggests they have good reason to be suspicious. Adequate funding for remediation and cleanup of toxic and dangerous wastes will not only hasten this land's restoration to productive use; it will also raise confidence so that we'll have positive examples that base closure does not need to be devastating to communities, and that, in fact, it can be a positive development. The failure of this budget of a billion dollars a day to make additional progress, whether for environmental protection or capacity to fight terrorist activity, is unacceptable.

It is unacceptable that we have an 18 percent decrease in funding to pay for cleanup of places like the area around American University where residents are still at risk caused by hazards left over from World War I, while at

the same time we are increasing overall spending for our military by 15 percent and increasing missile defense spending by 50 percent. Those are misplaced priorities, in my view.

We must begin now to finally shift from cold-war spending and World War II bases. It is time for a new era to meet our needs for future defense. Until we have a bill that makes this transition, I must withhold my support.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased that this body is taking up the fiscal year 2002 Defense appropriations bill today. As our courageous military servicemen ''fight the good fight'' in Central Asia today, there is hardly a more pressing time for the passage of this bill. The amount of $317.5 billion, $19 billion over last year's level, is an important first step in both waging the war on terrorism and addressing readiness shortfalls that have been years in the making.

Especially important in this bill is the $1.7 billion addition we added for a ''rapid-response capability'' for the war against terrorism. I also applaud the Appropriations Committee for providing for $7.9 billion for ballistic missile defense, an increase of $2.7 billion over last year. Combating weapons of mass destruction could never be more important than it is today.

Mr. Chairman, I am also pleased to inform my constituents of military construction projects previously passed totaling more than $52 million to be located in Oklahoma's Fourth District. Military installations in my congressional district are on the front lines of the war against terrorism, and this bill helps address some of the more urgent needs at these facilities.

Mr. Chairman, in short, this bill is about increased security, about advancing our national interest, and about protecting ourselves from an asymmetric threat. This body has correctly taken the lead on the threats we face today.

Ms. BROWN of Florida. Mr. Chairman, thank you to Chairman LEWIS and Mr. MURTHA for your hard work on this bill. As we discuss ways in which this House will support this nation's defenses, I feel there is no better time to thank the brave men and women who are presently risking their lives in Operation Infinite Justice. With their help we will continue to root out and destroy the terrorist networks that threaten peaceful nations throughout the world.

I want to commend the committee for not including in this bill any BRAC language, which would have closed military bases at a time when we all can agree that we need a strong military. Now is not the time to close training facilities for our military. It is a long and tough road ahead for us as we rid the world of those terrorist elements who wish to do us harm. We must be fully prepared to meet those challenges and that means using the resources that we have, not stripping our military of vital bases.

The tragedy of September 11 has given American an opportunity to do some soul searching. As we struggle for answers, we must not let our resolve grow weaker. We must always remember this tragedy—the enormous pain and suffering it has caused—and work to make our nation and this world a safer and more peaceful place.

Again, my heart and prayers are with the family and friends of those who perished on September 11. Neither you, nor your loved ones, will be forgotten. As we consider this bill today, it is with you in mind. God bless you and God bless America.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 3338, important legislation that provides $317.5 billion appropriations to the Department of Defense (DOD), supporting the honorable men and women, at home and abroad that are in service to the nation at this critical time. While I am pleased that this measure provides $20 billion in supplemental spending to meet the pressing needs in the wake of the terrorist attacks of September 11, 2001, I am disappointed with the House Rules Committee's decision to block an amendment by Mr. OBEY of Wisconsin that seeks to enhance our domestic preparedness by increasing funding by $7.5 billion, to a level that the President said he would approve.

Mr. Chairman, the attacks and the anthrax incidents that followed highlight the necessity for adopting a comprehensive approach to homeland security that, while fundamentally based on our military strength and intelligence activities also relies heavily on bioterrorism preparedness among Federal, state and local law enforcement and public health officials, as well as active policing of our borders and the seas that surround us. For this reason, I strongly believe that the House should have been given the opportunity to debate the merits of the Obey amendment. While there may be instances where post-September 11 spending requests made to the Appropriations Committee are simply repackaged proposals that have been repeatedly rejected, there are a number of areas where the urgent need for increased funding cannot be ignored.

Specifically, as the representative for the Port of Houston, the nation's second largest port, I have met twice with the U.S. Coast Guard and learned about the new challenges involved in securing the Port of Houston in the wake of September 11. We now know that our transportation infrastructure has been targeted by the al Qaeda terrorist network, and the bombing of the U.S.S. *Cole* in October 2000 proves that they are capable of carrying out maritime attacks. I strongly believe that the $368 million increase in Coast Guard funding, as provided under the Obey amendment, is essential to ensuring that the Coast Guard can continue to provide enhanced security in our waterways and seaports. H.R. 3338 provides only $145 million for the Coast Guard, well below the President's $203 million request.

Moreover, Mr. Chairman, I regret that the House will not be allowed to provide enhanced support of state and local health departments and hospitals in their efforts to protect against bioterrorism, as provided under the Obey amendment. The Obey amendment would have raised funding to state and local public health entities to $700 million, $277 million more than provided for under H.R. 3338. Mr. Chairman, though the effort to identify and treat incidents of biological terrorism put forth by the public health community since September 11 is to be commended, a lot more needs to be done. It is critical that the House appreciate that state and local health departments, the first line of defense against bioterrorism, cannot bear the financial burden of meeting this challenge alone.

I would also note that the Obey amendment would address the new realities in our mail system. Recent events have created an environment where the confidence of the American people about the safety of their mail service has been drawn into question. The Obey amendment would have given the U.S. Postal Service an additional $500 million to enhance the safety of our mail.

Mr. Chairman, though I take strong issue with the limitations on the debate of H.R. 3338 is terribly flawed and believe that the Obey amendment would have greatly enhanced our homeland defense efforts, I will still vote for the underlying bill. I believe that H.R. 3338 provides our Armed Forces with the tools and resources necessary to wage the war against terrorism and provide a strong defense. Additionally, I am pleased that H.R. 3338 includes funding for three important programs which I support.

H.R. 3338 includes $8 million for the Disease Relief and Emergency Medical Services (DREAMS) programs, an innovative research program to develop cutting-edge technology to save lives and reduce costs for injured persons. DREAMS is a joint project between the University of Texas Houston Health Science Center and Texas A&M University System. The goal of DREAMS is to quickly transmit medical information via audio-visual devices from a remote location to an emergency physician to provide cutting-edge treatments for patients. This $8 million is the final installment in our five-year effort to provide better treatments and save lives.

H.R. 3338 also includes $6 million for the Biology, Education, Screening, Chemoprevention, and Treatment (BESCT) Lung Cancer Research Program at the University of Texas M.D. Anderson Cancer Center which I represent. The comprehensive BESCT program will provide lung cancer patients with numerous services including smoking cessation, early diagnosis, inhibition of cancer development, and new treatments for lung cancer patients. Lung cancer is the leading cause of cancer death in the United States, killing more than 160,000 individuals a year. The current five-year survival rate for lung cancer is less than 15 percent. With more research, we will find new ways to diagnosis and treat this devastating disease. This $6 million represents the third installment on our five-year effort to reduce lung cancer and save lives.

H.R. 3338 also includes $1 million for the Memorial Hermann Telemedicine network. Memorial Hermann Hospital at the Texas Medical Center in my district is developing a telemedicine network to provide treatments for patients from distant locations. Telemedicine applications have been shown to save lives and reduce health care costs by reducing the need for patients to travel to large medical facilities for routine treatments which can be done from remote locations. The Memorial Hermann Healthcare System (MHHS) currently serves 16 rural community hospitals in surrounding areas around the Memorial Hermann Hospital. This network will enable Memorial Hermann to offer diagnostic and consultative services to rural communities surrounding Houston. This $1 million investment will help MHHS to expand and buy additional equipment for this network so that MHHS can develop real-time treatments for remote locations. As part of the Department of Defense's biological warfare initiative, I believe that this telemedicine network will be designed to prepare the Houston area for such an attack. I believe that this partnership will give the Department of Defense another resource as it works to care for the health of our men and women in uniform.

Mr. Chairman, additionally, I would like to commend the Appropriations Committee for producing a bill that funds the Operations and Maintenance (O&M) accounts or the budget's ''readiness'' account at $105 billion, a level adequate to operate and maintain U.S. forces, materials and facilities worldwide in upcoming fiscal year. This funding level represents an 8 percent increase over the current level or an increase of current level. I am pleased that the salaries of uniformed members of the U.S. armed services will be increased by 4.6 percent. Mr. Chairman, many of us in Congress are greatly troubled that many military families must obtain food stamps to get by. At times such as these, when we ask so much of our service members and their families, it is critical that the Congress send the message that we value their dedication to protecting us all and is committed to ensuring that they have the tools to provide for their families. I am disappointed that H.R. 3338 fails to create parity between civilian employees at DOD and uniformed members of the Armed Services.

Finally, Mr. Chairman, I am pleased that H.R. 3338 looks out beyond our present military needs and invests in the next generation of multi-role fighter aircraft, the Joint Strike Fighter (JSF), to be produced by Lockheed Martin, an aviation leader with a strong presence in my State. H.R. 3338 provides $767 million in funding to Navy JSF development budget and $780 million in funding to the Air Force JSF development budget.

Mr. Chairman, notwithstanding my deep regrets over the Rules Committee's actions, with respect to the Obey amendment, I urge my colleagues to join me in supporting H.R. 3338 which funds our Armed Forces and makes a substantial commitment to homeland defense at this critical juncture in our nation's history.

Ms. BALDWIN. Mr. Chairman, I rise today in support of the Kucinich-Lee amendments to the FY02 Defense appropriations bill and urge my colleague to vote in favor of this excellent amendment.

Since the horrible events of September 11, Americans are more concerned than ever about our national defense. They want to know that our national leaders are working to ensure their safety from terrorist attacks. Protecting American lives must be our top priority as we address these new threats.

In this new context, it is critically important that we prioritize funding for those threats most likely to endanger American lives. The Kucinich-Lee amendment wisely allocates additional funding to respond to weapons of mass destruction. It increases funding for Weapons of Mass Destruction Civil Support Teams to ensure that every state and territory can respond to a chemical or biological weapon attack. It would also provide much needed funding for development and production of vaccines against biological agents. Finally, the amendment provides additional funding for the Nunn-Lugar counterproliferation programs to prevent the spread of nuclear material from the former Soviet Union.

As we prioritize those threats that pose the greatest danger to Americans and those solutions that are most cost effective, it becomes quite clear that a National Missile Defense (NMD) system is not an effective use of our resources. The Kucinich-Lee amendment would eliminate some of the accelerated NMD programming, while leaving in place a significant increase in NMD funding.

While I firmly believe that the entire proposed $7.9 billion in NMD spending would be more effective if applied to other priorities, the Kucinich-Lee cut of $786.5 million is a good start in using this money more effectively. By cutting funding for construction of the ''Pacific Test Bed'' ballistic missile defense facilities, we maintain our compliance with the Anti-ballistic Missile (ABM) Treaty, which has been the foundation for nuclear arms control.

I urge my colleague to adopt the Kucinich-Lee amendment.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in House Report 107–303 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3338

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS, 2002

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $23,336,884,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,574,184,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,343,640,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,784,614,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,629,197,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,644,823,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $466,800,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other

duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,055,160,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,004,335,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,777,654,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,794,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $21,021,944,000: *Provided*, That of the funds made available under this heading, $1,000,000, to remain available until expended, shall be transferred to ''National Park Service—Construction'' within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $26,628,075,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,939,434,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,998,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $25,842,968,000: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $12,122,590,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $33,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available in this paragraph, $1,500,000 shall be available only for continuation of the Middle East Regional Security Issues program: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,788,546,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,003,690,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $144,023,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,029,866,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,723,759,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,972,161,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $2,744,226,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the

Armed Forces, $9,096,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,800,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $257,517,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $385,437,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,492,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $190,255,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $49,700,000, to remain available until September 30, 2003.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $15,800,000, to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,974,241,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,057,409,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,252,669,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,211,615,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 29 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,103,036,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,084,543,000, to remain available for obligation until September 30, 2004.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,429,492,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $492,599,000, to remain available for obligation until September 30, 2004.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), $138,890,000;

SSGN (AP), $549,440,000;

Virginia Class Submarine, $1,578,914,000;

Virginia Class Submarine (AP), $684,288,000;

CVN Refueling Overhauls, $1,175,124,000;

CVN Refueling Overhauls (AP), $73,707,000;

Submarine Refueling Overhauls, $382,265,000;

Submarine Refueling Overhauls (AP), $77,750,000;

DDG–51, $3,786,036,000;

LPD–17 (AP), $286,330,000;

ADC(X), $370,818,000;

Outfitting, $297,230,000;

LCAC SLEP, $46,091,000;

Completion of Prior Year Ship Building Programs, $680,000,000;

Mine Hunter SWATH, $2,000,000;

Yard Oilers, $6,000,000;

In all: $10,134,883,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $4,290,776,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 25 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,028,662,000, to remain available for obligation until September 30, 2004.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,549,798,000, to remain available for obligation until September 30, 2004.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,918,118,000, to remain available for obligation until September 30, 2004.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $866,844,000, to remain available for obligation until September 30, 2004.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 216 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,856,671,000, to remain available for obligation until September 30, 2004.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 65 passenger motor vehicles for replacement only; the purchase of 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $1,387,283,000, to remain available for obligation until September 30, 2004.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $50,000,000, to remain available until expended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $501,485,000, to remain available for obligation until September 30, 2004: *Provided,* That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component: *Provided further*, That of the funds appropriated under this heading,

$131,176,000 shall be available only for the procurement of eight UH–60 helicopters for the Army Reserve, and $226,909,000 shall be available only for the procurement of C–130J aircraft to be used solely for western states firefighting.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,115,438,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,896,307,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $14,884,058,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $6,949,098,000, to remain available for obligation until September 30, 2003.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $245,355,000, to remain available for obligation until September 30, 2003.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,524,986,000: *Provided*, That during fiscal year 2002, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $412,708,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $18,277,403,000, of which $17,574,750,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2003; of which $267,915,000, to remain available for obligation until September 30, 2004, shall be for Procurement; of which $434,738,000, to remain available for obligation until September 30, 2003, shall be for Research, development, test and evaluation, and of which $20,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,093,057,000, of which $728,520,000 shall be for Operation and maintenance to remain available until September 30, 2003, $164,158,000 shall be for Procurement to remain available until September 30, 2004, and $200,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $827,381,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $152,021,000, of which $150,221,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,800,000 to remain available until September 30, 2004, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $144,929,000, of which $28,003,000 for the Advanced Research and Development Committee shall remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2004, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2003: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall

not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. 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. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for a C–17 multiyear procurement contract.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress as of September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2002, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2003.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831

of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2003 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2002 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2002, not more than 6,477 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,029 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2003 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2002. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2002 and 2003, and the specific expenditures to be made using funds transferred from this account during fiscal year 2002.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000: *Provided*, That the $100,000 limitation shall not apply to amounts appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for expenses related to certain classified activities.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2003 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2003 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2003 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2003: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal

year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations (regional operations), and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2003.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until the enactment of the Intelligence Authorization Act for Fiscal Year 2002.

SEC. 8054. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Former Soviet Union Threat Reduction, 2000/2002'', $32,000,000;

''Other Procurement, Navy, 2000/2002'', $16,300,000;

''Aircraft Procurement, Air Force, 2000/2002'', $8,500,000;

''Other Procurement, Air Force, 2000/2002'', $20,000,000;

''Former Soviet Union Threat Reduction, 2001/2003'', $32,000,000;

''Aircraft Procurement, Army, 2001/2003'', $22,000,000;

''Procurement of Ammunition, Army, 2001/2003'', $27,400,000;

''Other Procurement, Army, 2001/2003'', $28,745,000;

''Aircraft Procurement, Navy, 2001/2003'', $8,600,000;

''Weapons Procurement, Navy, 2001/2003'', $35,000,000;

''Other Procurement, Navy, 2001/2003'', $14,600,000;

''Procurement, Marine Corps, 2001/2003'', $1,000,000;

''Aircraft Procurement, Air Force, 2001/2003'', $19,300,000;

''Procurement of Ammunition, Air Force, 2001/2003'', $5,800,000;

''Other Procurement, Air Force, 2001/2003'', $16,800,000;

''Research, Development, Test and Evaluation, Army, 2001/2002'', $16,300,000;

''Research, Development, Test and Evaluation, Navy, 2001/2002'', $58,800,000;

''Research, Development, Test and Evaluation, Air Force, 2001/2002'', $74,433,000; and

''Defense Health Program, 2001/2002'', $4,000,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2001 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8061. (a) LIMITATION ON PENTAGON RENOVATION COSTS.—Not later than the date each year on which the President submits to

Congress the budget under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1.

(b) ANNUAL ADJUSTMENT.—For purposes of applying the limitation in subsection (a), the Secretary shall adjust the cost for the renovation of wedge 1 by any increase or decrease in costs attributable to economic inflation, based on the most recent economic assumptions issued by the Office of Management and Budget for use in preparation of the budget of the United States under section 1104 of title 31, United States Code.

(c) EXCLUSION OF CERTAIN COSTS.—For purposes of calculating the limitation in subsection (a), the total cost for wedges 2 through 5 shall not include—

(1) any repair or reconstruction cost incurred as a result of the terrorist attack on the Pentagon that occurred on September 11, 2001;

(2) any increase in costs for wedges 2 through 5 attributable to compliance with new requirements of Federal, State, or local laws; and

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (c) for the period covered by the certification; and

(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

(e) DURATION OF CERTIFICATION REQUIREMENT.—The requirement to make an annual certification under subsection (a) shall apply until the Secretary certifies to Congress that the renovation of the Pentagon Reservation is completed.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(d) NATIONAL EMERGENCY OF SEPTEMBER 11, 2001.—The 15-day prior notification period cited in subsection (a) shall not apply to any covered activity, operation or operations initiated as a result of the national emergency proclaimed by the President as a result of the terrorist attacks of September 11, 2001. For fiscal year 2002, the Department of Defense shall provide quarterly reports, in both unclassified and classified form, to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, of any transfers during the preceding quarter resulting from any covered activities, operation or operations exempted from the 15-day prior notification period by this subsection.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and may be financed as part of a loan guaranteed by the United States, provided that the exposure fee with respect to such loan guarantee be fixed in an amount that is sufficient to meet the potential liabilities of the United States under the loan guarantee: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee

program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title IX of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8083. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8084. The amount appropriated in this Act for ''Operation and Maintenance, Navy'', is hereby reduced by $245,000,000 to reflect a Navy Working Capital Fund cash balance and rate stabilization adjustment.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $527,000,000, to reflect working capital fund fuel price re-estimates and rate stabilization adjustments, to be derived as follows:

''Operation and Maintenance, Army'', $35,000,000;

''Operation and Maintenance, Navy'', $230,000,000;

''Operation and Maintenance, Marine Corps'', $6,000,000;

''Operation and Maintenance, Air Force'', $247,000,000; and

''Operation and Maintenance, Defense-Wide'', $9,000,000.

SEC. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

SEC. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8088. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and

local government agencies for the use of these funds.

SEC. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2001, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8091. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8092. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8093. The total amount appropriated in this Act is hereby reduced by $200,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:

''Military Personnel, Army'', $30,800,000;

''Military Personnel, Navy'', $600,000;

''Military Personnel, Marine Corps'', $7,800,000;

''Military Personnel, Air Force'', $15,400,000;

''Reserve Personnel, Air Force'', $8,400,000;

''National Guard Personnel, Army'', $2,200,000;

''Operation and Maintenance, Army'', $68,600,000;

''Operation and Maintenance, Navy'', $14,400,000;

''Operation and Maintenance, Marine Corps'', $1,000,000;

''Operation and Maintenance, Air Force'', $26,400,000;

''Operation and Maintenance, Defense-Wide'', $23,000,000; and

''Operation and Maintenance, Air Force Reserve'', $1,400,000.

SEC. 8094. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8095. The budget of the President for fiscal year 2003 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2001 and 2002.

SEC. 8096. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8097. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8098. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term ''custodial care'' shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8099. (a) During the current fiscal year, any refund described in subsection (b) may be credited to the operation and maintenance account of the Department of Defense that is current when the refund is received and that is available for the same purposes as the account originally charged.

(b) Subsection (a) applies to the following:

(1) Any refund attributable to the use of a Government travel card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(2) Any refund attributable to the use of a Government Purchase card by a member of the Armed Forces or a civilian employee of the Department of Defense.

(3) Any refund attributable to official Government travel by a member of the Armed Forces or a civilian employee of the Department of Defense that is arranged by a Government Contracted Travel Management Center.

SEC. 8100. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Chief Information Officer'' means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term ''information technology system'' has the meaning given the term ''information technology'' in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8101. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8102. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8103. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8104. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8105. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: *Provided*, That not later than April 1, 2002, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: Provided further, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8106. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided under authority of this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the amounts appropriated in the Act under the heading, ''Research, Development, Test and Evaluation, Ballistic Missile Defense Organization'', $34,000,000 may be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8109. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the amounts appropriated in this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8111. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation for the Ground Based Midcourse Defense Segment with a potential annual contract value greater than $5,000,000 or a total contract value greater than $30,000,000.

SEC. 8112. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Fund'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8113. The Secretary of Defense may treat the opening of the Pacific Wing of the National D-Day Museum in New Orleans, Louisiana, as an official event of the Department of Defense for the purposes of the provision of support for ceremonies and activities related to that opening.

SEC. 8114. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2002.

SEC. 8115. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for ''Defense Health Program'', to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8116. In addition to the amounts appropriated elsewhere in this Act, $2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account ''Fossil Energy Research and Development'', only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

SEC. 8117. The total amount appropriated in this Act is reduced by $955,000,000, for efficiencies in the contractor work force, to be derived as follows:

''Operation and Maintenance, Army'', $269,500,000;

''Operation and Maintenance, Navy'', $157,200,000;

''Operation and Maintenance, Marine Corps'', $23,900,000;

''Operation and Maintenance, Air Force'', $180,200,000;

''Operation and Maintenance, Defense-Wide'', $103,700,000;

''Operation and Maintenance, Army Reserve'', $23,200,000;

''Operation and Maintenance, Navy Reserve'', $3,300,000;

''Operation and Maintenance, Air Force Reserve'', $31,200,000;

''Operation and Maintenance, Army National Guard'', $53,600,000;

''Operation and Maintenance, Air National Guard'', $52,500,000;

''Research, Development, Test and Evaluation, Army'', $35,300,000;

''Research, Development, Test and Evaluation, Navy'', $3,000,000;

''Research, Development, Test and Evaluation, Air Force'', $15,700,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $2,700,000.

SEC. 8118. Funds appropriated for Operation and Maintenance in title II of this Act may be used to complete certain projects for which funds have been provided from—

(1) amounts appropriated for ''Operation and Maintenance, Navy'' in section 110 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 530); or

(2) amounts appropriated for ''Operation and Maintenance, Navy'' in section 9001(a)(2)(i) of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 709).

SEC. 8119. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, ''Aircraft Procurement, Air Force'', that remain available for obligation, not to exceed $16,000,000 shall be available for recording, adjusting, and liquidating obligations for the C–17 aircraft properly chargeable to the fiscal year 1998 ''Aircraft Procurement, Air Force'' account: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

SEC. 8120. Notwithstanding any other provision of law, from funds appropriated in this or any other Act under the heading, ''Missile Procurement, Air Force'', that remain available for obligation, not to exceed $50,000,000 shall be available for recording, adjusting, and liquidating obligations properly chargeable to fiscal year 1997 and 1998 ''Missile Procurement, Air Force'' accounts: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees 30 days prior to obligation of all of the specific sources of funds to be used for such purpose.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8121. Of the amounts appropriated in this Act under the heading, ''Shipbuilding and Conversion, Navy'', $680,000,000 shall be available until September 30, 2002, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2002'': Carrier Replacement Program, $172,364,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2002'': LPD–17 Amphibious Transport Dock Ship Program, $172,989,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2002'': DDG–51 Destroyer Program, $37,200,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

NSSN Program, $123,561,000;

DDG–51 Destroyer Program, $111,457,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2002'': NSSN Program, $62,429,000.

(TRANSFER OF FUNDS)

SEC. 8122. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

TRIDENT ballistic missile submarine program, $78,000;

SSN–21 attack submarine program, $66,000;

DDG–51 destroyer program, $6,100,000;

ENTERPRISE refueling/modernization program, $964,000;

LSD–41 dock landing ship cargo variant ship program, $237,000;

MCM mine countermeasures program, $118,000;

Oceanographic ship program, $2,317,000;

AOE combat support ship program, $164,000;

AO conversion program, $56,000;

Coast Guard icebreaker ship program, $863,000;

Craft, outfitting, post delivery, and ship special support equipment, $529,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'': DDG–51 destroyer program, $11,492,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/2002'':

DDG–51 destroyer program, $3,986,000;

LHD–1 amphibious assault ship program, $85,000;

LSD–41 dock landing ship cargo variant program, $428,000;

AOE combat support ship program, $516,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $1,034,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'': DDG–51 destroyer program, $6,049,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8123. Of the funds appropriated by this Act under the heading, ''Operation and Maintenance, Navy'', $56,000,000 shall remain available until expended, only for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE: *Provided*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement and that the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 8124. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8125. Notwithstanding section 229(a) of the Social Security Act, no wages shall be deemed to have been paid to any individual pursuant to that section in any calendar year after 2001.

SEC. 8126. The total amount appropriated in this Act is hereby reduced by $230,000,000 to reflect fact-of-life changes in utilities costs, to be derived as follows:

''Operation and Maintenance, Army'', $75,900,000;

''Operation and Maintenance, Navy'', $17,100,000;

''Operation and Maintenance, Marine Corps'', $15,000,000;

''Operation and Maintenance, Air Force'', $60,100,000;

''Operation and Maintenance, Defense-Wide'', $9,800,000;

''Operation and Maintenance, Army Reserve'', $6,000,000;

''Operation and Maintenance, Navy Reserve'', $2,300,000;

''Operation and Maintenance, Marine Corps Reserve'', $800,000;

''Operation and Maintenance, Air Force Reserve'', $3,000,000;

''Operation and Maintenance, Army National Guard'', $6,000,000;

''Operation and Maintenance, Air National Guard'', $7,500,000;

''Drug Interdiction and Counter-Drug Activities, Defense'', $800,000;

''Defense Working Capital Funds'', $14,400,000; and

''Defense Health Program'', $11,300,000.

SEC. 8127. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $797,919,000, to reduce excess funded carryover, to be derived as follows:

''Operation and Maintenance, Army'', $131,000,000;

''Operation and Maintenance, Navy'', $343,719,000;

''Operation and Maintenance, Marine Corps'', $25,000,000;

''Operation and Maintenance, Air Force'', $283,200,000;

''Operation and Maintenance, Defense-Wide'', $15,000,000;

SEC. 8128. (a) Of the total amount appropriated for ''Operation and Maintenance, Air Force'', $2,500,000, to remain available until expended, shall be available to the Secretary of the Air Force only for the purpose of making a grant in the amount of $2,500,000 to the Lafayette Escadrille Memorial Foundation, Inc., to be used to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes la-Coguette, France.

(b) The Secretary shall require as a condition of the grant—

(1) that the funds provided through the grant be used only for costs associated with such repair, restoration, and preservation; and

(2) that none of those funds may be used for remuneration of any entity or individual associated with fund raising for the project to carry out such repair, restoration, and preservation.

SEC. 8129. None of the funds in this or any other Act may be used by the Secretary of the Interior to remove the five foot tall memorial cross originally erected in 1934 by the Veterans of Foreign Wars in honor of fallen World War I veterans and located within the boundary of the Mojave National Preserve in southern California along Cima Road approximately 11 miles south of Interstate 15.

SEC. 8130. In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $6,000,000 to the U.S.S. Alabama Battleship Foundation, a nonprofit organization established under the laws of the State of Alabama, to be available only for the preservation of the former U.S.S. ALABAMA (ex BB–60) as a museum and memorial.

SEC. 8131. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $5,000,000 to the Intrepid Sea-Air-Space Foundation only for the preservation of the former U.S.S. INTREPID (CV 11) as a museum and memorial.

SEC. 8132. In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Air Force''. Such amount shall be used by the Secretary of the Air Force only to make a grant in the amount of $6,000,000 to the Medical Lake School District, Washington State school district number 326, for relocation of the Fairchild Air Force Base Elementary School within the boundary of Fairchild Air Force Base, Washington.

SEC. 8133. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Navy''. Such amount shall be used by the Secretary of the Navy only to make a grant in the amount of $5,000,000 to the Central Kitsap School District, Washington State school district number 401, for the purchase and installation of equipment for a special needs learning center to meet the needs of Department of Defense special needs students at Submarine Base Bangor, Washington.

SEC. 8134. (a) In addition to amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available to the Secretary of Defense only for the purpose of making a grant for the purpose specified in section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), as amended by subsection (b). Such grant shall be made not later than 90 days after the date of the enactment of this Act.

(b) Section 8156 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 707), is amended by striking the comma after ''California'' the first place it appears and all that follows through ''96–8867)''.

SEC. 8135. (a) ACTIVITIES UNDER FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Subject to subsections (b) through (e) of section 611 of Public Law 106–60 (113 Stat. 502; 10 U.S.C. 2701 note), the Secretary of the Army, acting through the Chief of Engineers, under the Formerly Utilized Sites Remedial Action Program shall undertake the functions and activities specified in subsection (a) of such section in order to—

(1) clean up radioactive contamination at the Shpack Landfill site located in Norton and Attleboro, Massachusetts; and

(2) clean up radioactive waste at the Shallow Land Disposal Area located in Parks Township, Armstrong County, Pennsylvania, consistent with the Memorandum of Understanding Between the United States Nuclear Regulatory Commission and the United States Army Corps of Engineers for Coordination on Cleanup and Decommissioning of the Formerly Utilized Sites Remedial Action Program (FUSRAP) Sites with NRC-Licensed Facilities, dated July 5, 2001.

(b) SPECIAL RULES REGARDING SHALLOW LAND DISPOSAL AREA.—The Secretary of the Army shall seek to recover response costs incurred by the Army Corps of Engineers for cleanup of the Shallow Land Disposal Area from appropriate responsible parties in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). The Secretary of the Army and the Corps of Engineers shall not, by virtue of this cleanup, become liable for the actions or omissions of past, current, or future licensees, owners, or operators of the Shallow Land Disposal Area.

(c) FUNDING SOURCES.—Amounts appropriated to the Army Corps of Engineers for fiscal year 2001 and subsequent fiscal years and available for the Formerly Utilized Sites Remedial Action Program shall be available to carry out this section.

SEC. 8136. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated to the Secretary of the Air Force and shall be used by the Secretary to reestablish the Tethered Aerostat Radar System at Morgan City, Louisiana, previously used by the Air Force in maritime, air, and land counter-drug detection and monitoring. Of the amounts appropriated or otherwise made available for operation and maintenance for the Air Force, the Secretary shall use $3,000,000 to operate such Tethered Aerostat Radar System upon its reestablishment.

SEC. 8137. None of the funds in this Act may be used to implement the establishment of an independent unmanned aerial vehicle joint operational test bed system and/or the transfer of two Predator UAVs, tactical control system (TCS) ground station and assorted equipment from the Navy to Joint Forces Command (JFCOM).

SEC. 8138. The $100,000 limitation established by Section 8043 of Public Law 106–259, shall not apply to amounts appropriated in that Act under the heading ''Operation and Maintenance, Defense-Wide'' for expenses related to certain classified activities associated with foreign material.

SEC. 8139. The total amount appropriated in this Act for Operation and Maintenance is hereby reduced by $330,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

''Operation and Maintenance, Army'', $122,100,000;

''Operation and Maintenance, Navy'', $95,700,000;

''Operation and Maintenance, Marine Corps'', $9,900,000;

''Operation and Maintenance, Air Force'', $79,200,000; and

''Operation and Maintenance, Defense-Wide'', $23,100,000.

SEC. 8140. The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive assessment that identifies and evaluates changes to Department of Defense and Department of Veterans Affairs health care delivery policies, methods, practices, and procedures in order to provide improved health care services at reduced costs to the taxpayer. This assessment shall include a detailed independent review, based on a statement of work authored by the Secretaries of both departments, of options to collocate or share facilities and care providers in areas where duplication and excess capacity may exist, optimize economies of scale through joint procurement of supplies and services, institute cooperative service agreements, and partially or fully integrate DOD and VA systems providing telehealth services, computerized patient records, provider credentialing, surgical quality assessment, rehabilitation services, administrative services, and centers of excellence for specialized health care services. The Secretaries shall jointly transmit a report to Congress by no later than March 1, 2002, explaining the findings and conclusions of this assessment, including detailed estimates of the costs, cost savings, and service benefits of each recommendation, and making legislative and administrative recommendations to implement the results of this effort: *Provided*, That of the funds provided under the heading ''Defense Health Program'' $5,000,000 shall be made available only for the purpose of conducting the assessment described in this section.

SEC. 8141. (a) Notwithstanding any other provision of law, operation and maintenance funds provided in this Act may be used for the purchase of ultralightweight camouflage net systems as unit spares in order to modernize the current inventory of camouflage screens to state-of-the-art protection standards more quickly than would otherwise be the case.

(b) The authority provided by subsection (a) may not be used until the Secretary of the Army submits to the congressional defense committees a report certifying that, compared to the current system that can be purchased with Army Operation and Maintenance funds, the ultralightweight camouflage net system—

(1) is technically superior against multispectral threat sensors;

(2) is less costly per unit; and

(3) provides improved overall force protection.

SEC. 8142. (a) FORT IRWIN MILITARY LAND WITHDRAWAL.—The provisions of title XXIX of H.R. 2586, as passed by the House of Representatives on September 25, 2001 (entitled the Fort Irwin Military Land Withdrawal Act of 2001), are hereby enacted into law.

(b) PUBLICATION OF PROVISIONS ENACTED BY REFERENCE.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the provisions referred to in subsection (a).

SEC. 8143. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for the Pentagon Reservation Maintenance Revolving Fund, including standard real property operations is hereby reduced by $333,000,000, to be distributed as follows:

''Operation and Maintenance, Army'', $114,270,000;

''Operation and Maintenance, Navy'', $50,320,000;

''Operation and Maintenance, Air Force'', $62,180,000;

''Operation and Maintenance, Defense-Wide'', $102,120,000; and

''Research, Development, Test and Evaluation, Ballistic Missile Defense Organization'', $4,110,000.

SEC. 8144. (a) FUNDING REDUCTION.—The amount appropriated in this Act for ''Operation and Maintenance, Army'' is hereby reduced by $37,200,000 to reflect efficiencies in Army acquisition management practices.

(b) LIMITATIONS.—Effective six months after the date of enactment of this Act none of the funds made available by this Act may be used, directly or indirectly, for any of the following purposes:

(1) To support the accomplishment of Army acquisition systems management functions by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(2) To accomplish Army acquisition system requirements determination functions, or analysis of alternatives functions, by military or civilian personnel assigned to or employed by the Army Training and Doctrine Command.

(3) To accomplish Army acquisition program management functions by military or civilian personnel assigned to or employed by the Army Material Command.

(c) CIVILIAN PERSONNEL REDUCTIONS.—Pursuant to this section, the Secretary of the Army shall reduce the fiscal year end-strength number of civilian full-time equivalent employees performing Army acquisition functions by 3 percent of the baseline number for each fiscal year from fiscal year 2002 through fiscal year 2006. For purposes of the preceding sentence, the term ''baseline number'' means the number of civilian full-time equivalent employees performing Army acquisition functions as of the close of fiscal year 2001.

(d) REPORTS.—(1) The Secretary of the Army shall include with the fiscal year 2003 budget justification materials for the Department of the Army information on—

(A) how personnel reductions required by subsection (c) will be accomplished and how Army acquisition system and program management resources will be transferred to other Army elements by reason of those reductions; and

(B) any changes in Army policies to achieve compliance with the limitations in subsection (b).

(2) The Secretary shall include with the budget justification materials for the Department of the Army for each of fiscal years 2004 through 2007 information on—

(A) how personnel reductions required by subsection (c) have been accomplished to the date of the report and will be accomplished during the then-current fiscal year and thereafter; and

(B) how Army acquisition system and program management resources have been transferred, as of the date of the report, to other Army elements by reason of those reductions and how such resources will be transferred during the then-current fiscal year and thereafter to other Army elements by reason of those reductions, and each subsequent annual budget request.

SEC. 8145. (a) NON-PROFIT ARMY VENTURE CAPITAL CORPORATION.—Of the funds made available for ''Research, Development, Test and Evaluation, Army'', $50,000,000 shall be available to the Secretary of the Army only for the purpose of funding a venture capital investment corporation established pursuant to section 2371 of title 10 United States Code, to be derived as specified in subsection (b).

(b) FUNDING.—The amount specified in subsection (a) shall be derived by reducing, on a pro rata basis, the following amounts: (1) Amounts made available to the Army for basic research and applied research, except for amounts for research projects designated as congressional special interest items; (2) Amounts made available to the Army for research, development, test and evaluation relating to the Future Combat System.

SEC. 8146. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, $10,000,000 is hereby appropriated to ''Operation and Maintenance, Defense-Wide'' only for facility improvements necessary to integrate the 910th Airlift Wing and related activities at the Youngstown-Warren Regional Airport into the military cargo network.

SEC. 8147. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in this Act, $10,000,000 is hereby appropriated to ''Operation and Maintenance, Defense-Wide'' only for facility improvements and equipment purchases necessary to augment the capabilities of local government emergency response units responsible for protection of the Pentagon Reservation to address emergency response deficiencies identified as a result of the attack on the Pentagon of September 11, 2001, and to provide additional capabilities to meet the terrorism threat: *Provided*, That the Secretary of Defense shall negotiate and establish an appropriate Federal share for facility improvements financed under this section prior to the expenditure of these funds.

SEC. 8148. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 28 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8149. (a) The Secretary of Defense may waive any requirement that the fiscal year 2001 Department of Defense financial statement include the accounts and associated activities of the Department of the Army and the Department of the Navy, to the extent that the Secretary determines necessary due to the effects of the terrorist attack on the Pentagon of September 11, 2001.

(b) If any accounts and associated activities of the Department of the Army or the Department of the Navy are excluded from the fiscal year 2001 Department of Defense financial statement pursuant to subsection (a), the Secretary of Defense shall, as soon as practicable after March 1, 2002, prepare and submit to the Director of the Office of Management and Budget, a revised audited financial statement for fiscal year 2001 that includes all such accounts and activities.

(c) For purposes of this section, the term ''fiscal year 2001 Department of Defense financial statement'' means the audited financial statement of the Department of Defense for fiscal year 2001 required by section 3515 of title 31, United States Code, to be submitted to the Director of the Office of Management and Budget not later than March 1, 2002.

SEC. 8150. None of the funds appropriated in this Act may be used to prepare a budget request for submission to Congress by the Department of Defense for fiscal year 2003 that contains any proposal to acquire ships for the Department of the Navy through the use of incremental funding amounts or advanced appropriations. The limitation against incremental funding does not apply to the specific shipbuilding programs that were funded on an incremental basis in fiscal year 2001.

SEC. 8151. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $20,000,000, to remain available until September 30, 2004, is hereby appropriated to ''Aircraft Procurement, Air Force'', only for the C–5 avionics modernization program.

SEC. 8152. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $10,000,000, to remain available until September 30, 2003, is hereby appropriated to ''Research, Development, Test and Evaluation, Air Force'', only for the agile combat support (IMITS) program.

SEC. 8153. In addition to amounts appropriated or otherwise made available elsewhere in this Act, $6,000,000, to remain available until September 30, 2003, is hereby appropriated to ''Research, Development, Test and Evaluation, Army'', only for laser vision correction devices for the Walter Reed Army Medical Center.

SEC. 8154. Notwithstanding any other provision of this Act, the Secretary of the Air Force may enter into a multiyear contract, or extend an existing multiyear contract, for the C–17 aircraft: *Provided*, That the authority to enter into such a contract (or contract extension) may not be exercised until a period of not less than 30 days has elapsed after the date of the submission of a report under paragraph (4) of section 2306b(*l*) of title 10, United States Code: *Provided further*, That the authorities provided in this section shall not be available until the Secretary of Defense submits to the congressional defense committees a certification that the applicable requirements under section 2306b of title 10, United States Code, and section 8008 of this Act with respect to such a contract (or contract extension) have been met.

SEC. 8155. Except as expressly provided otherwise, any reference in a provision of titles I through IX to ''this Act'' shall be treated as referring only to the provisions of this division.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through pages 132, line 15, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

At the end of title VIII of division A (page 132, after line 15), add the following new sections:

SEC. 8156. Notwithstanding any other provision of law, of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $1,680,500, to remain available until expended, is provided only for payment of any expenses incurred after April 1, 2002 of the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398, 114 Stat 165A–215).

SEC. 8157. Of the funds appropriated in this Act under the heading ''Operation and Maintenance, Defense-Wide'', $1,000,000, to remain available until expended, shall be made available to the Secretary of Defense, notwithstanding any other provision of law, only for a grant or grants to the Somerset County Board of Commissioners (in the Commonwealth of Pennsylvania), to design and construct a memorial (including operating and maintenance expenses for appropriate security measures to protect the site) at the airplane crash site in Somerset County, Pennsylvania honoring the brave men, women, and children who perished following a valiant struggle with terrorists aboard United Airlines Flight 93 on September 11, 2001.

SEC. 8158. (a) None of the funds made available in this division may be used to purchase—

(1) steel, or

(2) equipment, products, or systems that are necessary to national security or national defense and that are made with steel, that is not melted and poured in the United States except in cases in which the steel required for the intended use is not melted and poured in the United States.

(b) Subsection (a) shall not apply with respect to a purchase that the Secretary of Defense determines is necessary for national security purposes.

SEC. 8159. (a) FINDINGS.—The Congress finds that—

(1) in times when our national security is threatened by possible attacks from foreign and domestic enemies, it is necessary that the United States have a sufficient supply of certain products that are essential for defending this Nation; and

(2) it has been the consistent intent of Congress that the Department of Defense, when purchasing items to support the Armed Forces, choose items that are wholly of domestic content and manufacture, especially items identified as essential to our national defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is vital that the United States maintain a domestic manufacturing base for certain products necessary to national security, so that our Nation does not become reliant on foreign sources for such products and thereby vulnerable to disruptions in international trade; and

(2) in cases where such domestic manufacturing base is threatened, the United States should take action to preserve such manufacturing base.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this is an amendment that handles a number of technical items, and I know of no controversy. I ask for an ''aye'' vote on these technical amendments.

Mr. REGULA. Mr. Chairman, through the passage of the Buy American Act and other related laws, Congress has consistently instructed Federal agencies to buy products made in the United States whenever possible. Congress passed these laws not only to support American manufacturers, but also to ensure that in times of international conflict the United States would not be dependent on foreign sources for products necessary to protect this Nation and its interests.

We are now engaged in a campaign overseas fighting terrorism. Furthermore, we are faced with new threats on our homeland as well. Now, more than ever, we cannot afford to become dependent on foreign manufactured products that are essential to our national security. We need to maintain a domestic manufacturing source for these products.

I can give you an example of this need in my own district. The Ansell Perry Glove Plant in Massillon, Ohio has been making surgical gloves since 1935. Its parent company, which is owned by an Australian holding company, is moving this facility over to Asia. Once it moves, there will no manufacturers of surgical gloves in the United States.

I am trying to persuade the department of defense to keep buying American-made surgical gloves, so that this profitable facility can remain open. The department has tremendous buying power—according to the defense logistics agency, it purchased nearly 3.5 million dollars worth of surgical gloves in FY 2001 alone.

This amendment is intended to re-emphasize the intent of Congress that federal agencies like the Defense Department should buy American and that in a time of conflict and danger, like we find ourselves in right now, it is vital that these agencies keep a domestic manufacturing source for products that are essential for protecting our citizens at home and our troops stationed abroad.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEWIS).

The amendment was agreed to.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have voted against every Department of Defense appropriations bill since I have been in this Congress. I have not opposed these bills because I do not believe in a strong national defense; on the contrary, I believe in a vigorous defense, a strong military, and proper treatment of our men and women in uniform, including good pay, decent housing, and appropriate benefits.

I have objected, however, to the excessive spending on items that are not critical to our defense. I have opposed spending billions of dollars on missile defense systems that threaten our security more than protect it. I have opposed the development of three fighter aircraft simultaneously at such a high cost that it threatens other crucial areas of our security. I have opposed supporting excessive military infrastructure that the last three Secretaries of Defense have told us is unnecessary to meet current needs. I have opposed the force structure that was based on a flawed two-war strategy that failed to consider the practical challenges facing America's vital interests. Recently, Secretary Rumsfeld has called for an overhaul of this flawed strategy.

In short, I have argued for a smaller and more efficient U.S. military, more fitted to the actual threats likely to be faced by this country than to the no longer existing threats of an invasion through the Fulda Gap in Europe. I believe America would have been better served had our military spending been used more wisely over the past 10 years.

I had intended, however, to vote today in favor of this defense appropriation bill. It would have been my first vote in favor of a defense appropriation bill. Our country has been attacked, and we should all support the war effort. We must all support the efforts of our men and women in uniform during the current war in Afghanistan. I understand their need for support during this critical time, and I want to vote to give them the resources they need to meet the challenges they face and also to increase security at home. I support the pay increases and I support fully funding health care for military retirees. I support providing funds to aid in the dismantlement of nuclear weapons in the former Soviet Union, and I support many of the new counterterrorism activities.

Unfortunately, I cannot in good conscience vote for this bill today because of the supplemental funding provision included in the bill that actually cuts funding that was intended to help New York recover from the terrorist attacks on September 11. The bill before the House today breaks the solemn pledge; not only breaks it but repudiates the solemn pledge made to the people of the State that suffered the brunt of the attack on our Nation. It amends the bill passed by this House in September and signed into law by the President in September that appropriated $40 billion, and that said at least half that $40 billion had to be used for reconstruction and recovery efforts in the States of New York, Pennsylvania, and Virginia.

This supplemental bill, included in this appropriations bill, welshes on that pledge and actually amends the law to cut that funding roughly in half to about $10 billion. This is outrageous and, quite frankly, shocking to those of us who represent districts that took the brunt of the attack on September 11 and are still suffering from it.

For that reason, I will vote against this bill, though I support the other provisions, and I had hoped to be able to vote for the first time for a defense appropriation bill. But because of the cutting in half of funding to New York, Virginia, and Pennsylvania in the supplemental portion of this bill, I am going to have to vote against it, quite reluctantly.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 138, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FILNER. Mr. Chairman, reserving the right to object, I have an amendment on page 132 which I need to do before the gentleman moves on.

The CHAIRMAN. It is the Chair's understanding that the gentleman from California (Mr. FILNER) would be able to offer the amendment if there was unanimous consent to the request of the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I will have to raise a point of order on the amendment.

Mr. FILNER. I understand, but I wanted to be sure I could offer the amendment on page 132 under the gentleman's unanimous consent request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the bill is open for amendment through title IX.

There was no objection.

The text of the bill from page 132, line 16, through page 138, line 7, is as follows:

TITLE IX

COUNTER-TERRORISM AND DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

COUNTER-TERRORISM AND OPERATIONAL RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For urgent enhancements to intelligence and military capabilities in order to prosecute Operation ENDURING FREEDOM; to discover, infiltrate, and deter terrorist groups; to protect against terrorist attacks that might employ either conventional means or weapons of mass destruction, and to prepare against the consequences of such attacks; to deny unauthorized users the opportunity to modify, steal, inappropriately disclose, or destroy sensitive military intelligence data or networks, and to accelerate improvements in information networks and operations, $1,670,000,000, to remain available until expended, of which $451,000,000 shall be made available to the Director of Central Intelligence, and of which $1,219,000,000 shall be made available to the Secretary of Defense: *Provided,* That of the amounts made available under this heading for the Department of Defense, $474,000,000 is available only for improving chemical and biological defense capabilities of the Department of Defense: *Provided further,* That of the amounts made available under this heading for the Department of Defense, $275,000,000 is available only for improving the effectiveness of Department of Defense and intelligence agency capabilities in the areas of information assurance, critical infrastructure protection, and information operations: *Provided further,* That in order to carry out the specified purposes under this heading, funds made available under this heading may be transferred to any appropriation account otherwise enacted by this Act: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are excess for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That of the amounts provided under this heading, $10,000,000 shall be transferred to the Department of Justice, only for enhanced terrorism-related financial and money laundering investigation operations: *Provided further,* That notwithstanding any other provision of law, of the amounts provided under this heading, the Secretary of Defense is authorized to transfer $70,000,000 to other activities of the Federal Government: *Provided further,* That within 90 days of enactment of this Act, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a classified report specifying the projects and accounts to which funds provided under this heading are to be transferred.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $403,000,000, to remain available until September 30, 2004.

PROCUREMENT, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Ballistic Missile Defense Organization necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $794,557,000, to remain available for obligation until September 30, 2004: *Provided,* That funds provided under this heading may be used for procurement of critical parts for Patriot Advanced Capability-3 (PAC-3) missiles to support production of such missiles in future fiscal years.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, BALLISTIC MISSILE DEFENSE ORGANIZATION

(INCLUDING RESCISSION)

For expenses of the Ballistic Missile Defense Organization necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $7,053,721,000, to remain available for obligation until September 30, 2003: *Provided,* That for funds provided under this heading the minimum amount applicable under section 9(f)(1)(C) of the Small Business Act (15 U.S.C. 638(f)(1)(C)) shall be $75,000,000 (in lieu of the amount otherwise applicable under that section): *Provided further,* That of the funds provided in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the amount of $73,800,000 is hereby rescinded from the ''Procurement, Defense-Wide, 2001/2003'' account.

DEFENSE AGAINST CHEMICAL AND BIOLOGICAL WEAPONS, DEFENSE-WIDE

For expenses, not otherwise provided for, for chemical and biological weapon defense programs of the Department of Defense, as authorized by law, $1,065,940,000, of which $363,709,000 shall be for Procurement, to remain available for obligation until September 30, 2004, and $702,231,000 shall be for Research, Development, Test and Evaluation, to remain available for obligation until September 30, 2003.

DEFENSE THREAT REDUCTION AGENCY

For expenses, not otherwise provided for, for the Defense Threat Reduction Agency of the Department of Defense, as authorized by law, $806,471,000, of which $305,393,000 shall be for Operation and Maintenance, of which $50,000,000 shall be available only to initiate a multi-year demonstration program at four military installations to install, operate, and evaluate a network of sensors to protect installations against unconventional nuclear threats in accordance with the deployment recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense; $20,325,000 shall be for Procurement, to remain available for obligation until September 30, 2004; and $480,753,000 shall be for Research, Development, Test and Evaluation to remain available for obligation until September 30, 2003, of which $25,000,000 shall be available only for research and development of systems to support the protection of military installations against unconventional nuclear threats in accordance with the recommendations of the Defense Science Board Task Force on Unconventional Nuclear Warfare Defense.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Page 132, after line 15, insert the following:

SEC. 8156. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE MILITARY SERVICE AS A RESERVE OF THE ARMED FORCES OR MEMBER OF THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform active military service as a Reserve of the armed forces or member of the National Guard shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that military service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for such active military service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of military service.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(f) For purposes of this section—

''(1) the terms 'employee' and 'Federal Government' have the same respective meanings as given them in section 4303 of title 38;

''(2) the term 'active military service' has the meaning given the term 'active service' in section 101 of title 10;

''(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(4) the term 'basic pay' includes any amount payable under section 5304.''.

(b) CONTINUED ELIGIBILITY FOR HEALTH BENEFITS.—

(1) IN GENERAL.—Section 8906 of title 5, United States Code, is amended—

(A) by striking ''(e)(1)(A) An'' and inserting ''(e)(1)(A)(i) Except as provided in clause (ii), an'';

(B) by inserting after subsection (e)(1)(A)(i) (as so redesignated by subparagraph (A)) the following:

''(ii) In the case of an employee enrolled in a health benefits plan under this chapter who enters into leave without pay status in order to perform active military service as a Reserve of the armed forces or member of the National Guard, such employee shall, if and while such employee is entitled to nonreduction in pay under section 5538 (whether or not any amount is actually payable to such employee under such section) remain eligible for continued coverage under this paragraph, for himself and members of his family—

''(I) for the period allowable under clause (i), or

''(II) for so long as such employee remains so entitled to nonreduction in pay under section 5538,

whichever is longer.'';

(C) in subsection (e)(1)(B) by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting ''; and'', and by adding after clause (ii) the following:

''(iii) in the case of an employee described in subparagraph (A)(ii), the employee contributions required by this section shall be withheld from any amounts payable to such employee under section 5538.''; and

(D) by adding at the end of subsection (e)(1) the following:

''(D) The procedures referred to in subparagraphs (B)(ii) and (C) shall, in the case of an employee described in subparagraph (A)(ii), be available to the extent that any amount payable to such employee under section 5538 is insufficient to cover the withholdings required to be made under subparagraph (B)(iii).''.

(2) DEFINITIONS.—For purposes of the amendment made by paragraph (1), the terms ''employee'' and ''active military service'' have the same respective meanings as given them in section 5538 of title 5, United States Code (as amended by subsection (a)).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving on active duty as a Reserve or National Guard member.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after September 11, 2001.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order. The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, all across this country, reservists have been called up to defend this Nation. They are doing this because they are patriotic Americans. They do it willingly, and our country is indebted to them. But these reservists face critical problems with their budgets back home.

I have gotten letters, very emotional letters, from families, and I am sure every Member has, that say, for example, ''My husband is a U.S. Border Patrol agent and a reservist. On the evening of October 1, he was called to duty and ordered to report for active duty on the next day, October 2.'' She writes, ''I clearly understand this country is headed for very stressful, difficult and unpredictable times, and it is our duty to serve. But we have three children ages 1, 6 and 8, and our 6-year-old is autistic and has special needs. At this point, the country is not willing to provide me with enough money to meet his needs for the next 11 months. I cannot afford any out-of-pocket money to provide him any additional income.''

There are other letters from people who face losing their homes because they cannot keep up with the mortgage, they cannot keep their children in school because of the sudden reduction in their take-home pay.

My amendment says that for Federal employees, this Nation ought to make up the difference between their pay as a reservist and their pay in their normal job. This is absolutely critical to the budgets of people all across this country. And not only will it prevent those families from themselves becoming victims of the terrorist attack but will certainly improve the morale of all of our fighting forces.

Now, many of my colleagues know that municipalities across this country, and States, many private corporations, make up the difference between the pay they had before they went on call and the pay they receive while on duty at the present time. But the Federal Government does not. My amendment says let us make up the difference between regular Federal pay and the Reserve and Guard pay.

□ 1400

If their active duty lasts for a length of time that would normally preclude their continuation in the Federal health plan, my amendment would allow these Guard and Reserve members to continue paying their portion of Federal health care rather than moving their families to the Tricare military family health care system.

This is the least we can do for Guard and reservists who have unselfishly committed themselves to serving our country at a moment's notice. Their service makes our military function smoothly. But the Federal Government ought to do for our reservists and Guard members what other employers across this country are doing, continuing their regular pay. I ask Members' support for this amendment.

Let me read from another constituent of mine in support of this amendment: ''In civilian employment my husband is a Federal agent in the United States Border Patrol. Due to his full-time military activation, we will be receiving a substantial loss in income, 50 percent reduction, in fact. It will be extremely difficult for our family to continue to pay our existing bills. As per the Soldiers and Sailors Relief Act, I have requested our creditors to lower their interest rates no more than 6 percent. My husband and I have worked very hard to this point in our lives. We are home owners with a very large mortgage payment. Our current interest rate is 7.75 percent.''

The CHAIRMAN. The gentleman's time has expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I say to the gentleman from California (Mr. FILNER) that which I have heard him describe of his amendment I would be very empathetic to, I believe. It seems very logical to me; but since it has implications in terms of cost that could put the whole bill in jeopardy potentially, and the same people the gentleman is talking about could be dramatically affected by that, and since the gentleman has not discussed this matter with me at any time, I do not know about the ranking member, but me at any time, I am afraid I must be constrained to object.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. LEWIS of California. I do.

Mr. FILNER. Mr. Chairman, can the Chair explain the point of order? I would like to respond to it.

The CHAIRMAN. Would the gentleman from California (Mr. LEWIS) please state his point of order.

Mr. LEWIS of California. Mr. Chairman, I made a point of order against the amendment because it proposes to change existing law and continues legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, I understand the point of order and I understand the technicality. We are in emergency, Mr. Chairman. These issues

come to us very quickly. When my constituents were called up a few weeks ago, I do not have time to go through our normal processes. The gentleman knows that there are dozens of things in this bill that legislate on the appropriations bill. Let us not use a technicality to say to our reservists that they cannot keep their families in their homes, keep their kids in schools, keep their kids getting medical attention. I would say to the gentleman this is an emergency, let us not go on a technicality. I would hope that we would respect the fighting forces, the fighting capability of our Reserve units and accept this amendment.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. FILNER. Mr. Chairman, I appeal the ruling of the Chair given the fact that we have an emergency situation here and my constituents are in a disastrous situation. I would challenge the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to clause 2, rule XXI, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 455]

ANSWERED ''PRESENT''—409

Abercrombie
Ackerman
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
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
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)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
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 (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Carson (IN)
Cubin
Davis, Tom
DeFazio
DeLay
Dooley
Ford
Frank
Frost
Gekas
Gutierrez
Kennedy (RI)
Maloney (CT)
Moran (VA)
Obey
Ose
Oxley
Quinn
Slaughter
Smith (MI)
Stark
Watts (OK)
Wexler

□ 1428

The CHAIRMAN. Four hundred nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the question of whether the decision of the Chair will stand as the judgment of the Committee.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 275, noes 141, not voting 17, as follows:

[Roll No. 456]

AYES—275

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
DeMint
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent

Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sawyer
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—141

Ackerman
Allen
Baca
Baird
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Brown (OH)
Capps
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Edwards
Engel
Eshoo
Etheridge
Farr
Filner
Gephardt
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Price (NC)
Rivers
Rodriguez
Ross
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—17

Carson (IN)
Cubin
Davis, Tom
DeFazio
DeLay
Dooley
Ehrlich
Ford
Frelinghuysen
Frost
Maloney (CT)
Oxley
Petri
Quinn
Slaughter
Smith (MI)
Wexler

□ 1438

Ms. LOFGREN, Mr. CONDIT and Mr. THOMPSON of California changed their vote from ''aye'' to ''no.''

Mr. SKELTON, Mr. VISCLOSKY and Mr. LUCAS of Kentucky changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KUCINICH:

Page 133, lines 7 and 9, after each dollar amount, insert the following: ''(increased by $289,000,000)''.

Page 136, line 13, after the dollar amount, insert the following: ''(reduced by $786,485,000)''.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

The gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Chairman, I recognize the chairman's point of order; and at the appropriate time, I will make a unanimous consent request.

PARLIAMENTARY INQUIRY

Mr. SPRATT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRATT. Could the Chair inform the House at what page we are in the bill?

The CHAIRMAN. Title IX is open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, the Kucinich-Lee counterterrorism amendment to H.R. 3338, Department of Defense appropriations, increases money for counterterrorism, significantly increases funding for anthrax and smallpox vaccine production, $82 million, and provides for a mass destruction civil support team in every State.

It significantly boosts the Nunn-Lugar counterproliferation program to help secure tons of biological, chemical, and nuclear weapons material in the former Soviet Union, and the offset is $78 million out of the $8 billion for ballistic missile defense, less than a 10 percent cut.

It cuts funding for construction for Fort Greely, where initial deployment threatens the ABM treaty. This transfer is the most allowed under budget scoring rules.

Mr. Chairman, I think it is very important that at this time we take a stand to recognize the importance of the ABM treaty. The deployment of this program would threaten that treaty. I think it is important that we take a stand to put more funds into counterterrorism. That is the spirit of this amendment.

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

Ms. LEE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support today of this amendment to address our most urgent security needs by increasing funding for counterterrorism programs, to protect Americans from nuclear, chemical, and biological weapons. They are the threats that we face today, this very minute; and we have many ideas on how to address them.

The Bipartisan Russia Task Force, chaired by Howard Baker and Lloyd Cutler, spelled out these dangers in January and they spelled out the recommendations. They concluded that current budget levels for our nonproliferation programs create the potential for catastrophic consequences, and we have already seen what a handful of anthrax-laden letters can do. Think about the danger posed by tons of biological, chemical, and nuclear weapons.

□ 1445

We now have the opportunity to forge a new relationship with Russia and other former Soviet Union States as we work together to fight terrorism. But that opportunity requires a real investment in joint security efforts to safeguard these weapons and the scientists who might be tempted to sell their knowledge to the highest bidder. Nunn-Lugar is a crucial bipartisan program that should be expanded and coordinated into a comprehensive strategic plan to eliminate these stockpiles of destruction. These dangers are imminent.

For all of these reasons, I support increasing funding for antiterrorism programs in the Kucinich amendment. This amendment redirects a fraction of the billions allocated to ballistic missile defense in order to address dangers that are clear and immediate with solutions that are also clear and immediate. This amendment seeks to strengthen our defenses at home by transferring $82 million to produce anthrax and smallpox vaccines, to develop next-generation vaccines, and to work on methods to counter other biological weapons. The threat of bioterrorism is a reality, and we are not ready for it. We lack the vaccines, the health infrastructure, and the defenses to protect American men, women and children.

This amendment will also direct money to Weapons of Mass Destruction Civil Support Teams. We must be able to react to crises as they occur. Nearly half of our States do not have civil support teams to deal with these dangers, so as we respond to the atrocities of September 11, we must reconstruct the architecture of our national security. We must invest in securing and dismantling Cold War-era weapons of

mass destruction before they are turned against us in this new century by our new enemies, and we must invest in defenses here at home against biological terrorism.

Mr. Chairman, I urge my colleagues to make this investment, and I urge my colleagues to support this amendment.

Mr. DICKS. Mr. Chairman, The Kucinich-Lee amendment has a laudable goal, to increase funding for counter terrorism. I agree with the priorities indicated by the amendment, counter terrorism is more important than missile defense. But, the amendment is fatally flawed in terms of policy and funding.

It cuts a half billion dollars from the Defense bill without replacement. This cut to Defense is unacceptable, especially at this time.

The amendment would cut the funding for a proposed test launch facility at Kodiak Island. This facility will allow DOD to perform tests which are more rigorous and realistic than those possible at current test sites at Kwajalein and Vandenberg. It also cuts funding to upgrade the sensors and launch capabilities at Kwajalein and Vandenberg which will hinder rigorous missile defense testing.

Because of its cuts to Kodiak, Kwajalein and Vandenberg, the amendment reduces the level of testing of missile defense technology when the right thing to do is increase the level of testing of these technologies for the very reason that they are not yet mature.

Opposition to this amendment does not indicate support for the entire Pacific Testbed as proposed by the administration. The proposed construction at Ft. Greely remains premature, unnecessary, and unwarranted by the state of missile defense technology. However, this amendment cuts needed facilities in addition to the Ft. Greely construction.

Mr. LEWIS and Mr. MURTHA have negotiated responsible cuts to the administration's request for missile defense totaling over $500 million. While I agree that some more cuts are warranted, this amendment goes too far.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

It is my intention to reserve a point of order, but I understand that the gentleman from Ohio (Mr. KUCINICH) would like to be recognized for a unanimous consent request, and so I yield to the gentleman.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

Mr. KUCINICH. Mr. Chairman, respecting the point of order that the Chair has raised, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 136, line 13, after the dollar amount, insert the following: ''(increased by $360,000,000) (reduced by $360,000,000)''.

Mr. SPRATT. Mr. Chairman, this bill increases missile defense by $2.6 billion to $2.7 billion, 50 percent over last year's level, but it ends a system that everyone has long thought essential to missile defense, and that is a program called ''SBIRS-Low,'' for Space-Based Infrared Sensors.

Ever since the beginning of SDI, space-based sensors have been a key element of the architecture. Their role is to pick up the oncoming reentry vehicles, shortly after they are launched, well over radar's horizon, track them, plot the trajectory, project their aim points, and watch for features that distinguish the real RVs from decoys. Over the last 18 years, ballistic missile defense has evolved through various options to a system called SBIRS-Low to handle this mission. These are satellite sensors in low-Earth orbit, some 18 to 30 in all, depending on the configuration, and they are on constant patrol or will be, once launched, in circling the globe.

Now comes this bill and, out of the blue, kills SBIRS-Low, a program some 6 or 7 years old. My amendment would bring it back, restore funding to the level that was approved by the House Committee on Armed Services and by the Senate Armed Services Committee, to $360 million, which is $25 million below the President's request.

While this bill terminates SBIRS-Low, it recognizes the critical need for such a system. In fact it directs the Department of Defense to start over, to set up two new R&D programs, where $250 million would go to a space-based alternative, $75 million would go into ground-based alternatives, which would probably be X-band radars. My amendment, as I said, reverses this action and restores funding to SBIRS-Low.

Let me explain why SBIRS-Low is critical to national missile defense but also to theater missile defense. First of all, SBIRS-Low allows a mid-course interceptor to make the most of its biggest advantage, which is time. The mid-course takes as much as 30 minutes during which an RV moves in its trajectory toward its target. Without satellite sensors over the horizon, radar gives missile defenses about half this amount of time to track, to launch, and to make the intercept. This is precious time. It could easily make the difference between success and failure.

Second, infrared sensors not only detect heat, but changes in heat, something radars cannot do. Many countermeasures like decoys and balloons lose heat faster than do reentry vehicles, so SBIRS-Low becomes the first device we have to detect these changes and discriminate between real RVs as opposed to decoys and countermeasures.

Third, ground-based systems will have X-band radar to help them track their incoming radar, but X-band radar is not a volume search radar; it emits a beam that provides high-resolution feedback, but it is a pencil-point beam. It is very narrow. SBIRS-Low spares the X-band radar from having to scan the skies and directs it precisely to its target. This makes X-band radar more efficient and effective and reduces the so-called ''engagement box'' to which the kill vehicle is launched, which increases the probability of an intercept.

Finally, SBIRS-Low provides redundancy. It provides several different modes for detecting oncoming systems and it also provides backup in case the radar is not working.

Now, I would hasten to say all of these features have yet to be proven, but the system is well along, the potential has been demonstrated. If it is not in hand, it appears to be within reach, and this is why SBIRS-Low is crucial, critical, for ground-based defenses, but it pays for itself in other ways, too:

Theater missile defense. It expands the reach of THAAD in the Navy's upper tier. Second, at the same time that SBIRS-Low is on station, it can pick up some very useful technical intelligence data. Third, it can do miscellaneous other things. It can look for objects in space that might be on a collision course with our satellites and report that back to us.

The committee bases its decision to terminate this in large part on an unreleased study that is still in draft at the Institute for Defense Analysis. I met with the author of this study, along with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from California (Mr. HUNTER), and it seems to me, in all due respect, that the information in the draft report given to the Subcommittee on Defense was in large part beyond its means. The subcommittee appears to me to be extrapolating from a worst-case scenario to a judgment on the system in all scenarios.

In particular, part of the IDA report examined one specific national missile attack, the most sophisticated of all scenarios, and assumed a minimum SBIRS-Low capability. It then compared SBIRS-Low in what amounts to a worst-case capability scenario to an alternative consisting of ground-based radars spread throughout the world. This assumed, of course, that the U.S. would have no difficulty in obtaining these ground-based radars. In any event, it ignored many other scenarios where SBIRS-Low is cost effective, very effective, and it ignored all the other missions that SBIRS-Low can perform.

The committee is also concerned about cost growth.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

(By unanimous consent, Mr. SPRATT was allowed to proceed for 1 additional minute.)

Mr. SPRATT. Mr. Chairman, let me just quickly say the Air Force originally assumed 21 satellites; it has now gone to 30. Get ready, this is going to be what happens to all of these component missile defense systems as it gets closer and closer, and the real cost is going up.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman has made some good points and we are certainly going to take a look at this. As he says, we have based this on carefully conforming to a cut that we thought would not harm it, but we are certainly going to take a look at the information that he has given to us.

Mr. SPRATT. Mr. Chairman, I thank the gentleman. I was going to say to the distinguished chairman of this subcommittee, for whom I have great respect, I know the gentleman made a principal decision here. I hope he will go back and consider it again before the conference is out, talk to the folks at IDA and talk to the folks at BPDO.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, by way of responding to the gentleman, I very much appreciate the professional way the gentleman is addressing this very important issue. As the gentleman knows, I have been a long-term supporter of this idea, this technology. We now think it is important that we emphasize the research side because we see the possibility of some rush to failure here. But in the meantime, it is not our intent to kill this program, and we appreciate the gentleman's cooperation.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for his assurance.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

At the end of division A, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 9001. SHORT TITLE.

This title may be cited as the ''Afghanistan Freedom Act of 2001''.

SEC. 9002. UNITED STATES POLICY TOWARD AFGHANISTAN.

It should be the policy of the United States to promote the removal from power of the Taliban regime in Afghanistan so as to diminish the risk of future terrorist attack on the United States and restore basic human freedoms to the people of Afghanistan.

SEC. 9003. AUTHORITY TO PROVIDE MILITARY ASSISTANCE.

(a) IN GENERAL.—

(1) TYPES OF ASSISTANCE.—(A) To the extent funds are appropriated in any fiscal year for these purposes, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, and other support (including training) to eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(B) The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for eligible Afghan resistance organizations, entities, and individuals, eligible foreign countries, and eligible international organizations.

(C) The Secretary of Defense is authorized to reimburse any eligible foreign country or eligible international organization for supplies, services, or other support provided by such country or organization between September 11, 2001, and the date of the enactment of this Act in support of United States activities authorized under Public Law 107–40.

(D) The assistance authorized under subparagraphs (A) and (B) and under the Iraq Liberation Act of 1998 (Public Law 105–338) may include the supply of defense articles, defense services, other support, and military education and training that are acquired by contract or otherwise.

(2) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under paragraph (1)(B) may not exceed $300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2)(A).

(b) ELIGIBILITY.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—An Afghan resistance organization, entity, or individual shall be eligible to receive assistance under subsection (a) if such organization, entity, or individual is committed to—

(A) the removal from power of the Taliban regime in Afghanistan;

(B) the suppression of terrorism and the surrender or removal from Afghanistan of all international terrorists, including perpetrators of the September 11, 2001, attack on the United States; and

(C) the establishment in Afghanistan of a government committed to respecting internationally recognized human rights and suppression of narcotics trafficking.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—A foreign country or international organization shall be eligible to receive assistance under subsection (a) if such foreign country or international organization is participating in or supporting United States military activities authorized under Public Law 107–40, or is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country, except that no country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) shall be eligible to receive assistance under subsection (a).

(c) REIMBURSEMENT FOR ASSISTANCE.—

(1) IN GENERAL.—Defense articles, defense services, and military education and training provided under subsection (a)(1)(B) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations under paragraph (2)(A).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of defense articles, defense services, or military education and training provided under subsection (a)(1)(B).

(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this section.

(d) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) ELIGIBLE AFGHAN RESISTANCE ORGANIZATIONS, ENTITIES, AND INDIVIDUALS.—Assistance to eligible Afghan resistance organizations, entities, and individuals under this section may be provided notwithstanding any other provision of law.

(2) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.—

(A) AUTHORITY.—The President may provide assistance under this section to any eligible foreign country or any eligible international organization notwithstanding any other provision of law (other than provisions of this section) if the President determines that such assistance is important to the national security interest of the United States and reports such determination to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate at least five days in advance of providing such assistance.

(B) REPORT.—The report described in subparagraph (A) shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

(e) SUNSET.—The authority of this section shall expire on September 30, 2004.

SEC. 9004. COMPLIANCE WITH MEASURES DIRECTED AGAINST THE TALIBAN BY THE UNITED NATIONS SECURITY COUNCIL.

(a) REPORTS TO CONGRESS.—Not later than one month after the date of the enactment of this Act, and every three months thereafter until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Taliban no longer exercises power in any part of Afghanistan, the President shall submit to such committees a report that identifies the government of each foreign country with respect to which there is credible information that the government has, on or after the date of the enactment of this Act, violated, or permitted persons subject to its jurisdiction to violate, measures directed against the Taliban pursuant to United Nations Security Council Resolutions 1267 (1999), 1333 (2000), or 1363 (2001), or pursuant to any other United Nations Security Council resolution adopted under the authority of Chapter VII of the Charter of the United Nations.

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall detail with respect to each government of a foreign country identified in such report the nature of the violation (other than violations detailed in previous reports submitted pursuant to this section), and shall evaluate—

(1) the importance of the violation to the efforts of the Taliban to remain in power in Afghanistan;

(2) the importance of the violation to the efforts of terrorist groups to continue operating from Afghanistan; and

(3) the risk posed by such violation to the safety of the United States Armed Forces and the armed forces of other countries acting in coalition with the United States.

SEC. 9005. SUBMISSION OF DETERMINATIONS AND REPORTS IN CLASSIFIED FORM.

When the President considers it appropriate, determinations and reports to the Committee on International Relations of the House of Representatives and the Committee

on Foreign Relations of the Senate submitted under this title, or appropriate parts thereof, may be submitted in classified form.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURTHA. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GILMAN. Mr. Chairman, my amendment places Congress on record in support of the men and women in our Armed Forces as they proceed to dismantle the Taliban rule in Afghanistan and to restore peace and stability and security to that part of the world.

This amendment is based on a bill I introduced last month, entitled the Afghanistan Freedom Act of 2001, H.R. 3088. I was pleased to be joined in offering that measure by the gentleman from New York (Mr. ACKERMAN), the ranking Democratic member of the subcommittee that I chair, the Subcommittee on the Middle East and South Asia. Since we introduced that measure on October 11, we have been supported by a total of 81 cosponsors on both sides of the aisle.

We have worked with the Bush administration over the past month, particularly with the Department of Defense, to refine some of the language in order to maximize its usefulness to the administration in the current war on terrorism. My amendment incorporates those refinements, and I am assured that as currently written, my amendment enjoys the strong support of the administration and, particularly, the Department of Defense.

Essentially, Mr. Chairman, my amendment provides three important elements. First, it reaffirms and should be the policy of our Nation to promote the ultimate removal from power of the Taliban regime in Afghanistan so as to diminish the risk of any future terrorist attack in the United States; and second, it gives the administration an important drawdown authority to provide military assistance to antiTaliban resistance organizations in Afghanistan, as well as to any foreign countries and international organizations which are assisting in the U.S. military actions that Congress authorized in the wake of the September 11 attack on our Nation; and third, it requires periodic reports to the Congress regarding any violations of U.N. sanctions on armed sales and provisions of other assistance to the Taliban.

As we debate this measure, our Nation is fully engaged in the war against the Taliban. Our Defense Department has ensured me that the enactment of my amendment will significantly enhance the ability of our Nation to win both the war and the subsequent peace in Afghanistan. Accordingly, I urge my colleagues to provide this important tool to our President and to our armed forces by agreeing to this amendment.

POINT OF ORDER

Mr. MURTHA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MURTHA. Mr. Chairman, I insist on my point of order. The amendment by the gentleman from New York (Mr. GILMAN) violates clause 2 of rule XXI, the section on legislation of an appropriations bill.

The CHAIRMAN. Does the gentleman from New York (Mr. GILMAN) wish to be heard on the point of order?

Mr. GILMAN. Mr. Chairman, I regret that the ranking minority member has reserved on a point of order, and based on my respect for him, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

The CHAIRMAN. If there are no further amendments to this portion of the bill, the Clerk will continue to read.

The Clerk read as follows:

This division may be cited as the ''Department of Defense Appropriations Act, 2002''.

DIVISION B—FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Office of the Secretary'', $4,582,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Agriculture Buildings and Facilities and Rental Payments'', $2,875,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,635,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $8,175,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BUILDINGS AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Buildings and Facilities'', $14,081,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FOOD SAFETY AND INSPECTION SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Food Safety and Inspection Service'', $9,800,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Food and Drug Administration, Salaries and Expenses'', $104,350,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I ask unanimous consent to offer an amendment.

The CHAIRMAN. Is there objection to considering the amendment at this stage of the reading?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 138, strike line 10 and all that follows through page 194, line 7, and insert the following:

DIVISION B—FISCAL YEAR 2002 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

CHAPTER 1—DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for ''Office of the Secretary'', to respond to the September 11, 2001 terrorist attacks on the United States, $45,148,000, 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: *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, is transmitted by the President to the Congress.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', to respond to the September 11, 2001 terrorist attacks on the United States, $600,000, 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: *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, is transmitted by the President to the Congress.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for ''Food Safety and Inspection Service'', to respond to the September 11, 2001 terrorist attacks on the United States, $800,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES.

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $369,550,000, 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: *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, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For an additional amount for ''Commodity Futures Trading Commission'', to respond to the September 11, 2001 terrorist attacks on the United States, $6,495,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 2—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for ''Administrative Review and Appeals'', to respond to the September 11, 2001 terrorist attacks on the United States, $3,500,000, 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: *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, is transmitted by the President to the Congress.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', to respond to the September 11, 2001 terrorist attacks on the United States, $12,500,000, 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: *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, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', to respond to the September 11, 2001 terrorist attacks on the United States, $74,600,000, 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: *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, is transmitted by the President to the Congress.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for ''Salaries and Expenses, United States Marshals Service'', to respond to the September 11, 2001 terrorist attacks on the United States, $11,100,000, 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: *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, is transmitted by the President to the Congress.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $1,107,062,000, 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: *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, is transmitted by the President to the Congress.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $409,600,000, 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: *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, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for ''Construction'', to respond to the September 11, 2001 terrorist attacks on the United States, $128,149,000, 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: *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, is transmitted by the President to the Congress.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for ''Justice Assistance'', to respond to the September 11, 2001 terrorist attacks on the United States, $400,000,000, 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: *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, is transmitted by the President to the Congress.

For an additional amount for such purpose, $150,000,000, 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: *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, is transmitted by the President to the Congress.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', to respond to the September 11, 2001 terrorist attacks on the United States, $17,100,000, 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: *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, is transmitted by the President to the Congress.

CRIME VICTIMS FUND

For an additional amount for ''Crime Victims Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $68,100,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for ''Operations and Administration'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,969,000, 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: *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, is transmitted by the President to the Congress.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for ''Operations and Administration'', to respond to the September 11, 2001 terrorist attacks on the United States, $8,585,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the United States, $13,000,000, to remain available until expended: *Provided*, That, notwithstanding any other law, the matching requirement otherwise applicable to such grants shall not apply to the amounts made available under this heading: *Provided further*, 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: *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, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations, Research, and Facilities'', $750,000, 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: *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, is transmitted by the President to the Congress.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', to respond to the September 11, 2001 terrorist attacks on the United States, $14,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $13,386,000, 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: *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, is transmitted by the President to the Congress.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Care of the Building and Grounds'', $10,000,000, 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: *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, is transmitted by the President to the Congress.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $82,921,000, 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: *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, is transmitted by the President to the Congress.

COURT SECURITY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Court Security'', $90,700,000, to remain available until expended, of which $4,000,000 shall be available to reimburse the United States Marshalls Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service: *Provided further*, 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: *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, is transmitted by the President to the Congress.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $2,879,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', to respond to the September 11, 2001 terrorist attacks on the United States, $30,000,000, 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: *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, is transmitted by the President to the Congress.

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', to respond to the September 11, 2001 terrorist attacks on the United States, $9,200,000, 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: *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, is transmitted by the President to the Congress.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'', to respond

to the September 11, 2001 terrorist attacks on the United States, $10,000,000, 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: *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, is transmitted by the President to the Congress.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,301,000, 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: *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, is transmitted by the President to the Congress.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $20,705,000, 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: *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, is transmitted by the President to the Congress.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Disaster Loans Program Account'', $150,000,000, 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: *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, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001 terrorist attacks, (1) the term ''small business concern'' shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions; and (2) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001 terrorist attacks shall be increased to $10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

CHAPTER 3—DEPARTMENT OF DEFENSE, MILITARY

DEPARTMENT OF DEFENSE

MILITARY OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Emergency Response Fund'', $7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, as follows:

(1) For increased situational awareness, $1,735,000,000.

(2) For enhanced force protection, $742,911,000, of which $40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which $30,000,000 shall be transferred to ''Department of State, Nonproliferation, Anti-Terrorism, Demining, and Related Programs'' only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses.

(3) For improved command and control, $162,000,000.

(4) For increased worldwide posture, $2,801,000,000.

(5) For offensive counterterrorism, $769,000,000, of which $237,000,000 is for the Special Operations Command.

(6) For initial crisis response, $108,000,000.

(7) For the Pentagon Reservation Maintenance Revolving Fund, $925,000,000: *Provided*, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the ''Defense Emergency Response Fund'' (the ''Fund'') shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations Acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the ''Food and Forage Act'') for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations Acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided further*, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations Acts, including ''Support for International Sporting Competitions, Defense'': *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under section 2608(b) of title 10, United States Code, are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are 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 the Secretary of Defense shall report to the Congress quarterly all obligations made pursuant to this authority.

SEC. 303. (a) Amounts appropriated in this Act under the heading ''Support for International Sporting Competitions, Defense'' may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Paralympic Games, the term ''active duty'' as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 4—DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PROTECTIVE CLOTHING AND BREATHING APPARATUS

For a Federal payment to the District of Columbia for protective clothing and breathing apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For a Federal payment to the District of Columbia for specialized hazardous materials equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For a Federal payment to the District of Columbia for chemical and biological weapons preparedness, to remain available until expended, $10,354,415, of which $204,920 is the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PHARMACEUTICALS FOR RESPONDERS

For a Federal payment to the District of Columbia for pharmaceuticals for responders, to remain available until expended, $2,100,000, for the Department of Health: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For a Federal payment to the District of Columbia for additional vehicles and response capability, $8,324,500, of which $6,600,000 is for the Fire and Emergency Medical Services Department, $1,515,000 is for the Metropolitan Police Department, $112,500 is for the Department of Public Works Division of Transportation, $37,000 is for the Office of Property Management, and $60,000 is for the Department of Public Works: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For a Federal payment to the District of Columbia for search, rescue and other emergency equipment and support, $5,222,135, of which $3,413,022 is for the Metropolitan Police Department, $207,995 is for the Fire and Emergency Medical Services Department, $398,581 is for the Department of Consumer and Regulatory Affairs, $1,178,537 is for the Department of Public Works, and $24,000 is for the Department of Human Services: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR AUTOMATIC VEHICLE LOCATION SYSTEMS

For a Federal payment to the District of Columbia for automatic vehicle location systems, $16,150,000, of which $1,150,000 is for the Fire and Emergency Medical Services Department, and $15,000,000 is for the Washington Metropolitan Area Transit Authority: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For a Federal payment to the District of Columbia for equipment, supplies and vehicles for the office of the chief medical examiner, $1,780,000: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For a Federal payment to the District of Columbia for hospital containment facilities for the Department of Health, $8,000,000: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the District of Columbia for the Office of the Chief Technology Officer, $78,600,000, of which $46,200,000 is for a first response land-line and wireless interoperability project, and $32,400,000 is for a city-wide secure data center: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR EMERGENCY TRAFFIC MANAGEMENT

For a Federal payment to the District of Columbia for emergency traffic management, $52,900,000, of which $2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network project, and $50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers ($14,000,000), to establish a video traffic monitoring system ($4,700,000), to disseminate traffic information ($2,000,000), and to provide fiber optic backbone for traffic control and monitoring ($30,000,000): *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR TRAINING AND PLANNING

For a Federal payment to the District of Columbia for training and planning, $10,698,725, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $1,500,000 is for the Emergency Management Agency, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $468,725 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, and $100,000 is for the Department of Parks and Recreation: *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: *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, is transmitted by the President to the Congress.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR INCREASED SECURITY

For a Federal payment to the District of Columbia for increased security, $38,436,000, of which $3,900,000 for the Emergency Management Agency, $12,775,000 for the public schools, $3,961,000 for the Office of Property Management, and $17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security: *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: *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, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 401. Notwithstanding any other provision of law, all Federal payments to the District of Columbia under this chapter shall be apportioned quarterly by the Office of Management and Budget, and funds for the Washington Metropolitan Area Transit Authority shall be apportioned quarterly directly to such Authority.

SEC. 402. The Chief Financial Officer of the District of Columbia and the Chief Financial Officer of Washington Metropolitan Area Transit Authority shall provide quarterly reports to the President and the Committees on Appropriations on the use of the funds under this chapter beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

PROTECTIVE CLOTHING AND BREATHING APPARATUS

For protective clothing and breathing apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

SPECIALIZED HAZARDOUS MATERIALS EQUIPMENT

For specialized hazardous materials equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

CHEMICAL AND BIOLOGICAL WEAPONS PREPAREDNESS

For chemical and biological weapons preparedness, to remain available until expended, $10,354,415, of which $204,920 is the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health.

PHARMACEUTICALS FOR RESPONDERS

For pharmaceuticals for responders, to remain available until expended, $2,100,000, for the Department of Health.

ADDITIONAL VEHICLES AND RESPONSE CAPABILITY

For additional vehicles and response capability, $8,324,500, of which $6,600,000 is for the Fire and Emergency Medical Services Department, $1,515,000 is for the Metropolitan Police Department, $112,500 is for the Department of Public Works Division of Transportation, $37,000 is for the Office of Property Management, and $60,000 is for the Department of Public Works.

SEARCH, RESCUE AND OTHER EMERGENCY EQUIPMENT AND SUPPORT

For search, rescue and other emergency equipment and support, $5,222,135, of which $3,413,022 is for the Metropolitan Police Department, $207,995 is for the Fire and Emergency Medical Services Department, $398,581 is for the Department of Consumer and Regulatory Affairs, $1,178,537 is for the Department of Public Works, and $24,000 is for the Department of Human Services.

AUTOMATIC VEHICLE LOCATION SYSTEMS

For automatic vehicle location systems, $16,150,000, of which $1,150,000 is for the Fire and Emergency Medical Services Department, and $15,000,000 is for the Washington Metropolitan Area Transit Authority.

EQUIPMENT, SUPPLIES AND VEHICLES FOR THE OFFICE OF THE CHIEF MEDICAL EXAMINER

For equipment, supplies and vehicles for the Office of the Chief Medical Examiner, $1,780,000.

HOSPITAL CONTAINMENT FACILITIES FOR THE DEPARTMENT OF HEALTH

For hospital containment facilities for the Department of Health, $8,000,000.

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For the Office of the Chief Technology Officer, $78,600,000, of which $46,200,000 is for a first response land-line and wireless interoperability project, and $32,400,000 is for a city-wide secure data center.

EMERGENCY TRAFFIC MANAGEMENT

For emergency traffic management, $52,900,000, of which $2,200,000 is for the Washington Metropolitan Area Transit Authority for completion of the fiber optic network project, and $50,700,000 is for the Department of Public Works Division of Transportation to upgrade traffic light controllers ($14,000,000), to establish a video traffic monitoring system ($4,700,000), to disseminate traffic information ($2,000,000), and to provide fiber optic backbone for traffic control and monitoring ($30,000,000).

TRAINING AND PLANNING

For training and planning, $10,698,725, of which $4,400,000 is for the Fire and Emergency Medical Services Department, $990,000 is for the Metropolitan Police Department, $1,200,000 is for the Department of Health, $200,000 is for the Office of the Chief Medical Examiner, $1,500,000 is for the Emergency Management Agency, $500,000 is for the Office of Property Management, $500,000 is for the Department of Mental Health, $468,725 is for the Department of Consumer and Regulatory Affairs, $240,000 is for the Department of Public Works, $600,000 is for the Department of Human Services, and $100,000 is for the Department of Parks and Recreation.

INCREASED SECURITY

For increased security, $38,436,000, of which $3,900,000 for the Emergency Management Agency, $12,775,000 for the public schools, $3,961,000 for the Office of Property Management, and $17,800,000 for the Washington Metropolitan Area Transit Authority for employee and facility security.

CHAPTER 5—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation and Maintenance, General'', $267,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Water and Related Resources'', $70,259,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Weapons Activities'', $534,000,000, to remain available until expended: *Provided,* That, of such amount, $284,000,000 shall be only for increased security (including cyber-security) for the transportation and storage of United States nuclear weapons; and $250,000,000 shall be only for classified activities to improve physical

security: *Provided further*, 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: *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, is transmitted by the President to the Congress.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Defense Nuclear Nonproliferation'', $286,000,000, to remain available until expended: *Provided*, That, of such amount, $131,000,000 shall be only for increased physical security of nuclear weapons and materials at locations within the Newly Independent States of the former Soviet Union; $60,000,000 shall be only for increased physical security of nuclear reactors within the Newly Independent States of the former Soviet Union; and $95,000,000 shall be only for research and development for global terrorist weapons of mass destruction: *Provided further*, 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: *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, is transmitted by the President to the Congress.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Defense Environmental Restoration and Waste Management'', $65,200,000, 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: *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, is transmitted by the President to the Congress.

OTHER DEFENSE ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for ''Other Defense Activities'', $21,500,000, to remain available until expended: *Provided*, That, of such amount,$18,000,000 shall be only for intelligence activities: *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: *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, is transmitted by the President to the Congress.

CHAPTER 6—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', to respond to the September 11, 2001 terrorist attacks on the United States, $100,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', $30,000,000, to remain available until expended: *Provided*, That such funds shall be used for the Biological Weapons Redirect and International Science Centers programs: *Provided further*, 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: *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, is transmitted by the President to the Congress.

CHAPTER 7—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,500,000, 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: *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, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', to respond to the September 11, 2001 terrorist attacks on the United States, $3,000,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation of the National Park System'', $10,098,000, 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: *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, is transmitted by the President to the Congress.

UNITED STATES PARK POLICE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''United States Park Police'', $25,295,000, 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: *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, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Construction'', $75,560,000, 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: *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, is transmitted by the President to the Congress: *Provided further*, That the Secretary of the Interior shall take such actions as may be necessary to ensure that the security upgrades at national memorials, monuments, and other significant cultural sites that are funded by this Act are completed not later than December 31, 2002, except that the Secretary may not waive any regulatory or statutory requirements related to the environment, fair labor standards, or nondiscrimination: *Provided further*, That, notwithstanding any other provision of law, single but separate procurements for the construction of security improvements and an underground visitor screening facility at the Washington Monument, for security improvements at the Lincoln Memorial, and for security improvements at the Jefferson Memorial, may be issued that include the full scope of each project, except that each solicitation and contract shall contain the clause ''availability of funds'' found at section 52.232.18 of title 48, Code of Federal Regulations.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, for ''Salaries and Expenses'', $4,743,000, to remain available until expended, for safeguarding employees and visitors to the Department of the Interior main building complex from the heightened threat of terrorist attack: *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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

For an additional amount for ''Strategic Petroleum Reserve'', to respond to the September 11, 2001 terrorist attacks on the United States, $5,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for ''Indian Health Services'', to respond to the September 11, 2001 terrorist attacks on the United States, $850,000, 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: *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, is transmitted by the President to the Congress.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $21,707,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $2,148,000, 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: *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, is transmitted by the President to the Congress.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations and Maintenance'', $4,310,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $758,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 8—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the consequences of the September 11, 2001 terrorist attacks on the United States, for ''Training and Employment Services'', $2,000,000,000 shall be available for the period beginning on the date of enactment through the date ending 18 months after the date of enactment, for carrying out section 173 of the Workforce Investment Act: *Provided,* That these funds only may be used by States to provide employment and training assistance, including assistance in making COBRA continuation coverage payments, to dislocated workers affected by a plant closure, mass layoff, or multiple layoffs if the Governor certifies in the application for such grants that the attacks of September 11, 2001 contributed importantly to such plant closures, mass layoffs, and multiple layoffs: *Provided further,* That such funds may be used by the State to assist a participant in the program funded under such grants by paying up to 75 percent of the participants and any dependents contribution for COBRA continuation coverage of the participant and any dependents for a period not to exceed 10 months: *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: *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, is transmitted by the President to the Congress.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''State Unemployment Insurance and Employment Service Operations'', $4,100,000, 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: *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, is transmitted by the President to the Congress.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,600,000, 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: *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, is transmitted by the President to the Congress.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $5,880,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for ''Public Health and Social Services Emergency Fund'', $2,752,650,000, to remain available until expended: *Provided*, That, of such amount $1,262,000,000 shall be distributed as follows: $920,000,000 for the Centers for Disease Control and Prevention, of which up to $85,000,000 shall remain available until expended for equipment and construction of facilities; $115,000,000 for the National Institute of Allergy and Infectious Diseases; $160,000,000 for the National Institutes of Health, Buildings and Facilities, which shall remain available until expended; $15,000,000 for the Health Resources and Services Administration; $12,000,000 for the Office of Emergency Preparedness; and $40,000,000 for the Substance Abuse and Mental Health Services Administration: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for ''School Improvement Programs'', $110,000,000, to remain available until expended: *Provided*, That, of such amount, $10,000,000 shall be to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program: *Provided further*, That, of such amount, $100,000,000, shall be for carrying out activities authorized under subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965: *Provided further*, That, notwithstanding any other provision of law, the funds referred to in the second proviso shall be used to provide grants to local educational agencies and institutions of higher education for the purpose of implementing, coordinating, and improving emergency response plans with local law enforcement, public safety, health, and mental health agencies; training school personnel, students, and parents in emergency response procedures; implementing security measures for high-risk areas and facilities; and purchasing, installing, and upgrading security equipment and technology: *Provided further*, That the funds referred to in the second proviso shall be made available only to local educational agencies and institutions of higher education that demonstrate a need for financial assistance and a lack of resources to implement emergency preparedness and security improvements: *Provided further*, 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: *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, is transmitted by the President to the Congress.

HIGHER EDUCATION

For an additional amount for ''Higher Education'' for emergency expenses for carrying out activities authorized by title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961, $20,000,000, to remain available through September 30, 2002: *Provided*, That, notwithstanding any other provision of law, funds made available in this Act and in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, to carry out title VI of the Higher Education Act of 1965 and the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to U.S. national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $180,000, 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: *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, is transmitted by the President to the Congress.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Limitation on Administrative Expenses'', $7,500,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 9—LEGISLATIVE BRANCH

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, $256,081,000 to remain available until expended: *Provided*, That $34,500,000 shall be transferred to ''SENATE—Sergeant at Arms and Doorkeeper of the Senate'' and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That $40,712,000 shall be transferred to ''HOUSE OF REPRESENTATIVES—Salaries and Expenses'' and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That $1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of $179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107–38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate: *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: *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, is transmitted by the President to the Congress.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 901. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action

necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking ''The Capitol Police'' and inserting ''(a) The Capitol Police''; and

(B) by adding at the end the following new subsection:

''(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.''.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 902. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 903. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 904. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking ''but not to exceed'' and all that follows and inserting the following: ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 905. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 906. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

''(c)(1) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

''(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 907. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 908. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 909. (a) Section 1 of Public Law 93–180 (40 U.S.C. 166d) is amended—

(1) by striking ''secure, through rental, lease, or other appropriate agreement, storage space'' and inserting ''acquire, through purchase, lease, or other appropriate arrangement, property or space'';

(2) by inserting ''the United States Capitol Police,'' after ''Representatives,''; and

(3) by striking ''as such Commission and committee may authorize'' and inserting ''as the Architect deems reasonable and appropriate''.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 910. (a) Public Law 107–68 is amended in the item relating to ''ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER''—

(1) by striking ''unassigned space in the'';

(2) by striking ''for House space''; and

(3) by striking ''for Senate space''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 911. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

''(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 912. (a) Public Law 107–68 is amended by adding at the end the following:

''This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

CHAPTER 10—DEPARTMENT OF DEFENSE, MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Military Construction, Army'', $195,479,500, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $10,804,500 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, 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: *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, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'' for activities in support of anti-terrorism efforts and force protection, $131,217,400, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $7,427,400 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, 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: *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, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Military Construction, Air Force'', $68,069,680, for activities in support of anti-terrorism efforts and force protection, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $1,441,680 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, 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: *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, is transmitted by the President to the Congress.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-wide'' for activities in support of anti-terrorism efforts and force protection, $482,014,860, to remain available until September 30, 2006: *Provided*, That, notwithstanding any other provision of law, such funds may be obligated or expended for military construction projects not otherwise authorized by law: *Provided further*, That, of this amount, not to exceed $27,283,860 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of his determination and the reasons therefor: *Provided further*, 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: *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, is transmitted by the President to the Congress.

GENERAL PROVISIONS

SEC. 1001. The Secretary of Defense may transfer to the Defense Emergency Response Fund amounts appropriated in Military Construction Appropriations Acts if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code, and the Secretary of Defense shall also comply with the notification requirements of section 2808(b) of such title when a decision is made to undertake a military construction project using amounts appropriated or transferred to the Fund. Under this transfer authority, the Secretary shall provide an accompanying form 1391 to the appropriate committees of Congress.

SEC. 1002. Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism. The Secretary shall provide prior notification of each project and an accompanying form 1391 to the appropriate committees of Congress.

CHAPTER 11—DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $458,000, 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: *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, is transmitted by the President to the Congress.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for the establishment and operations of the Transportation Security Administration, $15,000,000, to remain available until expended: *Provided*, That the obligation of funds under this heading shall be subject to the enactment of legislation authorizing the establishment of such Administration: *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: *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, is transmitted by the President to the Congress.

AIRCRAFT PASSENGER AND BAGGAGE SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities 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 September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, $1,000,000,000, to remain available until expended: *Provided*, That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing (1) the conduct of such activities, whether by contract, grant, or direct Federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities;

and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further*, That the sum herein appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

OVER-THE-ROAD BUS AND PASSENGER RAIL SECURITY GRANT PROGRAM

For the Secretary of Transportation to award grants competitively to passenger rail and over-the-road bus operators to finance the costs of enhancing the security of their facilities and operations, $200,000,000, to remain available until expended: *Provided*, That not less than $125,000,000 of such amount shall be awarded to the National Railroad Passenger Corporation: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

PORT SECURITY GRANTS

For the Secretary of Transportation to award grants competitively to critical national seaports to finance the costs of enhancing facility and operational security, $200,000,000, 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: *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, is transmitted by the President to the Congress.

COAST GUARD

OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operating Expenses'', $368,356,000, 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: *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, is transmitted by the President to the Congress.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operations'', $291,500,000, to be derived from the Airport and Airway Trust Fund and 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: *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, is transmitted by the President to the Congress.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Facilities and Equipment'', $480,000,000, to be derived from the Airport and Airway Trust Fund and 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: *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, is transmitted by the President to the Congress.

AIRPORT OPERATOR SECURITY COSTS

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for ''Airport Operator Security Costs'', $200,000,000, to remain available until expended: *Provided*, That funds under this heading are only available for the Administrator of the Federal Aviation Administration to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed by the Federal Aviation Administration on or after September 11, 2001: *Provided further*, That within 30 days of enactment of this Act, the Administrator, after consultation with airport operators, shall publish in the Federal Register the administrative procedures by which airport operators may file claims for reimbursement, including written justification required to support such claim: *Provided further*, That the amount of compensation payable to an airport operator may not exceed the amount of costs that the airport operator demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data, that the airport operator incurred as a direct result of security activities beginning on or after September 11, 2001: *Provided further*, That in establishing criteria for obligating funds under this heading, the Administrator shall give special consideration to any commercial service airport which was closed for an unusually long period of time due to security concerns arising from the terrorist attacks of September 11, 2001.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Emergency Relief Program'', as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and 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: *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, is transmitted by the President to the Congress.

FEDERAL-AID HIGHWAYS

INTELLIGENT TRANSPORTATION SYSTEMS

(HIGHWAY TRUST FUND)

For an additional amount for ''Intelligent Transportation Systems'', to respond to the September 11, 2001 terrorist attacks on the United States, $20,000,000, to be derived from the Highway Trust Fund and 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: *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, is transmitted by the President to the Congress.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Safety and Operations'', $6,000,000, 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: *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, is transmitted by the President to the Congress.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Formula Grants'', $39,500,000, 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: *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, is transmitted by the President to the Congress.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Research and Special Programs'', $2,500,000, 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: *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, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $465,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 12—TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $2,032,000, 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: *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, is transmitted by the President to the Congress.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $1,700,000, 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: *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, is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $23,231,000, 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: *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, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Acquisition, Construction, Improvements, and Related Expenses'', $8,500,000, to remain available until expended: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416): *Provided further*, 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: *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, is transmitted by the President to the Congress.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $600,000, 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: *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, is transmitted by the President to the Congress.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $31,431,000, 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: *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, is transmitted by the President to the Congress.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $448,026,000, 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: *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, is transmitted by the President to the Congress.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Operation, Maintenance and Procurement, Air and Marine Interdiction Programs'', $6,700,000, 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: *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, is transmitted by the President to the Congress.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Processing, Assistance and Management'', $16,658,000, 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: *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, is transmitted by the President to the Congress.

TAX LAW ENFORCEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Tax Law Enforcement'', $4,544,000, 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: *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, is transmitted by the President to the Congress.

INFORMATION SYSTEMS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Information Systems'', $2,443,000, 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: *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, is transmitted by the President to the Congress.

BUSINESS SYSTEMS MODERNIZATION

For an additional amount for ''Business Systems Modernization'', to respond to the September 11, 2001 terrorist attacks on the United States, $13,548,000, to remain available until expended, for systems backup: *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: *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, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on

the United States, for ''Salaries and Expenses'', $104,769,000, 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: *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, is transmitted by the President to the Congress.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for ''Payment to the Postal Service Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $510,500,000, 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: *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, is transmitted by the President to the Congress: *Provided further,* That, of such amount, $500,000,000 shall not be available for obligation until the Postal Service submits to the Committees on Appropriations, and the Committee on Government Reform of the House of Representatives, a comprehensive plan to combat the threat of dangerous biological substances in the mail.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States and to ensure the continuity of support and services to the President and Vice President of the United States, $50,040,000, 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: *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, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Federal Buildings Fund'', $200,500,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', to respond to the September 11, 2001 terrorist attacks on the United States, $4,818,000, to remain available until expended, for enhanced security services: *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: *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, is transmitted by the President to the Congress.

REPAIRS AND RESTORATION

For an additional amount for ''Repairs and Restoration'', to respond to the September 11, 2001 terrorist attacks on the United States, $2,180,000, to remain available until expended, for construction of enhanced security features: *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: *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, is transmitted by the President to the Congress.

CHAPTER 13—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

GENERAL OPERATING EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''General Operating Expenses'', $2,000,000, 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: *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, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Office of Inspector General'', $1,000,000, 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: *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, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Science and Technology'', $10,000,000, 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: *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, is transmitted by the President to the Congress.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Environmental Programs and Management'', $270,700,000, 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: *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, is transmitted by the President to the Congress.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Hazardous Substance Superfund'', $11,800,000, 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: *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, is transmitted by the President to the Congress.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for ''State and Tribal Assistance Grants'', $5,000,000, 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: *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, is transmitted by the President to the Congress.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Disaster Relief'', $4,900,000,000, 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: *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, is transmitted by the President to the Congress.

SALARIES AND EXPENSES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Salaries and Expenses'', $30,000,000, to remain available until expended: *Provided*, That, of such amount, not less than $10,000,000 shall be for the National Security Division: *Provided further*, 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: *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, is transmitted by the President to the Congress.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Emergency Management Planning and Assistance'', $185,000,000, to remain available until expended: *Provided*, That, of such amount, $35,000,000 shall be for to provide for grants to States and localities for first responder training and equipment to respond to terrorism, including incidents involving chemical and biological weapons, of which not less than $10,000,000 shall be for support of the 2002 Winter Olympics: *Provided further*, That, of such amount, $150,000,000 shall be for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229): *Provided further*, 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: *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, is transmitted by the President to the Congress.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Human Space Flight'', $81,000,000, 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: *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, is transmitted by the President to the Congress.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Science, Aeronautics and Technology'', $36,500,000, 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: *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, is transmitted by the President to the Congress.

OFFICE OF INSPECTOR GENERAL

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Office of Inspector General'', $3,000,000, 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: *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, is transmitted by the President to the Congress.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for ''Research and Related Activities'', $300,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 14—GENERAL PROVISIONS

SEC. 1401. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

This division may be cited as the ''Emergency Supplemental Act, 2002''.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 90 minutes, to be equally divided and controlled by the proponent, the gentleman from Wisconsin (Mr. OBEY), and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will control 45 minutes.

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

Mr. OBEY. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, what we have done at this point in the bill, and I sense a little confusion around here, what we have done is to conclude the core defense appropriation bill for the coming year. We are now moving on to the supplemental title, which deals with funding for many of the activities that were promised after the events of September 11.

I want to say with respect to the proposal that is before us that there is no real difference between the minority and the majority on the items that are at present in the bill, as added by the committee.

What the committee did, and let me back up and speak very frankly, when the chairman, the gentleman from Florida (Mr. YOUNG), and I were trying to consider what other actions might be necessary to combat terrorism, in addition to those that were funded or that were going to be funded in the original $20 billion that was left over from the earlier agreement, his staff and mine began to work on a common list of actions that ought to be taken in order to protect our homeland.

About halfway through that process, after we had expected to come to the floor and come to the committee with a bipartisan recommendation, as we all know, the White House decided that they were going to draw a line in the sand and that they were going to veto any bill which spent one dime more than they had requested for homeland security.

So at that point, the chairman had some tough choices to make. I do not quarrel with any of the choices that he made, because he was being forced to operate within an artificial ceiling.

But in my view, when I go home to my district and walk down Main Street in any significant town in my district and ask people what their priorities are, they put homeland security before many other expenditures in the budget. They put homeland security ahead of tax cuts. They put homeland security ahead of retroactively repealing the corporate minimum tax. They feel that the very first thing we need to do is to make certain that, to the greatest extent possible, we protect the safety of each and every American.

So while I have no criticism whatsoever of the job that the chairmen of the various subcommittees did in working within the limits that were imposed on them, I feel those limits are ill-advised, shortsighted, and downright dangerous. That is why this amendment is before the House today.

Mr. Chairman, this amendment is the amendment that we took to the Committee on Rules. It has not changed one comma, and I want to go through and describe briefly what it does, since we now have more time.

If we take a look at the major problems facing us in the area of

counterterrorism, we first of all are trying to add $322 million to upgrade State and local health departments and hospitals, so that the next time there is an anthrax attack or a smallpox attack or an attack of any kind, that our local and State public health authorities are prepared, ready, and equipped to deal with it.

Right now, the sad truth is that in most communities in this country they are not sufficiently prepared to meet that kind of unexpected threat.

We also would expand funding to create additional biosafety laboratories at NIH and Fort Detrick. We only have three level 4 biohazard labs in the entire country. They are heavily taxed right now just dealing with the anthrax scare. They processed some 10 times as many samples over a 1-month period as they normally process in a year. We badly need additional national facilities to handle this potential threat.

We wanted to provide $500 million as a downpayment on the $3 billion that the post office believes it is going to need to provide systems to sanitize future mail, so that we do not have to, on a daily basis, worry the way the country has had to worry the last 2 months.

Airport and airline safety. We have mandated about $500 million in safety enforcement and upgrades at local airports around the country, but we are providing very little money to help them. We are asking in this amendment that $200 million be provided for that purpose.

We are seeking to add $250 million more for cockpit door security, because the committee made the decision to add to the President's request for the number of sky marshals, but they paid for it by cutting the President's request on cockpit security.

I do not criticize that choice. If I had to choose between the two, I would have made precisely the same choice as made by the majority, but I do not believe that we should have to choose between those two. I think that both are urgently needed, and we would provide the additional funding for that.

We want to help the FBI upgrade its computer capacity, because right now they have a large number of computers that cannot even do pictures. When we are trying to get to the FBI agents all around the country the pictures of the fellows we are worried about who might be future terrorists, it would be kind of nice if the FBI computer system could accomplish that. It cannot right now, to the full extent that it needs to. We would provide money to fix that so that their new computer system would be online by next spring, rather than having to wait until 2004.

We provide a wide variety of other law enforcement additions as well.

Then we get to the question of weapons of mass destruction. We are trying to add $191 million to try to secure weapons-grade nuclear material within the former Soviet Union, material which on 13 different occasions has fallen into the wrong hands and has been recovered. We do not know how many times that material has fallen into the wrong hands and has not been recovered. So we attempt to deal with that.

We also attempt to deal with some grave national security threats at nuclear weapons-producing plants around the country. That is a high-priority item.

We try to add 790 additional Customs agents for the Canadian border, so we do not have a sieve instead of a systematic screening at that border.

We are trying to provide also additional port security by providing an additional 640 Coast Guard positions for a fully annualized basis, rather than the 6 months that we now have in the bill.

We are trying to provide 800 additional Customs Service agents for cargo inspections, because we only inspect 2 percent of the cargo containers that are found in ships that dock at American ports.

Secretary Thompson indicated that what worried him most of all was the fact that only 1 percent of our food supply, of the food supply that we import, is inspected. We are trying to raise that to 10 percent. I do not think that is an outlandish request.

Then we are trying to take other actions to provide security upgrades for our community water systems around the country, and also trying to enhance the ability of the government to find, hire, and train people in Arabic, Farsi, Pashto, and a number of other languages for which our capacity right now is totally inadequate.

So that is a brief description of what this amendment does, with one further addition. It has been said by OMB, the White House budget office, that this represents runaway spending. That is absolute nonsense. I would like to read one sentence in the bill:

''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 is transmitted by the President to the Congress.''

What does that mean in plain English? It means that for every single line item in this bill, even though we make it available to the President so that it is there if he needs it in his holster, even though we make it available, he does not have to spend it unless he designates it as an emergency. So if in his judgment it is not an emergency, he still can prevent that money from being spent.

I am not comfortable with that, but that is a concession we made to the White House to try to work out a bipartisan approach. I am flabbergasted and appalled that we would even be having this dispute, because what I think should have happened is that instead of summarily rejecting what we wanted to do in this package before they saw word one of what it was we were trying to do, what they would have done had they had some grace, they would have sat down with us and said, ''What is it that you are talking about that you want to do,'' and, ''Where can we agree and where can we disagree?''

□ 1515

Instead, they simply decided sight unseen: ''No more, cannot afford it.'' Well, it seems to me that that is a horrendous mistake. And I think public opinion by a wide margin would want us to provide these added protections that we seek to provide in this amendment.

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

The CHAIRMAN. It is the understanding of the Chair that the gentleman from Florida (Mr. YOUNG) would like to continue his reservation of a point of order through the period of controlled debate.

The gentleman from Florida (Mr. YOUNG) controls 45 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I do continue to reserve the point of order on the amendment.

Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, what we are dealing with now is the second tier of the defense appropriations bill. We have completed consideration of the basic bill. We are now dealing with the $20 billion supplemental that is attached to the defense appropriations bill.

I want to give just a real quick review of where we are and why we are here. Right after the terrorist attacks on September 11, we realized that there was going to be some funding needed immediately to respond to the attacks.

The gentleman from Wisconsin (Mr. OBEY) and I sat down together, and we began to work on what we thought would be an appropriate response by the Congress in the form of a supplemental appropriations bill. And we agreed to a $20 billion supplemental appropriations bill, and we had worked out most of the details. We were, in fact, sitting with our counterparts in the Senate, Senator BYRD and Senator STEVENS, when the news flash came that the President had agreed to add an additional $20 billion to help recovery in New York City. We were very supportive of that.

We understand that, after the terrible terrorist attacks on the World Trade Center in New York, we are all New Yorkers and we all have an obligation to respond as quickly as we can. So we produced that $40 billion supplemental appropriations bill. The President was able to direct the first $10 billion of that supplemental anywhere he wished, to respond to the attacks and to begin the effort to prevent them from happening again.

For the second $10 billion, the President had flexibility in how to use that $10 billion; but we required that he consult with the Committee on Appropriations of the House and the Senate 15

days prior to allocating those funds. So the first $20 billion is spoken for.

We made the second $20 billion of the $40 billion in that law subject to the appropriations process. And so, Mr. Chairman, that is why we are here today. We are presenting the appropriations recommendations for that $20 billion figure.

Now, the $20 billion figure includes pretty much what President Bush had asked for. We had worked with him. We worked with our subcommittees, and we made some changes in the $20 billion package; and the President did not object to those changes. So we think we have a good package here. However, there are many who believe, and Mr. Chairman, I am one of them, that before this is over, as the President has said repeatedly, this is going to be a long, drawn-out affair to seek out the terrorists, to destroy al Qaeda's ability to launch terrorist attacks against the United States or our interests wherever they might be.

The military operation is going very successfully. I commend General Franks and all of those officers and men who have worked under him in this combat situation. They have done a really good job. It has been very methodical, and it has been very precise. They have done a really good job. The operation is moving along very well. We are not sure how much longer it might take. We are using a lot of munitions. We are spending a lot of money on that military operation.

But in addition to that, Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) and I have visited at the FBI, at their Intelligence and Operations Center; and we recognize, as the President has said, this is not an issue isolated to Afghanistan. We have located, and when I say ''we,'' I am talking about the American Government, the FBI, the CIA, all of our law enforcement agencies, some of which we will not mention here, that have done a really good job in identifying terrorist cells scattered all over the world. It is going to be a long, drawn-out process to eliminate the ability of terrorists to attack America again.

It is essential that we do not have any more World Trade Center-type attacks; that we do not have any more attacks on military installations like our Defense Department at the Pentagon just across the river here from the Capitol. So it is important that we disrupt totally the ability of any terrorist organizations to conduct terrorist activities against the United States.

We want our people to go back to being able to live without fear. Americans should not live in fear. And we have to do everything possible to guarantee that Americans do not live in fear. We do not want our buildings or our properties attacked by terrorists. So, again, we have to disrupt their ability to do that.

Now, I bring up this little bit of history because I do not know, and I do not think anybody can tell us today, what the final cost of that overall effort is going to be. As I said earlier, I tend to be one of those who believe it is going to be more than the $20 billion that we have already appropriated as an emergency supplemental. The President, I think, agrees with that; and I think he understands that there will be more needed for the military.

We are using up munitions at a large rate and in some cases getting dangerously low. We are using a lot of fuel. We are putting a lot of wear and tear on our aircraft and our ships and all of our military equipment. So the military, the Defense Department, will need additional funding in order to not only maintain this military operation but to recover from it so that we do not let our forces and our guard down.

In addition, the FBI has serious needs. The Border Patrol has serious needs. We have to protect our borders. We have to make sure that we stop the terrorists from coming into our country.

Our public health systems all need support, whether it is for protection against anthrax, small pox, or whatever might be used as a terrorist weapon. We must be prepared, first of all, to prevent it, but, second, to deal with it if it should happen.

Again, I say I do not know what the cost is going to be ultimately, and I do not think anyone else does today, including the President of the United States. I think he has done an extraordinary job in seeking out the terrorists and bringing punishment upon those who created this terrorist attack on the United States on September 11, and in pursuing al Qaeda and their fellow terrorists around the world. The President has said today, let us stay with the $40 billion total.

That is a lot of money; there is no doubt about that. There is a lot of money in the pipeline already for the $40 billion, and the President has said that when we reach the point that we need additional funding, that he, the President, will immediately ask for a supplemental appropriations bill from the Congress.

The Speaker of the House, in many meetings and many consultations, has told me that he supports the President's position and that he will, in fact, allow us to move a supplemental appropriations bill quickly when the time comes, if that need is identified.

I have made this commitment, and I will make it again here today, that once the supplemental request is identified, I will move, as chairman of the Committee on Appropriations, that supplemental request in conjunction with my friend, the gentleman from Wisconsin (Mr. OBEY). We will move that supplemental appropriations bill quickly through this House, and our colleagues in the Senate have agreed that they would do the same.

So what I am suggesting today is that we cannot support today any amendment that goes above the $20 billion. But we will move immediately for a supplemental with the President's support and the Speaker's support when the time comes that we do identify a need that must be taken care of.

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

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes and simply make two points in response to the gentleman's comment.

The issue is, should we provide this money now or should we wait until the administration decides at a later date that it might be necessary? I think strengthening inspections on the Canadian border is something that should happen now, not later. I think that port security personnel should occur now. I think that upgrading computers at the FBI ought to occur now, not 6 or 8 months from now. I think that providing additional security for a number of classified facilities around the country that have severe security lapses ought to be corrected now, not later.

The problem with the supplemental is that we have no guarantee that it will not take months to get through. We can try to push it through this House very quickly. That is no guarantee it will go quickly in the other body.

Secondly, if you do it on a supplemental, it will cost more. I have never in my life seen a supplemental pass through the Senate where we were able to get a Senator to vote for it by taking something out. Almost always they want to add something; and in the end, especially in an election year, the costs rise.

So it seems to me the most fiscally disciplined way to proceed is the way we have outlined in this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time.

I rise in support of the Obey amendment. Here is the issue. Partially preparing for a bioterrorist attack is about the same as not preparing at all. Bioterrorism preparedness is not preparedness without adequate funding.

The majority and the administration have fallen far short of achieving this goal. For example, the demands on the Centers for Disease Control and its partners, State and local public health departments, have never been greater. This week, CDC released a plan to respond to a smallpox attack relying heavily, heavily on local and State health departments; but public health facilities, more often than not, do not have the capacity today to implement that plan.

Current funding levels cannot guarantee or even partially guarantee preparedness for health departments. We can stockpile vaccines and antibiotics; but without people on the ground to quickly identify and quickly respond to threats, we simply are not prepared.

I want to remind my colleagues that stockpiling and distributing antibiotics will only be a useful strategy

against bioterrorism if the underlying strengths of these antibiotics is ensured and maintained.

Monitoring antibiotic resistance must be part of our national strategy. During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. Physicians tell us this use of antibiotics is appropriate, but thousands of other Americans have sought prescriptions for Cipro without any indication of need or risk of infection.

If the U.S. and the rest of the world begin using antibiotics like Cipro, without any indication of need or even a risk of infections, if that happens, these drugs will lose their effectiveness. When facing lethal diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the deaths, literally, of thousands of individuals.

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. We must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, monitor the effectiveness of existing treatments over time; and that takes money, the money the administration and the majority have refused to allocate.

As the gentleman from Wisconsin (Mr. OBEY) said, ensuring the safety of imported foods was important before September 11, but more important now. Americans would be astounded to know that the FDA is able to inspect only seven-tenths of 1 percent of all the food that comes into this country. That is one out of 140 crates of broccoli; one out of 140 crates of fruit; one out of 140 boxes of any imported food.

The FDA says to Congress it wants to ensure the safety of the food, but the money is not there without the Obey amendment. The events of September 11 require us to do more. Secretary Thompson a month ago said, ''Am I satisfied with the inspection we are doing? No, I am more fearful about this than anything else,'' he says. He wants to get to a level of 10 percent inspection on imports, which would cost $300 million.

The gentleman from Wisconsin (Mr. OBEY's) amendment allocates that $300 million. Vote for the Obey amendment.

□ 1530

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

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

Mr. KIRK. Mr. Chairman, I rise to speak to issues regarding the Great Lakes dental facility activity and the need for the high-speed anti-radiation missile.

Mr. Chairman, the Great Lakes facility, in my district, is home to the military dental research program, a joint venture of the Navy and Army. In fiscal year 2001, the Congress provided $4 million for this program. The research done at this laboratory is unique and not duplicated by any other federal or civilian research program. It focuses on keeping our nation's troops orally healthy and prepared for active duty at all times.

Because of funding provided by Congress and your Committee, the dental researchers have been able to develop: a combat face shield to prevent head and neck casualties; dental materials which can be used in harsh military environments; and an anti-plaque agent to prevent dental diseases during military deployments.

Recent figures from Bosnia showed that there was a dental emergency rate of 15.6 percent for deployed personnel. A dental emergency is when active duty personnel are out of action due to an oral condition. Evacuating soldiers because of severe oral conditions can be very expensive . . . costing thousands of dollars. Therefore, the researchers' goal is to keep the troops in good oral health and to perform treatment on site. Research underway today is also focusing on trying to prevent such emergencies from happening. They hope to more accurately identify patients at high risk and prevent dental emergencies before they undermine troop readiness.

It is my understanding, that with sufficient funding the saliva test for anthrax could be successfully developed and delivered within 6 months. However, the administration requested no funding for this program, and the Committee was unable to provide funding for this program in its fiscal year 2002 recommendations. Without Congressional funding, this research will be discontinued. Therefore, I hope that when we go to conference on this bill, that we will be able to find sufficient funding to continue this program and its valuable research.

I want to applaud the Committee on Appropriations for an important recommendation which will lead to a significant upgrade in our military's ability to destroy enemy air defenses. The Committee has included $33.6 million for the Advanced Anti-Radiation Guided Missile program in order to continue the upgrade of the HARM missile guidance system.

As my colleagues know and all Americans have come to appreciate over the last decade, suppressing air defenses is often the first task of our combined air forces when the U.S. undertakes a military action. This was true in Desert Storm, true in Kosovo, and has been proven true again in the skies over Afghanistan.

Suppression of these defenses starts with eliminating the surface-to-air missile threat. Our principal weapon to accomplish this critical task is the HARM missile. Yet HARM technology is two decades old. To guide the missile to a target radar, that radar must continue operating throughout the flight of the HARM missile. The guidance system cannot adjust adequately if the radar is turned off. Our adversaries have had many years to learn of such deficiencies, and without question have learned to capitalize on them by limiting the duration of a radar beam and relying on alternate tracking capabilities.

In the Kosovo air campaign, approximately 1000 HARM weapons were fired, resulting in the destruction of only a handful of targets. The cost per kill was unacceptably high—over $80 million per target.

Fortunately, the Navy is currently developing a new seeker, the AARGM, which will replace the existing HARM guidance system. The program has achieved success thus far in three tests at the Navy's China Lake test center in California. On August 29, after the third test, the Navy announced that the test missile ''successfully identified, tracked, and guided to the simulated air defense radar target and impacted within the lethal radius of the HARM warhead. All test objectives were achieved. With this success, the evolution of the HARM weapon system from a SEAD, Suppression of Enemy Air Defenses, to a DEAD, Destruction of Enemy Air Defenses, weapon continues on a successful path.''

Mr Chairman, as a Naval Reserve Officer leading a team of intelligence personnel in EA–6B Prowler electronic attack aircraft over northern Iraq and Yugoslavia, I have witnessed first hand the shortcomings of our existing capability to suppress enemy air defense. I judge the effort to upgrade this capability to be vital to our national security.

Frankly, upgrading the HARM seeker should only be the first step. We also need to move forward rapidly to replace the HARM system in its entirety. But AARGM is an excellent interim measure, and I urge the Committee to support this item in conference to provide greater protection for our air assets and personnel.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentleman's amendment. We want to thank the gentleman for his commitment and strong support for these programs, but the body ought to know we have adequately funded these agencies.

After 9–11, we asked every agency that came before our subcommittee to come in and tell us what the needs are based on what took place with regard to 9–11. The INS has been increased by $1.1 billion over last year. In the regular bill we have funded 570 additional Border Patrol agents and 348 additional land border inspectors. The INS, in the regular bill, was funded for a total of $5.6 billion and, in addition to the regular bill, we are providing $409 million for INS through the supplemental. That is an increase over last year over $1.1 billion.

With regard to the FBI, the FBI was funded for a total of $3.5 billion in the regular bill, and in addition we are providing $540 million for the FBI in the emergency supplemental. That is an increase this year over last year to the FBI of $800 million. So the needs have been met.

The subcommittee and the staff sat down with FBI, DEA, all of these agencies, and the budgets were dramatically changed based on what took place on September 11. And then, in addition to that, the supplemental adds on and reflects what took place. So because of

that, I do not support the amendment and urge its defeat.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I am pleased to rise today in support of the Obey amendment to Division B of this bill.

As we all know, the needs that were so horribly exposed on September 11 will not be met with the $20 billion contained in this bill. We in Congress will be providing additional resources for the critical national needs of recovery, defense, and homeland security for a long time to come. I believe the amendment by the gentleman from Wisconsin gets us a little ahead of the curve by providing contingent emergency appropriations.

We make sure the President has resources he needs when he needs them. But the funds cannot be spent unless the President formally designates them emergencies, assuring that this amendment will not trigger uncontrolled spending.

In particular, I want to discuss the parts of the amendment that are in the jurisdiction of the Subcommittee on Commerce, Justice, State and Judiciary, of which I am the ranking Democrat. Now, I am pleased that the chairman of the subcommittee, who just spoke, and I were able to do much better for the agencies than in past years. But even Chairman WOLF would have to admit that those agencies have come back to us and said that they need further assistance, and that is what the Obey amendment intends to do.

Now, Chairman YOUNG also did a wonderful job in trying to meet the needs in this bill. The chairman's package includes $400 million for counterterrorism grants to States and local first responders, and he also puts in money to create Radio Free Afghanistan. The supplemental, however, does not speak to the issues that the gentleman from Wisconsin (Mr. OBEY) speaks to. And what I would like to do is simply remind my colleagues the Obey amendment contains an additional $569 million for the FBI, so that they can continue their investigation; $128 million for construction needs for the INS; and $150 million, of up to $400 million already in the bill, for the Justice, State and local counterterrorism first responder grants.

In other words, what we are trying to do here today is, first, pay respect to the fact that Chairman YOUNG and the appropriators have come together and put together a bill that deals with a lot of these issues, but in doing so left out a lot that needs to be done. This is a very crucial time we are dealing with, this is a very difficult time, and the Obey amendment should be supported.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I will not use all the time, but I rise to express to the body my deep appreciation for the work of my chairman, the gentleman from Florida (Mr. YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), in this entire matter.

As many of my colleagues know, our Subcommittee on Defense had come together to mark up the base bill of $317 billion on the very morning of September 11, only to adjourn our meeting for obvious reasons. All of us recognized that America was faced with a new challenge like we had never faced in our own lifetimes. And indeed, since that time, the chairman and the ranking member, those people who are involved in defense appropriations, have worked hand in hand to try to make sure that we laid the foundation to be certain there was enough funding available to see us through these very difficult months ahead.

As the chairman has suggested, and the ranking member knows as well, this could be a very, very long struggle. The challenge is real, and all of us are committed to winning this war against terrorism. If it should go forward well beyond the few months ahead of us, there will absolutely be a need for additional funding. I intend to give all of my personal effort to making certain that adequate funding is available. If we need to come back in January, we will come back in January. If we need to come back in March with a supplemental, we will come back in March.

But, indeed, at this point in time, I have to support the position of my chairman that we should not go beyond the $40 billion because of all the reasons that have been outlined here.

First, we need to get a handle on what we can best estimate the costs are, and then one step at a time. The public, as well as the Congress, can be assured we are not going to fail because of lack of appropriations to fight this war.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who does not have a vote in this House but who should have.

Ms. NORTON. I thank the gentleman for yielding me this time and for his generous words, and I rise in strong support of the Obey amendment in its entirety.

Do my colleagues know what had to be done to get in the Obey amendment? There had to be a showing that these funds, to be spent in 2002, would be spent under a strict definition of emergency preparedness.

September 11 woke Congress up to who its own first responder is. It is the emergency personnel of the District of Columbia. Sure, they are responders for 600,000 residents who live here, but they are also responders for hundreds of thousands of Federal employees, for the Congress, for the Supreme Court, for the entire Federal presence. There are two cities here joined at the hip, and both are dependent on police, fire and emergency help from the District of Columbia, for which those personnel are dangerously underprepared.

There is virtually no equipment equal to responding to September 11 or bioterror attacks. To make matters worse, the District is just coming out of the worst financial crisis in its history, where much of its first responder equipment for the hometown was taken down.

Because so much was at stake, the gentleman from Wisconsin (Mr. OBEY) placed equipment and training for first responder to terrorist attacks here for the District of Columbia.

It is folly to delay this funding, my colleagues. Look at the kinds of things that are being funded. Personal protective equipment and chemical and biological detection equipment for D.C.'s police and fire personnel. Why? Because we cannot expect personnel to go into terror and bioterror sites unprotected. Would we not be reluctant? Antidote kits for nerve agents. First response land line communications.

Those who say come back next time ought to understand that this is the kind of equipment that we are talking about, equipment that would be needed tomorrow, Health Department onsite response for this place and for the entire District of Columbia.

The bill going through here for emergency preparedness has already included the District of Columbia. It is time we put the District of Columbia in our appropriations so that we can fight whatever is necessary.

Mr. YOUNG of Florida. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Labor, Health and Human Services.

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

Mr. REGULA. Mr. Chairman, I want to point out some things. First of all, the gentleman from Wisconsin (Mr. OBEY) has been extremely supportive of all these activities. He is the ranking member on our Subcommittee on Labor, Health and Human Services and we have responsibility for funding Health and Human Services. What I want to address is that portion of the bill.

And I might say that the gentleman from Wisconsin and myself have worked very closely in our bill that passed some weeks ago in funding these items, but it was prior to September 11. I want to point out that what is proposed today are very substantial increases.

On one instance we are talking about $509 million. This is money already in the bill, without any addition: $509 million for 300 million doses of smallpox vaccine; $594 million to acquire medicines, supplies and equipment for the

national pharmaceutical stockpile. That is enough to treat 10 to 12 million persons exposed to anthrax and other bacterial infections, and to increase the push-packs.

A push-pack is a sort of a package, maybe the size of a big semitrailer that you could haul furniture in, and in that push-pack is everything needed to deal with a whole variety of bioterrorist types of diseases. The push-packs are strategically located around the country so that if there is a crisis at any one locality, they immediately have the supplies, whether it is anthrax vaccine, smallpox, serin, or whatever it might be. We have the money to buy these, to put them in place.

It provides for State and local planning and training for distribution because a key element here is the local health departments. If there is a crisis, it cannot all be managed from Washington. It depends on the State health departments, it depends on the local health departments.

We had a meningitis scare in my district some months ago, and on the scene was the local health department, the local officials, the State health department and the Centers for Disease Control. It was a team effort. And what we are already providing in this bill is the materials to do the team effort in the event of a crisis in any given locality.

There is $423 million to upgrade State and local capacity. This is a very important feature of the bill that is before us, to ensure that these State and local officials are trained, that they have the materials to deal with a crisis, whatever it might be. So that is another great strength, and that $423 million will do a lot of training and provide a lot of materials.

State and local health departments will have $500 million for capacity upgrades. Again, I cannot emphasize enough that to be ready for a crisis, whatever it might be, there needs to be local and State input as part of an overall plan. One of the reasons we are saying at this moment let us not spend more money in addition to what I have just been describing until we have a plan, until our Secretary Thompson puts in place a long-term plan detailing what is needed, how money would be spent. I do not think just shoveling money at a problem is any solution. If we have a good plan, we can use the funds available far more wisely.

It also provides $133 million for public health infrastructure, $100 million for State and local preparedness planning, $90 million for early detection surveillance. I am talking about what is in the bill now, not the extra money that is proposed. The bill has $95 million for upgrading capacity at the Center for Disease Control, and there are a whole series of components in that: security at the CDC internal laboratory capacity; $20 million for epidemic intelligence service; $15 million to evaluate the effectiveness of masks and respirators; $10 million for rapid toxic screening.

It also provides $170 million to hospitals. It is important that we get local hospital personnel educated and equipped, because if there is a crisis, there is where we have to address it, there is where people need to be cared for, and we recognize that. We put in $170 million for emergency services and allowing the hospitals to upgrade their training and their facilities. It also has money to ensure the Nation's health facilities have equipment and training to respond to a mass casualty incident.

For example, we are going to have the Olympics in Utah. They need money to be prepared out there where we will have a great number of people in a locality. Another example is the Super Bowl and all sorts of similar group events. We have money to help local people be ready, to be prepared, hospitals and doctors; to have the facilities. The push-packs will provide the materials, but we need trained people, and that is what we do in this bill.

We have $10 million for children's post-traumatic stress disorder.

□ 1545

This is something that has been with us, but very much emphasized by the events of September 11.

There is $50 million to accelerate the research and development of new safe vaccines for smallpox and anthrax.

All I am saying is that this bill has $2.5 billion to address these problems, and we are saying let us take a look and have a plan, and then we will come back with a supplemental and probably we will be very supportive of that, provided the proposed expenditures fit a plan, and the money will be used wisely. We do not know what is down the road. Therefore, we need to have the capacity to address whatever problem comes up and have the funds available to met a future crises.

It certainly indicates that, as of the passage of the bill, we have provided an enormous amount of resources in the bill before us to develop a whole host of possibilities for responses terrorism.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first of all acknowledge the very strong working relationship between the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY). I come to the floor recognizing their good working relationship, but I enthusiastically rise to support the Obey amendment because it is important to note that fighting terrorism is costly, and it requires a proactive posture.

Terrorism and the fight of terrorism is ongoing. Even as I left my hometown of Houston just 48 hours ago, the FBI made an announcement that our refineries were a potential target. Terrorism is everywhere; and although we are not kneeling and yielding, although we are prepared to fight, it is extremely important that we go forward now and not wait.

In particular, I rise on several points of the Obey amendment as it relates to domestic security, homeland security. Anytime we are attacked in a bio-terroristic war, Members can be assured that our local health centers and hospitals will have the greatest impact. In the committee bill there is only $593 million; in our proposal, $915 million. If we had in any of our areas, rural, urban, suburban, some sort of bio-terrorist attack, the individuals would only have to go to these hospital centers in large mass to get vaccinations. These entities cannot stand up under the brunt of that kind of impact. And the resources are definitely needed.

We talked about the tragedy in the postal service, the loss of lives of postal workers. The U.S. Postmaster General has asked the question, can we sanitize all of the mail? In order to do that, we need the resources. This particular domestic security bill provides $500 million where there is no funding in the existing legislation.

As the ranking member of the Subcommittee on Immigration and Claims, let me suggest that we need more dollars. The extent of our borders and the lack of supervision, not because of the lack of commitment of our employees, but because we do need more resources, this particular legislation provides additional Customs agents and other resources for the Canadian border. It provides the additional opportunity to review the biometric card at the southern border.

Mr. Chairman, one of the reasons there is such a backlog to move traffic and secure the borders, we have the biometric card, but the INS does not have the resources to read it. That is a new design card to help secure our borders.

It is interesting that the gentleman from Wisconsin (Mr. OBEY) noted in years past or before September 11, the oceans protected us. They do not now. This particular legislation also has resources for our Coast Guard because now we need them to secure us. In Houston we have one of the major ports of the Nation.

I believe we must recognize that terrorism is ongoing, that we are no longer protected by the oceans. Although we stand boldly and tall to fight terrorism in a fair-minded way, we need the resources and must be proactive now. I beg my colleagues to support the Obey amendment and overrule the point of order.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the Subcommittee on Treasury, Postal Service and General Government.

Mr. ISTOOK. Mr. Chairman, we are often impatient people in the United States; but as the President has reminded us, we must be patient. This will be a long-term effort against terrorism and protecting our homeland. While we are doing these things, we have to make a lot of changes to prepare to be able to do it right.

This week the Marines have landed in Afghanistan. Some people say why were they not there already? Well, the time was not right. We have to proceed in an orderly way to accomplish the maximum results. That is what we are trying to do. I appreciate that the author of this amendment has not questioned the priorities of the bill before us. He has just said he wants to do more, and he wants to do it now.

Many of us say, however, we need to look at what we have done in this bill and understand that we are doing things in an orderly fashion and we are putting the money where the priorities are greatest. And we have, as Congress, asserted some of our priorities that differ a little bit from the administration. That is part of developing consensus. But we cannot do everything yet; we are not ready. We are not able to do everything yet. We must be patient. Books come in chapters. Plans come in phases. In a major construction project, public works or otherwise, it is necessary to design the plans, start digging and preparing the site, lay in a foundation, start with the walls, move on to the ceiling, the interior, the landscaping, and do the utilities along the way. What happens with the funding? It comes in the form of progress payments.

Mr. Chairman, as we are ready and willing to do certain things, the funding is there. As we are ready and able to do things in protecting our homeland, the funding is there; it is being provided by this Congress.

I want to address some of the things that we have done. For example, some people have mentioned border security. Even before September 11, in our subcommittee we had already provided an additional 285 positions for the Customs Service to inspect the cargo as well as the people coming into the United States of America, as well as enhanced spending on inspection technology.

In this measure on top of that, we are funding an additional 277 Customs Service positions at the northern border and 460 at seaports. Why? Because we know we have to have more homeland security, and we have to staff the entry points better than we have been doing, and we are doing so.

The postal service has already received $170 million out of funds allocated by this Congress to help them find ways to make the mail more secure. They are using that funding already for their pilot projects of testing this irradiation technology to remove any contamination that might be present on or in the mail. We have been pursuing these things, but we are not ready to go further. The postal service will not be ready for some time to know if this technology will do what it promises to be able to do, and will do it without side effects and without unintended consequences.

We are not ready to go further; but we are putting more money into training and preparation. We are putting the money that we need for homeland security already in the base bill. Let us not be impatient and try to skip forward to the end when we do not know everything that is going to happen and everything that is going to be needed. We have a very responsible piece of legislation in front of us; and I oppose this amendment although I appreciate the intent with which it is offered to protect our homeland.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I thank the gentleman and I rise in strong support of his amendment. In the aftermath of September 11, our whole Nation has learned to be more watchful. The Federal Government has increased its efforts as well, and the gentleman from Wisconsin (Mr. OBEY) has developed an amendment which would plug many remaining holes in our security system, and I believe we should pass it.

I would like to address one particular part of that amendment which would have been especially important because it deals with one of the most basic elements of our daily lives, the safety of our water systems.

Our drinking and waste water systems are now extremely vulnerable to terrorist attack. Early this month in the Committee on Science, I helped put together a bill which passed that committee unanimously and would authorize $60 million for research and development of methods to monitor and protect our facilities and our water.

The amendment of the gentleman from Wisconsin (Mr. OBEY) would have taken this idea one step further by providing $190 million for vulnerability and security assessments, and, importantly, for the implementation of protections. The amendment of the gentleman from Wisconsin (Mr. OBEY) would have provided $156 million more than the administration request, and $80 million more than the majority package which did not call for waste water facilities to be protected at all. This amendment would have provided the means necessary to keep the system which all Americans depend on safe from attack. Without it, I believe we leave gaping holes in our security network. I support the ideals of the gentleman's amendment.

Mr. Chairman, we all realize how much more should have been done to bolster airport security prior to September 11. We are now given a chance to protect our water supply and other infrastructure before they are subject to attack. I believe the gentleman's amendment does that and I rise in strong support.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations Subcommittee on Defense, and a Member who knows something from personal experience about taking the war to the enemy as a Naval fighter pilot and the first American ace in Vietnam.

Mr. CUNNINGHAM. Mr. Chairman, the Subcommittee on Defense and the Permanent Select Committee on Intelligence is the absolute best committee, I think, to serve on in this House. When we go to our meetings, we do not know the difference between Republican or Democrat when it comes to defense issues.

The gentleman from Pennsylvania (Mr. MURTHA), the ranking member; the gentleman from Washington (Mr. DICKS); the gentleman from California (Mr. HUNTER); the gentleman from Missouri (Mr. SKELTON), all work for the security of this Nation.

One reason it is difficult to oppose the Obey amendment is that the gentleman from Wisconsin (Mr. OBEY) in many cases is 100 percent on target. How many Members took time during the break to visit sites that were vulnerable? The gentleman from Wisconsin went to those sites and saw those vulnerabilities. He talked to the organizations regarding where they were deficient, and they are; and I agree with that. Members of the committee also agree with the gentleman from Wisconsin (Mr. OBEY). Most Members did not. I did not; I was in the hospital. But many people did not take time away from their families like the gentleman from Wisconsin (Mr. OBEY) did, but he was concerned about national security.

Mr. Chairman, I would say along with the amendment of the gentleman from Wisconsin (Mr. OBEY), not exaggerating, there are a million vulnerable areas, over a million. That is why terrorism is so tough to handle. There is no way that we can prepare and do the studies and things that we need to fight against those threats. The gentleman from Wisconsin (Mr. OBEY) has done a good job at identifying some of those threats, and I believe with all my heart that the President is going to come up and help fund some of these; but we are still not going to have enough.

I would say to the Members that many of us warned that there would come a day when we would have defense needs and we would not have the resources to meet those needs. Mr. Chairman, 126 deployments under the previous administration has put defense $250 billion in the hole.

□ 1600

We have not been able to modernize. The intelligence agencies in which this amendment asks for, the FBI, the CIA, the NSA, they had to deploy every time that the military did and stretch their limits. Retention is only 25 percent in each of those services. They have not been able to modernize.

We do not have enough JDAMs, which is a guided bomb, to complete our mission in Afghanistan. We are short those weapons systems. The Su-27, an older airplane that Russia is exporting to many nations, our pilots die in our F–14s, F–16s, F–18s, 95 percent of the time, both in the intercept and in

the dogfight, because we do not have the money to modernize those services and that equipment. The intelligence agency is the same way.

We feel a little bit like Billy Mitchell, warning that there would come a day when we needed funding. And did we ever figure that we would be fighting a war on our own turf and then trying to fund the military and this at the same time? I know my colleagues would agree, there is only so much money. Yes, education is important. Social Security trust funds are important. National security is important. We are only 3 months into this war. It is going to be a long time, and we cannot just keep putting more and more money into it, even though I think we need it and many of the things that the gentleman from Wisconsin talks about are needed.

That is why I reluctantly oppose the gentleman from Wisconsin's amendment. But he is a good friend.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), a State which has a number of very serious security threats which we are trying to correct in this bill.

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, our ranking member, and, frankly, a lot of the members of the Committee on Appropriations, and I rise in support of his amendment because I represent one of those security areas.

This amendment would fully fund the emergency request of the U.S. Coast Guard. Since the attacks of September 11, the Coast Guard has been stretched to the breaking point as they attempt to increase their operations and tighten security at all our Nation's vulnerable ports. This amendment would have provided millions of dollars to increase security at ports along our coasts, including the Port of Houston which is the Nation's largest port in terms of foreign cargo. It is the eighth largest port in the world. Each year almost 7,000 vessels and 175 million tons of cargo transit the Houston ship channel on their way to the port. According to current Coast Guard estimates, approximately half of all dangerous and high-interest cargo travels along the Houston ship channel in our country.

Along with the large volume of petroleum and other energy-related products that move through the Port of Houston each year, other top commodities include fertilizers, organic and inorganic chemicals. Each of these cargoes is a potential target for terrorism and any attack could kill or injure thousands, as well as create an enormous environmental impact in the greater Houston area and southeast Texas.

Since September 11, the Coast Guard, despite its limited resources, has dramatically increased security at the Port of Houston and the ship channel along with other ports around the country, with water patrols in our channel and everywhere else at all times, and more frequent dockside and shoreline patrols. The Coast Guard is also boarding all ''high interest'' vessels before they transit the ship channel. They now receive 96 hours' notice of ship calls and receive all crew lists, which they share with the law enforcement community.

While the Coast Guard in cooperation with local authorities have done an excellent job with the resources at their disposal, they will not be able to maintain their efforts without additional funding. We are wearing out our Coast Guard personnel. The President has requested only $203 million to cover 6 months of the activity. This bill today, without the Obey amendment, puts continuation of these increased activities in jeopardy, even falling $58 million short of the President's request.

That is why, Mr. Chairman, I support the Obey amendment, and whether it is now or through the conference committee, we will see an increase in our funding to support our Coast Guard.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT), a member of the Defense appropriations subcommittee.

Mr. TIAHRT. Mr. Chairman, I believe it is appropriate to tell the gentleman from Wisconsin with respect to his amendment, ''not now,'' rather than to just say no. Most people in America are aware that our military has been in decline for a decade. Procurement was lean, recruiting lagging, and maintenance budgets were too low. This bill starts the process of returning our military to its full luster. This bill goes beyond to fund $5.4 billion for domestic security, protecting against bioterrorism, providing airport security, meeting law enforcement and other domestic security needs.

But the gentleman from Wisconsin says we are not spending money fast enough. We do need to take some time, and here is a good example. In a hearing last month, a joint House/Senate transportation appropriations hearing, an engineer testified that to secure a cockpit door, an airplane needed to have a new metal bulkhead, pressurized doors, and a separate environmental system. Easily that would cost the extra one-quarter of a billion dollars that the gentleman from Wisconsin has. But some airlines have already secured their cockpit doors with a simple locking device that looks like an auto antitheft device called The Club.

Mr. Chairman, let us take time to do the job right. Let us look at what the needs are, let us balance what those needs are going to be, and let us reject the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

I would like to respond to something the gentleman just said. He says that we should not be impatient because the airlines have taken care of their cockpit security. Yes, they have done it, on the cheap, Kmart style.

The fact is that this bill contains $250 million less for cockpit security than the President recommended. It contains that lower amount of money because it added to the President's request for sky marshals. I agree that was a higher priority, but in my view both of them should be funded. You ask any citizen in America, Do you want those cockpit doors secured by a temporary device or do you want them secured in a way that will hold against the most professional attacks, and you know what the answer is going to be. They do not want us to be temporizing and they do not want us to be patient. They want us to be impatient, they want us to be aggressive, and they want us to act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, for as a committee and as a Congress we have made the tough choices with this bill and others we have considered since September 11. Make no mistake about that. This is a bipartisan bill that meets the immediate needs of our troops and their families and, most importantly, as our troops and militaries fight in Afghanistan as we speak here this afternoon, we are united behind them as Americans and as Republicans and Democrats.

In this bill, we have added a new appropriations title and $11.7 billion for our homeland defense, $1.6 billion of that new money, to fight that which may occur against our Nation that involves chemical, biological and, God forbid, nuclear threats.

Can anyone be entirely comfortable, to use somebody else's adjective, with every action or every expenditure or dollar amount that is considered or put into this bill? Of course not, since these terrorists fight by no rules. They kill civilians. But I think we would all agree that we have a greater confidence than we did a month ago as we go about routing them out at home and abroad. We now have a proactive homeland defense leader in Governor Ridge, who is pulling together disparate parts to do the job at home. We have an activated group of emergency management and law enforcement personnel in our States and lower jurisdictions. And yes, we have a public more vigilant, more aware, and more willing to sacrifice to fight terrorism at home and abroad.

Some have suggested we need billions of dollars more for defense. We may need more money, but let us make decisions for further supplementals after we hear from our President and Commander in Chief, and I am sure we will.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, God forbid if the terrorists of September 11 had a nuclear bomb parked in a truck placed in lower Manhattan, 2 million innocent American citizens would have

died on that terribly tragic day. That is 500 times more people than were actually killed, as horrible and as inconceivable as that was.

I find it incredible that in this bill, after September 11 and all that we have learned about nuclear threats and terrorist threats, that this House could find $265 million to protect 535 Members of Congress and our staffs but could not find one dime to protect 281 million Americans from the real threat of nuclear terrorism. In fact, without the Obey amendment, this Congress will have actually reduced funding for the programs designed to keep nuclear material out of the hands of terrorists.

We might ask, how serious is the threat of nuclear terrorism against American citizens? Just earlier this year, a bipartisan commission, after a year-and-a-half study headed by former Senators Howard Baker and Sam Nunn as well as Lloyd Cutler, called nuclear terrorism against the U.S., and I quote, ''the most urgent unmet national security threat to the United States today.'' More recently, President Bush on November 6 made this statement: ''We will not wait for more innocent deaths. We will not wait for the authors of mass murder to gain the weapons of mass destruction. We act now because we must lift the dark threat from our age and save generations to come.''

Have we acted now? Have we acted in this bill to protect 281 million Americans from the threat that President Bush, Senator Baker and Senator Nunn have talked about of nuclear terrorists exploding a bomb right here in the United States? The answer is no. Worse than taking no action, we have actually reduced funding for those programs.

For this Congress to reduce funding for those important programs at this particular time in our history is a dangerous and irresponsible mistake. The Obey amendment would add specifically $131 million to protect 600 metric tons of highly enriched uranium in Russia that our Department of Energy has said is in urgent need of immediate upgraded safeguards.

Protecting the Congress from terrorists is a legitimate thing to do in this bill. Protecting Congress, our Capitol and Members of Congress, as part of our democracy is a valid thing to do, but no program is more important, no priority should be more important than protecting the American family from nuclear holocaust at the hands of terrorists.

We should support the Obey amendment, Republicans and Democrats alike. As President Bush said, we must, we should act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), a cardinal and chairman of an appropriations subcommittee.

Mr. CALLAHAN. Mr. Chairman, the previous speaker just said that we are not appropriating one dime for this Russian nonproliferation program. Let me say that he is absolutely right. We did not appropriate one dime, we appropriated $541 million just a few weeks ago.

What is the nonproliferation program? When we decided and reached an agreement with the Russians that we would downsize our nuclear weapons stockpiles, we agreed that we would assist the Russians in finding ways and means to narrow the size of their stockpiles. They are not helping us narrow the size of ours, but we are doing it; but we are spending $2,000,000 a day already in Russia. There is no doubt that we could spend more, but that may not even be possible because the Russians do not let us go in and just carte blanche do whatever we want to do. We have to do it in conjunction with their security requirements, too.

While the gentleman may be right, there may be some need for additional moneys in the spring, I will stand with him on this floor and I will assure you that we will give them whatever money they need to ensure that every effort is made to downsize the nuclear situation in Russia.

□ 1615

But to stand here and tell the American people today that we cannot afford one dime is a long cry from the real world, and the real world is we are spending $2,000,000 a day already in Russia. So I think that is a sufficient amount. It is as much as we can spend. And if, indeed, they can come and justify more, and I intend to hold hearings in the spring to see if indeed they do need more, I will assure the gentleman and this Congress that we will do whatever is necessary to make sure this program is successful and that none of the gloom and doom as presented by the gentleman from Texas would ever take place.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I have great respect for the gentleman from Alabama (Chairman CALLAHAN). I am a Member of his subcommittee. He has made a genuine effort to try to increase necessary funding to protect Americans from the threat of nuclear terrorism. I would, though, differ with the gentleman on several points.

First of all, my comments, I did not say in my statement a few minutes ago that we are not spending one dime on these programs. What I did say is that in this bill we found $250 million above whatever else we were already spending to protect 535 Members of Congress; but in this bill, while we were doing that on one hand, we could not find one dime of additional money to spend on the programs designed to keep nuclear material in Russia from getting into the hands of terrorists.

Furthermore, the gentleman said we will give everything to these programs they will need. I respect the gentleman. I think if the gentleman could individually make a decision, we would have additional funding this year for this. But that is the same promise that was made to me just a few weeks ago when my amendment to add more nuclear nonproliferation funds was defeated in the energy and water bill. I was told if I will just wait until we get to the defense appropriation and supplemental bill, we will add additional funding.

The real question and the fair question to ask is should we act now or act next year? I would suggest our own Department of Energy has listed specific programs where there is a tremendous need now.

The gentleman said if we had more money, could we spend it now? The answer to that is yes. In fact, it is the Bush administration that on September 26 signed a new agreement with Russia that opens up numerous new sites where nuclear materials are located. Right now we have a window of opportunity to go in and provide security for those sites so that nuclear material will not get in the hands of terrorists and end up in downtown New York or Los Angeles in a bomb.

We not only can spend more money now efficiently and effectively, I think that is a responsibility. I think that is our obligation. We could do it in this bill.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 13½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 11½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, in response to the gentleman's comments, he did not indicate in his presentation, as best I heard, that we have just 2 or 3 weeks ago appropriated $541 million for Russian programs. That is in addition to the money that the Russians are putting in. Let us assume they are putting in at least half of it. So that is $1 billion that is available to downsize these programs.

If they need more and come back, we will indeed weigh what they tell us; and at that time, during the spring session, we will, if there is a supplemental bill, or even we might create one, we will give them the additional money. But to say that there is an inadequate amount of money to protect the American people to the best of our ability at this point, the gentleman is wrong. I do think they have a sufficient amount of money. They may not have enough next fall. If we reach that point, we will address it at that time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I will say flatly that there is an insufficient amount of money appropriated by this Congress to protect the safety of the American people from new weapons-grade nuclear material in the Soviet Union and elsewhere.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, despite all of the good efforts, and they have been good efforts, of the gentleman from Alabama (Chairman CALLAHAN), the bottom line is this: despite the tragedy of September 11, this Congress, without passing the Obey amendment today, will have cut funding for the primary programs intended to keep nuclear materials in Russia from getting into the hands of terrorists and killing 2 million innocent men, women, and children here in America. We can do better than that.

My hope is with the bipartisan leadership of this House, we will do better. We ought to do better in this bill by passing the Obey amendment. I certainly hope we will do better in conference committee and adequately fund these important programs that our Department of Energy has said should be funded now.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Committee on Appropriations.

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have heard this debate at the subcommittee level, at the full committee level, and now on the House floor; and it is an appropriate debate, a good debate. I, too, want to thank our distinguished ranking member for the time that he has invested in all of our preparedness issues, not just since September 11, but prior to that, and the gentleman from Texas for his continued advocacy for nuclear nonproliferation and the investment that is required by our Nation and a responsible Congress in this area.

I represent Oak Ridge, Tennessee, the home of the Y–12 weapons plant, and we have had some division about moving monies around. We are adequately funding our preparedness in this country.

I understand the comments of the gentleman from Wisconsin (Mr. OBEY). I understand his comments about us not spending enough money. But if you are looking at the nuclear weapons in the world and the stockpiles that we must maintain in order to have this deterrent, you could not hardly spend enough money to guarantee globally at all times total safety, unequivocally, no matter what, whenever, however. You could not possibly spend enough money. So it is kind of an arbitrary thing.

One thing I am proud of is this defense bill adequately funds the needs that we know of today with a full commitment that when the administration that is responsible for the leadership of foreign policy and the determination of the levels at which nonproliferation will bring us to, I love to see President Putin and President Bush together, coming together, talking about reductions, talking about maintaining safety and security for any weapons stockpiles there or here and what is going to be necessary.

But I want the administration to tell us what will be necessary in a timely manner and for the Committee on Appropriations to respond to the administration, not to arbitrarily come up with a figure and say that this is it. We need to do it in the right time, and we will.

This is a responsible bill. We need to vote down the Obey amendment and pass the bill that is on the floor today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, I rise in support of this amendment for the reason that should it fail to be adopted, we will essentially be reneging on a promise we made to the American people 9 days ago. On a bipartisan basis we adopted an airline security bill that, amongst other things, would require that every bag that goes into the belly of an airplane will be screened for an explosive device, something Americans have expected and really thought has been done for a long time.

The President signed that bill into law 8 days ago. It is now the law of the United States of America, and a promise has been made to the American people that every bag will be screened for an explosive device within a certain time period, within 1 year by a machine, and within 60 days by either manual inspection, a dog sniffing, or positive bag match. We did that on a bipartisan basis. The President signed it. It is the law of the United States of America.

But this morning I open up the Washington Post, and I see that the administration has said they are not going to meet these deadlines. Planes are going to still take off with bags in the belly of an airplane that could have a bomb in them that will not be screened. That is unacceptable to the American people. It should be unacceptable to us. The reason we have been given from the administration is apparently there is some resource inability, a lack of resources, to hire the people or the dogs it takes to get this job done.

This amendment will give the administration adequate resources to make sure the commitment we, on a bipartisan basis, made to the American people is fulfilled. If we do not do this, it will not be fulfilled.

To me, there are going to be a lot of disappointed folks who thought we were making sure their bags were screened for explosives. Then apparently we do not give the administration enough money to hire the people to do it. People are going to be very, very disappointed.

This amendment will allow additional expenses. We ought to pass this and fulfill this statutory commitment we made to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BONILLA), the chairman of the Committee on Appropriations Subcommittee on Agriculture.

Mr. BONILLA. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, this amendment is well intentioned. Hats off to the gentleman from Wisconsin for offering the amendment, because I know his intention is similar to what we all want to accomplish here today and have been working on for many months, and that is to provide the administration enough money to deal with any terrorist threat that currently exists. Whether it is money for the Justice Department, the Defense Department, the Agriculture Department, you name it, we have worked in a bipartisan way for months now to try to provide enough funds for every aspect of the war on terrorism.

Specifically, I chair the Committee on Appropriations Subcommittee on Agriculture, and we put $61 million additional money, more money, for increased inspections of imported food products. The amendment the gentleman offers would increase the amount available for inspection of food imports by $239 million, and the statement by the gentleman says the amount would increase the level of effort to cover 10 percent of all food imports. But why is this a good number, and why is it the right number, and why is it any better than the amount we provide now, or should we provide more?

Mr. Chairman, what we have tried to do is work in a practical way with the experts involved in this every day at USDA and provide the right funding level. Again, we did this in the agriculture appropriations bill that was supported overwhelmingly in a bipartisan way, working hand in hand with the administration.

The President's budget also included over $34 million to accelerate the availability of drugs, vaccines and devices. This amendment does not propose to increase the level of effort for this activity. Why not? The question would be, is it more urgent to check the last can of imported olives than it is to review pharmaceutical products for safety and efficiency?

Mr. Chairman, what we have before us is an attempt to strike a balance. We have worked hard to find a balance in recommending the resources for FDA's many regulatory activities and protecting public health.

Could we do more? Perhaps, and all of us want to do that when the time is right and the appropriate budget requests come in. Would more resources guarantee a higher level of security at this point? That is not clear at all, and that is why we are trying to use every reasoned measure to put the spending bills together as a group this year.

I ask Members to think hard about this. Our subcommittee just completed its work on our fiscal year 2002 appropriations conference agreement which

was just signed into law this afternoon. That agreement included $1.3 billion, billion with a B, for the FDA; and it was by far the largest appropriation ever for this agency. It is my view that that amount, together with the additional $104 million included in this bill, will provide sufficient resources for FDA to continue its good work in protecting the public health, as it has for 100 years.

So, again, we all want to do the right thing here; and, again, the gentleman's amendment is well intentioned, but at this time it is not the right thing to do. We are trying to act responsibly.

I urge rejection of the amendment and support for the committee's recommendation for funding levels this year.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in very strong support of the Obey amendment.

I must say that I find the arguments being made against the gentleman from Wisconsin (Mr. OBEY) to be very, very curious indeed. Frankly, I think the American people will find it very difficult to understand how we as a Nation cannot afford another $6.5 billion to protect ourselves against bioterrorism, to make sure that our airlines are safe, to make sure that the people of this country have adequate health care in, God forbid, the event of a terrible attack against us. We cannot afford that $6.5 billion, but somehow or another we can afford hundreds of billions of dollars in the last year for tax breaks to the wealthiest 1 percent of the population and for the largest corporations in America.

□ 1630

Tell that sense of logic to the American people.

When our people get on airplanes, they want to know that the baggage on that plane is safely inspected. When people walk into airports, they want to know that the people who are doing security are properly trained. My State borders the Canadian border. The people in Vermont and throughout this country want to know that our border security is strong.

So I would strongly urge the Members to get their priorities right. If we can afford hundreds of billions in tax breaks for the wealthiest 1 percent, we can provide strong security for the American people against bioterrorism.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from California (Mr. HUNTER), a subcommittee chairman on the very important Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I listened carefully while the gentleman from Wisconsin (Mr. OBEY) made, I thought, a very reasonable request for additional spending, and was met with I think an equally reasonable response from the gentleman from California (Mr. LEWIS) and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. CUNNINGHAM), and a number of other members of the Committee on Appropriations and the Subcommittee on Defense, to the effect that they are working to engage in this process of rebuilding our national defenses which are being strained by the operation in Afghanistan in which we may expect to be strained further if this conflict continues and perhaps deepens. I hope that this is the start of a bipartisan effort to put together a defense bill in the coming year which is adequate to serve our country's needs.

Let me just tell my colleagues that from my perspective, and I heard the gentleman from California (Mr. CUNNINGHAM) make a number of very, very good points with respect to inadequacies, I think we are about $50 billion short, and I think all of the studies that we have done, such as the CBO, which says that our equipment is short-funded about $30 billion a year. That means if we have to replace trucks, tanks, ships, planes, on a steady state just to keep them halfway modern, we need to spend an extra $30 billion a year in the defense area. We are underfunded on munitions. We know that the Army is about $3 billion short of basic ammunition; the Marines have a smaller shortage. But nonetheless, they are not full up. We know that we are short on precision munitions, which are a very important part of projecting American power.

So I would hope that we are starting on a course to rebuild the national defenses that have been savaged pretty badly over the last 6 years. I hope this administration moves with us as well.

Let me just say also that while the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. STUMP) and others are working hard on defense and putting in a lot of hours now trying to figure out exactly what we need, and are putting together I think a good blueprint to rebuild defense, I would like to see the Office of Management and Budget understand defense a little more than I think they understand; be more receptive when the services come to them and say we have ammunition shortages, we have spare parts shortages, we have equipment shortages. I know that if that office in the administration does not become more receptive, we are going to see, I think, this House take more initiative in that area.

So let us rebuild defense. I would like to see the gentleman from Wisconsin (Mr. OBEY) working with our Republican leadership to make that happen in this coming budget.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining; the gentleman from Florida (Mr. YOUNG) has 4½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his extraordinary, as usual, leadership in attempting to bring this amendment to the floor. I am very sad. It is a sad day for this Congress that this amendment has not been made in order, because it addresses many of the concerns that are shared by the American people and, indeed, have been shared by the President of the United States. I have great respect for our distinguished chairman of the full committee and the chairman of the subcommittee, but I object to the fact that we were not able to have this amendment made in order.

Mr. Chairman, I rise in strong support of the Obey amendment. It is hard to understand how the Republican leadership can argue that there is enough money to provide $100 billion in tax cuts for corporations and the wealthiest 25 percent of taxpayers but not enough to strengthen homeland defense, improve security for vulnerable nuclear materials, and keep our commitment to New York. They found enough money, the Republican leadership did, to provide $1.4 billion in tax breaks to IBM, $1 billion to Ford, $833 million to General Motors, and $671 million to General Electric. Why can we not find the money to strengthen State and local health departments, accelerate vaccine development, and improve security of vulnerable nuclear materials?

The gentleman from Wisconsin (Mr. OBEY) has successfully put together a thoughtful, comprehensive package that met these and other needs for $7.1 million, less than one-twelfth of the tax package that the Republicans support.

I wish to associate myself with the concerns expressed by our colleagues from New York. I share their concern about meeting our commitment to them. But I want to focus, Mr. Chairman, in my remarks on the perspective of the prevention of nuclear terrorism, what opportunities are missed here today.

Our President, President Bush, said on November 13 on the occasion of the visit of President Putin, ''Our highest priority is to keep terrorists from acquiring weapons of mass destruction. We agree that it is urgent that we improve the physical protection and accounting of nuclear materials and prevent illicit nuclear trafficking.''

Earlier that week the President had said they, the al Qaeda, ''are seeking chemical, biological and nuclear weapons. Given the means, our enemies would be a threat to every nation and eventually to civilization itself. We will not wait,'' the President said, ''for more innocent deaths. We will not wait for the authors of mass murders to gain the weapons of mass destruction.

We act now because we must lift this stark threat from our age and save generations to come.'' We all applauded President Bush's remarks.

How then, how can we understand, then, how this Republican majority in the House would reject the Obey amendment which would add $221 million to this bill; $191 million for securing Russian nuclear materials, $30 million to better fund programs employing former Soviet Union nuclear scientists? The President said, we act now. We cannot wait.

When they say that we are going to have a supplemental down the road, let us review that. That bill came up before Thanksgiving in the Committee on Appropriations. Now we are on our way to Christmas, and we do not even have this bill passed, but we will soon. After Christmas comes what? Let us go through. Valentine's Day, St. Patrick's Day, President's Week, it will be easily Easter before we can revisit this bill and have a supplemental that will address these nuclear issues. How then can we, as the President said we act now, do so when we reject the opportunity that the gentleman from Wisconsin (Mr. OBEY) has given us here today? We are now giving opportunity to those who would threaten our security in our country. I think that is unfortunate.

Mr. YOUNG of Florida. Mr. Chairman, I have no further speakers. I reserve the balance of my time for a brief closing statement before I insist on my point of order.

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, for years, modern military planners, have been telling us that we should be spending less on the big-ticket items that were necessary to fight last century's wars and, instead, do more to prepare ourselves for tomorrow's wars. Well, tomorrow is here and this amendment is trying to take that advice.

We have been told we need to do more to deal with terrorism, more to deal with chem-bioterrorism, more to deal with cyberterrorism. That is what we are trying to do.

I find it very interesting today that not a single speaker, to my recollection, has challenged the merits of this amendment. All they have said is, ''Wait, be patient.'' Maybe next year.

Well, I guess that means we should ring up the terrorists on the telephone and say, ''Folks, we need a little more time to get our act together here at home; would you mind waiting until next year before you figure out where you are going to hit us next?'' I do not think we would get a very receptive reply. That is why we need to do everything that we know we can do, and we need to do it now.

The threat today is just as imminent as it was on September 11, and we need to remember that.

I am sorry, but I am impatient. I want us to expand our public health capabilities now. I want us to triple the Canadian border patrol as the Patriot bill promised but did not deliver; I want us to do that now. I want us to strengthen port security, not by a token amount, but by a large amount, now. I want us to provide those additional translators now. I want us to provide the FBI with computer upgrade capability now. I want us to take the actions necessary to protect our weapons production plants now. I do not want to wait for a supplemental, because we have no idea how long it will take to pass one, and we have no idea what other add-ons will be added to it, because everybody who loses an argument between now and Christmas, when the supplemental comes, will try to attach their pet projects to that bill. It will be much more expensive then than now.

Many of my colleagues on the other side of the aisle have told me, ''I know you are right, we should be doing this, but we have to stick with our party leadership.'' I urge my colleagues instead to stick with their consciences, stick with what they know. They know we need to do more and they know we need to do it now. I urge my colleagues to vote that way.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

I want to thank all of the Members for an excellent debate, a high-level debate, exploring the important issues of the day.

(Mr. YOUNG of Florida asked and was given permission to speak out of order.)

TRIBUTE TO FREDERICK G. MOHRMAN

Mr. YOUNG of Florida. Mr. Chairman, it is with sadness that I announce the death of Mr. Frederick G. Mohrman.

Fred died at his home in Grayson, Kentucky early this morning. His wife, Jan, was with him when he died.

Fred served as clerk and staff director of the Committee on Appropriations from 1984 to 1995. He was born November 24, 1932, a graduate of Kansas State College. He joined the Committee on Appropriations on January 1, 1975. Two years later he was appointed clerk of the Subcommittee on Interior. He became clerk and staff director of the Committee on Appropriations in February of 1985.

He retired from committee service in 1996, having served both Republican and Democrat majorities here in the House.

A veteran of the U.S. Air Force, he is survived by his wife, Jan, and 5 children: Jana, Deke, Sean, Lisa, and Danny.

Fred Mohrman was very much an institution on our committee. He was a big, gentle man. He knew when to be kind and he knew when to be gruff. He protected the committee against all challenges, most of the time with great success. He knew the rules and how to use them for the benefit of all.

When he retired, he bought a piece of land in eastern Kentucky and became ''Farmin' Fritz.'' Each week he kept the committee updated with his new life.

Fred Mohrman leaves behind a legacy of loyalty, hard work, good humor, and a love of this institution. He will be greatly missed by all of us.

I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply say I think the institution has experienced a great loss with the death of Fred Mohrman. As the chairman has indicated, he served this committee and this Congress for a good many years. He in fact served me for a brief period as staff director after I became chairman, and he was what I would call an institutional man.

He cared deeply about this institution, and he cared deeply about the committee. He had that tough, old-fashioned sense of duty that characterized his entire generation, and this country and the world is far better off for it. He would have taken great pride in the fact that this year, despite all of the outside pressures that are brought to bear on this committee, that we managed to produce 12 out of 13 appropriation bills that were passed on a bipartisan basis, and 1 that was pretty close to doing the same.

He recognized that we need to define our differences and then we need to find ways to resolve them, and he took great pride in the services that he provided each and every Member on both sides of the aisle. He performed a great public service to this country. He was a man of absolute integrity, and we were saddened and shocked to learn of his passing.

□ 1645

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for his comments.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriation bill shall not be in order if changing existing law. . . .''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to address the point of order?

Mr. OBEY. I certainly do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. How could the gentleman?

Let me simply say, Mr. Chairman, that the Chair is being asked to rule on

whether or not this amendment is in absolute compliance with each and every rule of the House.

The Committee on Rules, as I understand it, provided the very same waivers so that the underlying bill could be considered that it refused to provide so that this amendment could be considered.

Because of that, the sad fact is that while this subject matter should be a part of this debate, we have in fact been gagged by the Committee on Rules because they chose to provide exemptions under the rules for the core bill while denying those very same exemptions to this amendment.

So for that reason, Mr. Chairman, while I believe deeply that we ought to be able to get a vote on this amendment, because I am confident if we could get a vote on it, it would pass, I must, in all honesty, concede the point of order, misguided though the rule was under which we are now operating.

The CHAIRMAN. The point of order is conceded and sustained.

The Clerk will read.

The Clerk read as follows:

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Commodity Futures Trading Commission'', $6,495,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent to strike Section 803 of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Section 803 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Administrative Review and Appeals'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, General Legal Activities'', $12,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 194, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill through page 194, line 5, is as follows:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Attorneys'', $68,450,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses, United States Marshals Service'', $11,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $538,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $409,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Justice Assistance'', $400,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $45,000,000 is for emergency response communications technologies and equipment for Northern Virginia, $20,000,000 is for the Capitol Wireless Integrated Network in the Washington Metropolitan Area, $15,000,000 is for a chemical sensor program within the Washington, D.C. subway system, and $9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''State and Local Law Enforcement Assistance'', $17,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CRIME VICTIMS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Crime Victims Fund'', $68,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations and Administration'', $1,756,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Public Telecommunications Facilities, Planning and Construction'', $8,250,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That matching requirements set forth in Section 392(b) of the Communications Act of 1934, as amended, shall not apply to funds provided in this Act.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations, Research, and Facilities'', $750,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $8,636,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

CARE OF THE BUILDING AND GROUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Care of the Building and Ground'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

COURT SECURITY

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for ''Court Security'', $21,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That the funds may be expended directly or transferred to the United States Marshals Service, to remain available until expended: *Provided further*, That $4,000,000 shall be available to reimburse the United States Marshals Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit.

DEPARTMENT OF STATE AND RELATED AGENCY

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''International Broadcasting Operations'', $9,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

BROADCASTING CAPITAL IMPROVEMENTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the

United States, for ''Broadcasting Capital Improvements'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses,'' $1,301,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $20,705,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disaster Loans Program Account'', $140,000,000, to remain available until expended, to be obligated from amounts available in Public Law 107–38.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. For purposes of assistance available under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns located in disaster areas declared as a result of the September 11, 2001, terrorist attacks, (i) the terms ''small business concern'' shall include not-for-profit institutions and small business concerns described in subsectors 522, 523, and 524 of the North American Industry Classification System codes (as described in 13 C.F.R. 121.201, as in effect on January 2, 2001), except for depository financial institutions, and (ii) the Administrator may apply such size standards as may be promulgated under such section 121.201 after the date of enactment of this provision, but no later than January 1, 2002.

SEC. 202. Notwithstanding any other provision of law, the limitation on the total amount of loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) outstanding and committed to a borrower in the disaster areas declared in response to the September 11, 2001, terrorist attacks shall be increased to $10,000,000.

SEC. 203. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Emergency Response Fund'', $7,242,911,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, as follows:

(1) For increased situational awareness, $1,735,000,000;

(2) For enhanced force protection, $742,911,000, of which $40,000,000 shall be available only for biological weapons proliferation prevention activities under the Former Soviet Union Threat Reduction Program, of which $30,000,000 shall be transferred to ''Department of State, Nonproliferation, Anti-terrorism, Demining, and Related Programs'' only for the purpose of supporting expansion of the Biological Weapons Redirect and International Science and Technology Centers programs, to prevent former Soviet biological weapons experts from emigrating to proliferant states and to reconfigure former Soviet biological weapons production facilities for peaceful uses;

(3) For improved command and control, $162,000,000;

(4) For increased worldwide posture, $2,801,000,000;

(5) For offensive counterterrorism, $769,000,000, of which $237,000,000 is for the Special Operations Command;

(6) For initial crisis response, $108,000,000;

(7) For the Pentagon Reservation Maintenance Revolving Fund, $925,000,000:

Provided, That none of the funds provided under this heading in this chapter may be used for appropriations for military construction and military family housing.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Amounts available in the ''Defense Emergency Response Fund'' (the ''Fund'') shall be available for the purposes set forth in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38): *Provided*, That the Fund may be used to reimburse other appropriations or funds of the Department of Defense, including activities of the National Foreign Intelligence Program funded in defense appropriations acts, only for costs incurred for such purposes on or after September 11, 2001: *Provided further*, That the Fund may be used to liquidate obligations incurred by the Department of Defense under the authorities in section 3732 of the Revised Statutes (41 U.S.C. 11; popularly known as the ''Food and Forage Act'') for any costs incurred for such purposes between September 11 and September 30, 2001: *Provided further*, That the Secretary of Defense may transfer to the Fund amounts from any current appropriation made available in defense appropriations acts, only for the purpose of adjusting and liquidating obligations properly chargeable to the Fund: *Provided further*, That the authority granted in the preceding proviso shall only be exercised after the Secretary of Defense makes a determination that amounts in the Fund are insufficient to liquidate obligations made using appropriations in the Fund, and not prior to 30 days after notifying the congressional defense committees in writing regarding each proposed transfer of funds: *Provided further*, That in order to carry out the specified purposes under this heading, the Secretary of Defense may transfer funds from the Fund to any defense appropriation account enacted in appropriations acts, including ''Support for International Sporting Competitions, Defense'': *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That within 30 days of enactment of this Act, and quarterly thereafter, the Secretary of Defense and the Director of Central Intelligence shall each provide to the Congress a report (in unclassified and classified form, as needed) specifying the projects and accounts to which funds provided in this chapter are to be transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as he shall determine, to be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided*, That the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That these amounts are 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 the Secretary of Defense shall report to the Congress quarterly on all obligations made pursuant to this authority.

SEC. 303. (a) Amounts in the appropriation account ''Support for International Sporting Competitions, Defense'' may be used to support essential security and safety services for the 2002 Winter Olympic Games in Salt Lake City, Utah, under section 2564 of title 10, United States Code, without the certification otherwise required under subsection (a) of that section.

(b) In connection with the provision of essential security and safety support to the 2002 Winter Olympic Games and logistical and security support to the 2002 Winter Paralympic Games, the term ''active duty'' as used in section 5802 of division A of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), shall be treated as including State active duty and full-time National Guard duty performed by members of the Army National Guard and Air National Guard.

SEC. 304. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 4

DISTRICT OF COLUMBIA

FEDERAL FUNDS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Protective Clothing and Breathing Apparatus, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Specialized Hazardous Materials Equipment, to be obligated

from amounts made available in Public Law 107–38 and to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Chemical and Biological Weapons Preparedness, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $10,354,415, of which $204,920 is for the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Policy Department, and $9,891,325 is for the Department of Health.

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for a Federal payment to the District of Columbia for Pharmaceuticals for Responders, to be obligated from amounts made available in Public Law 107–38 and to remain available until expended, $2,100,000, for the Department of Health.

Notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget. The Chief financial Officer of the District of Columbia shall provide quarterly reports to the President and the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading beginning no later than January 2, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia and shall remain available until expended.

For Protective Clothing and Breathing Apparatus, to remain available until expended, $12,144,209, of which $921,833 is for the Fire and Emergency Medical Services Department, $4,269,000 is for the Metropolitan Police Department, $1,500,000 is for the Department of Health, $453,376 is for the Department of Public Works, and $5,000,000 is for the Washington Metropolitan Area Transit Authority.

For Specialized Hazardous Materials Equipment, to remain available until expended, $1,032,342, for the Fire and Emergency Medical Services Department.

For Chemical and Biological Weapons Preparedness, to remain available until expended, $10,354,415, of which $204,920 is for the Fire and Emergency Medical Services Department, $258,170 is for the Metropolitan Police Department, and $9,891,325 is for the Department of Health.

For Pharmaceuticals for Responders, to remain available until expended, $2,100,000, for the Department of Health.

CHAPTER 5

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation and Maintenance, General'' $139,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Water and Related Resources'', $30,259,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Weapons Activities'', $88,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEFENSE NUCLEAR NONPROLIFERATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses to increase the security of the Nation's nuclear weapons complex, for ''Defense Nuclear Nonproliferation'', $18,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Defense Environmental Restoration and Waste Management'', $8,200,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OTHER DEFENSE ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological threats to civilian populations, for ''Other Defense Activities'', $3,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Operation of the National Park System'', $10,098,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

UNITED STATES PARK POLICE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for the ''United States Park Police'', $25,295,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CONSTRUCTION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Construction'', $21,624,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'', $2,205,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, for the working capital fund of the Department of the Interior.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the Smithsonian Institution, $21,707,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the National Gallery of Art, $2,148,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Operations and Maintenance'' of the John F. Kennedy Center for the Performing Arts, $4,310,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'' of the National Capital Planning Commission, $758,000, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 7

DEPARTMENT OF LABOR

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''State Unemployment Insurance and Employment Service Operations'', $4,100,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Salaries and Expenses'', $1,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $5,880,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and for other expenses necessary to support activities related to countering potential biological, disease, and chemical threats to civilian populations, for

''Public Health and Social Services Emergency Fund'', $1,990,600,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

For emergency expenses to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis, for the Project School Emergency Response to Violence program, $10,000,000, to remain available until expended, and to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $180,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Limitation on Administrative Expenses'', $7,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 8

LEGISLATIVE BRANCH

LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, $256,081,000 to remain available until expended, to be derived from the Emergency Response Fund established by Public Law 107–38: *Provided*, That $34,500,000 shall be transferred to ''SENATE—Sergeant at Arms and Doorkeeper of the Senate'' and shall be obligated with prior notification to the Committee on Appropriations of the Senate: *Provided further*, That $40,712,000 shall be transferred to ''HOUSE OF REPRESENTATIVES—Salaries and Expenses'' and shall be obligated with prior notification to the Committee on Appropriations of the House of Representatives: *Provided further*, That $1,000,000 shall be transferred as a grant to the United States Capitol Historical Society: *Provided further*, That the remaining balance of $179,869,000, together with any other amounts provided to any entity in the legislative branch which are derived from the Emergency Response Fund established by Public Law 107–38 and which remain unobligated as of the date of the enactment of this Act (other than any amounts provided to the House of Representatives or Senate), shall be transferred to the Capitol Police Board, who shall transfer to the affected entities of the legislative branch such amounts as the Capitol Police Board considers appropriate, with prior notification to the Committees on Appropriations of the House of Representatives and Senate.

HOUSE OF REPRESENTATIVES

ADMINISTRATIVE PROVISIONS

SEC. 801. (a) ACQUISITION OF BUILDINGS AND FACILITIES.—Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities, subject to the availability of appropriations, for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an Executive Agency, as defined in section 105 of title 5, United States Code, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) AGREEMENTS.—Notwithstanding any other provision of law, for purposes of carrying out subsection (a), the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) AUTHORITY OF CAPITOL POLICE AND ARCHITECT.—

(1) ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b).

(2) CAPITOL POLICE.—Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended—

(A) by striking ''The Capitol Police'' and inserting ''(a) The Capitol Police''; and

(B) by adding at the end the following new subsection:

''(b) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.''.

(d) TRANSFER OF CERTAIN FUNDS.—Subject to the approval of the Committee on Appropriations of the House of Representatives, the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a).

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 802. (a) Notwithstanding any other provision of law—

(1) subject to subsection (b), the Chief Administrative Officer of the House of Representatives and the head of an Executive Agency (as defined in section 105 of title 5, United States Code) may enter into a memorandum of understanding under which the Agency may provide facilities, equipment, supplies, personnel, and other support services for the use of the House of Representatives during an emergency situation; and

(2) the Chief Administrative Officer and the head of the Agency may take any action necessary to carry out the terms of the memorandum of understanding.

(b) The Chief Administrative Officer of the House of Representatives may not enter into a memorandum of understanding described in subsection (a)(1) without the approval of the Speaker of the House of Representatives.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 803. (a) There is established in the House of Representatives an office to be known as the House of Representatives Office of Emergency Planning, Preparedness, and Operations. The Office shall be responsible for mitigation and preparedness operations, crisis management and response, resource services, and recovery operations.

(b) There is established the House of Representatives Continuity of Operations Board, comprised of the Clerk, the Sergeant-at-Arms, and the Chief Administrative Officer of the House of Representatives. The Clerk shall be the Chairman of the Board.

(c) The Board—

(1) shall appoint and set the annual rate of pay for employees of the Office, including a Director, who shall be the head of the Office and shall carry out the day-to-day operations of the Office under the supervision of the Board;

(2) shall exercise, with respect to any employee of the Office, the authority referred to in section 8344(k)(2)(B) of title 5, United States Code, and the authority referred to in section 8468(h)(2)(B) of title 5, United States Code;

(3) shall approve procurement of services of experts and consultants by the Office or by committees or other entities of the House of Representatives for assignment to the Office; and

(4) may request the head of any Federal department or agency to detail to the Office, on a reimbursable basis, any of the personnel of the department or agency.

(d) Until otherwise provided by law, funds shall be available for the Office from amounts appropriated for the operations of the House of Representatives.

(e) This section shall take effect on the date of the enactment of this Act and shall apply to fiscal years beginning with fiscal year 2002.

OTHER LEGISLATIVE BRANCH

ADMINISTRATIVE PROVISIONS

SEC. 804. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking ''but not to exceed'' and all that follows and inserting the following: ''but not to exceed $2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.''.

(b) The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed $1,000 less than the annual salary for the chief of the United States Capitol Police.

(c) This section and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 805. In addition to the authority provided under section 121 of the Legislative Branch Appropriations Act, 2002, at any time on or after the date of the enactment of this Act, the Capitol Police Board may accept contributions of recreational, comfort, and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

SEC. 806. (a) Section 9 of the Act of July 31, 1946 (40 U.S.C. 212a) is amended by adding at the end the following new subsection:

''(c)(1) For purposes of this section, 'the United States Capitol Buildings and Grounds' shall include all buildings and grounds of the United States Botanic Garden, including the National Garden and Bartholdi Park.

''(2) For purposes of this section, the Joint Committee on the Library may suspend the application of section 4 of this Act to the buildings and grounds described in paragraph (1) in order to promote the interests of the United States Botanic Garden.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 807. (a) ASSISTANCE FOR CAPITOL POLICE FROM EXECUTIVE DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, Executive departments and Executive agencies may assist the United States Capitol Police in the same manner and to the same extent as such departments and agencies assist the United States Secret Service under section 6 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note), except as may otherwise be provided in this section.

(b) TERMS OF ASSISTANCE.—Assistance under this section shall be provided—

(1) consistent with the authority of the Capitol Police under sections 9 and 9A of the Act of July 31, 1946 (40 U.S.C. 212a and 212a–2);

(2) upon the advance written request of—

(A) the Chairman of the Capitol Police Board, or

(B) in the absence of the Chairman of the Capitol Police Board—

(i) the Sergeant at Arms and Doorkeeper of the Senate, in the case of any matter relating to the Senate; or

(ii) the Sergeant at Arms of the House of Representatives, in the case of any matter relating to the House; and

(3) either—

(A) on a temporary and reimbursable basis, or

(B) on a permanent reimbursable basis upon advance written request of the Chairman of the Capitol Police Board.

(c) REPORTS ON EXPENDITURES FOR ASSISTANCE.—

(1) REPORTS.—With respect to any fiscal year in which an Executive department or Executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 30 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) CONTENTS.—The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or Executive agency in providing assistance under this section during the applicable fiscal year.

(3) SUMMARY OF REPORTS.—After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 808. (a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a–2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 809. (a) Section 1 of Public Law 93–180 (40 U.S.C. 166d) is amended—

(1) by striking ''secure, through rental, lease, or other appropriate agreement, storage space'' and inserting ''acquire, through purchase, lease, or other appropriate arrangement, property or space'';

(2) by inserting ''the United States Capitol Police,'' after ''Representatives,''; and

(3) by striking ''as such Commission and committee may authorize'' and inserting ''as the Architect deems reasonable and appropriate''.

(b) Nothing in the amendment made by subsection (a) may be construed to affect the authority provided to the Architect of the Capitol under section 128 of the Legislative Branch Appropriations Act, 2002, to secure the property described in such section.

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 810. (a) Public Law 107–68 is amended in the item relating to ''ARCHITECT OF THE CAPITOL—CAPITOL VISITOR CENTER''—

(1) by striking ''unassigned space in the'';

(2) by striking ''for House space''; and

(3) by striking ''for Senate space''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

SEC. 811. (a) In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b), as amended by section 129(c)(1) of the Legislative Branch Appropriations Act, 2002, is amended by adding at the end the following new subsection:

''(c) The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.''.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after October 1, 2001.

SEC. 812. (a) Public Law 107–68 is amended by adding at the end the following:

''This Act may be cited as the 'Legislative Branch Appropriations Act, 2002'.''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 107–68.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Army'', $55,700,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, NAVY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Navy'', $2,000,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

MILITARY CONSTRUCTION, AIR FORCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Military Construction, Air Force'', $47,700,000, to remain available until expended: *Provided,* That these funds shall be obligated from amounts made available in Public Law 107–38.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. The Secretary of Defense may transfer to the ''Defense Emergency Response Fund'' amounts appropriated in Military Construction Appropriations Acts only if the Secretary makes a determination that amounts in the Fund are insufficient to carry out needed military construction projects. In exercising the transfer authority provided by this section, the Secretary of Defense shall first transfer unobligated balances remaining from fiscal year 2001 and earlier fiscal years before transferring any amounts appropriated in the Military Construction Appropriations Act, 2002. Amounts so transferred shall be available solely for military construction projects, including activities described in section 2802(b) of title 10, United States Code. At least 10 days prior to each such transfer, the Secretary of Defense shall notify the appropriate defense committees, shall provide an accompanying form 1391, and shall describe the source of funds from which the transfer is derived.

SEC. 902. Amounts made available to the Department of Defense from funds appropriated in Public Law 107–38 and this Act may be used to carry out military construction projects not otherwise authorized by law that the Secretary of Defense determines are necessary to respond to or protect against acts or threatened acts of terrorism. At least 10 days prior to carrying out such military construction project, the Secretary shall notify the appropriate defense committees and shall provide an accompanying form 1391.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $458,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

TRANSPORTATION SECURITY ADMINISTRATION

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the ''Transportation Security Administration'', $15,000,000, to remain available until September 30, 2002, to be obligated from amounts made available in Public Law 107–38: *Provided,* That obligation of funds under this heading is subject to enactment of legislation authorizing the establishment of such office.

AIRCRAFT PASSENGER AND BAGGAGE SCREENING ACTIVITIES

For necessary expenses of the Secretary of Transportation to carry out responsibilities 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 September 11, 2001, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier, $1,000,000,000, to remain available until expended: *Provided,* That none of the funds under this heading may be obligated or expended until enactment of legislation authorizing: (1) the conduct of such activities, whether by contract, grant, or direct federal personnel, by an organization within the Department of Transportation other than the Federal Aviation Administration; (2) the collection of passenger and baggage screening user fees designed to offset the cost of these activities; and (3) the crediting of the fees as offsetting collections to the account financing the activities and services for which the fee is imposed: *Provided further,* That the sum herein

appropriated shall be reduced, on a dollar for dollar basis, as such offsetting collections are received, so as to result in a final fiscal year 2002 appropriation of zero.

COAST GUARD

OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operating Expenses,'' $144,913,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operations,'' $291,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Facilities and Equipment'', $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the ''Emergency Relief Program'' as authorized by section 125 of title 23, United States Code, $75,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be included in the total of amounts made available in Public Law 107–38.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Safety and Operations,'' $6,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Formula Grants,'' $23,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and Special Programs,'' $2,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses,'' $465,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 11

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $2,032,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $1,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $23,231,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS AND RELATED EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Acquisition, Construction, Improvements, and Related Expenses'', $8,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, in order to expedite the acquisition of architectural and engineering services for the construction of facilities at the Cheltenham, Maryland, training facility, the Federal Law Enforcement Training Center may procure such services without regard to (1) the competition requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253); (2) the 6 percent fee limitation on such services set forth in section 304(b) of such Act (41 U.S.C. 254(b)); and (3) the procurement notice requirements of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416).

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $31,431,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which $5,200,000 may be used for necessary expenses of site acquisition, construction, operations, maintenance and repair of the special purpose canine training facilities in Front Royal, Virginia.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', to meet requirements, including technology, along the northern border and at critical seaports, $160,146,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

In addition, for an additional amount for ''Salaries and Expenses'' for response and recovery costs, a commercial backup facility and enhanced security for the Newington Data Center, and additional staffing and office expenses for anti-money laundering and foreign operations, $141,613,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Operation, Maintenance and Procurement, Air and Marine Interdiction Programs'', $6,700,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Tax Law Enforcement'', $4,544,000, to remain available until expended, to be obligated from amounts made available by Public Law 107–38.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and Expenses'', $104,769,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United Stats, for ''Federal Buildings fund'', $87,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 12

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''General operating expenses'', $2,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Office of Inspector General'', $1,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Science and technology'', $10,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States for ''Environmental programs and management'', $140,360,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

HAZARDOUS SUBSTANCE SUPERFUND

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering terrorism, for ''Hazardous substance superfund'', $5,800,000, to

remain available until expended, to be obligated from amounts made available in Public Law 107–38.

STATE AND TRIBAL ASSISTANCE GRANTS

For making grants for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, and to support activities related to countering potential biological and chemical threats to populations, for ''State and tribal assistance grants'', $5,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disaster relief'', $4,345,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Emergency management planning and assistance'', $35,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38, of which not less than $10,000,000 shall be available for support of the 2002 Winter Olympics.

SALARIES AND EXPENSES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Salaries and expenses'', $30,000,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38 of which not less than $10,000,000 shall be used to enhance the capabilities of the National Security Division.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For emergency expenses to respond to the September 11, 2001, terrorist attack on the United States, for ''Human space flight'', $81,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Science, aeronautics and technology'', $36,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

OFFICE OF INSPECTOR GENERAL

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Office of Inspector General'', $3,000,000, to remain available until expended, to the obligated from amounts made available in Public Law 107–38.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Research and related activities'', $300,000 to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

CHAPTER 13

GENERAL PROVISION—THIS DIVISION

SEC. 1301. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly provided so herein.

CHAPTER 14

ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS—DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Disease Control, Research, and Training'' for baseline safety screening for the emergency services personnel and rescue and recovery personnel $12,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United Stats, for ''National Institute of Environmental Health Sciences'' for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $10,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

for emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Community Development Fund'', $1,825,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002: *Provided further*, That, of the amount provided in this paragraph, $10,000,000 shall be used for a program to aid the travel and tourism industry in New York City.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Training and Employment Services'', $32,500,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That such amount shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE

WORKERS COMPENSATION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for ''Workers Compensation Programs'', $175,000,000, to remain available until expended, to be obligated from amounts made available in Public Law 107–38: *Provided*, That, of such amount, $125,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks.

POINTS OF ORDER

The CHAIRMAN. Are there points of order against the bill?

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order against the language ''to be derived from the Airport and Airway Trust Fund'' found on page 183, beginning on line 24 and continuing on line 25, and also the language on page 184, lines 7 and 8.

The CHAIRMAN. Does the gentleman from Alaska make the point of order?

Mr. YOUNG of Alaska. I reserve the point of order, Mr. Chairman.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the Committee on Appropriations.

The CHAIRMAN. The Chair first needs to rule on the point of order.

Does any other Member wish to be heard on the point of order?

Mr. LIPINSKI. Mr. Chairman, I have two points of order to make against the bill.

The CHAIRMAN. The gentleman from Illinois will suspend. The Chair is already considering a point of order.

Does the gentleman wish to address the point of order raised by the gentleman from Alaska on page 183?

Mr. LIPINSKI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman may continue.

Mr. LIPINSKI. I want to hear what he is going to say, because I am prepared to object, or I intend to object to what he wants to do. I intend to object to another portion of the bill, also. I am prepared to make my two points of order at the present time.

Mr. YOUNG of Alaska. Mr. Chairman, I think I take precedence over this.

The CHAIRMAN. The point of order is pending on page 183, beginning on line 24 and line 25. Does any Member wish to address the point of order at that point?

Mr. LIPINSKI. I am raising a point of order on that point, saying that we are legislating on an appropriations bill. I am prepared to hear what the gentleman from Alaska (Mr. YOUNG) has to say and the gentleman from Florida (Mr. YOUNG) has to say, but I reserve my ability to object to this portion of the bill.

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has made his argument on the point. The Chair is prepared to rule on the point of order.

Mr. LIPINSKI. Mr. Chairman, I raise a point of order against the language to be derived from the Airport and Airway Trust Fund, and on page 183, lines 24 and 25, the language constitutes an unauthorized appropriation and is a violation of clause 2(a) of rule XXI.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Alaska will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Chairman, I believe I was recognized first. I also believe I have the right to indulge in a colloquy with the chairman, if he so desires.

The CHAIRMAN. Not at this point.

Mr. YOUNG of Alaska. Not at this point?

The CHAIRMAN. Not at this point. The gentleman may strike the last word after the ruling of the Chair on the point of order.

The Chair is prepared to rule on the point of order. The gentleman from Alaska (Mr. YOUNG) makes a point of order that the language ''to be derived from the Airport and Airway Trust Fund and'' on page 183, line 24 and 25, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for Federal Aviation Administration operations ''be derived from the Airport and Airway Trust Fund.'' While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Are there other points of order?

Mr. LIPINSKI. I have another point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend. The Chair will complete its statement.

Are there any other points of order against the provision?

POINTS OF ORDER

Mr. PETRI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) is recognized.

Mr. PETRI. Mr. Chairman, I make a point of order against the language ''to be derived from the Highway Trust Fund and'' found on page 184, beginning on line 18 and continuing on line 19, if I may be heard on the point of order.

The CHAIRMAN. The gentleman may proceed.

Mr. PETRI. This language appropriates $75 million from the Highway Trust Fund for the Federal highway emergency relief program to respond to the attack on September 11.

While I support the administration's request for emergency relief highway funding to repair and reconstruct eligible highways, roads, and bridges that were damaged in these attacks.

This approach constitutes an unauthorized earmarking of funds. The language constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI, and I request a ruling of the Chair.

The CHAIRMAN. Is there any other Member who wishes to be heard on that point of order?

The Chair is prepared to rule on the point of order by the gentleman from Wisconsin (Mr. PETRI).

The gentleman from Wisconsin makes a point of order that the language ''to be derived from the Highway Trust Fund and'' on page 184, lines 18 and 19, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The provision would provide that funding for the Federal Highway Administration Federal aid highways emergency relief program ''be derived from the Highway Trust Fund.''

While authorization in law may exist for this funding from general revenues, no specific authorization in the law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair on September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. LIPINSKI. Mr. Chairman, I have a point of order against the bill.

Mr. Chairman, I raise a point of order against the language ''to be derived from the Airport and Airway Trust Fund'' on page 184, lines 7 and 8. The language constitutes an unauthorized appropriation. It is in violation of clause 2(a) of rule XXI.

The CHAIRMAN. Is there another Member who wishes to be heard on the point of order?

The Chair is prepared to rule. The gentleman from Illinois (Mr. LIPINSKI) makes a point of order that the language ''to be derived from the Airport and Airway Trust Fund and'' on page 184, lines 7 and 8, constitutes an unauthorized appropriation in violation of clause 2(a) of rule XXI. The provision would provide that ''funding for Federal Aviation Administration facilities and equipment be derived from the Airport and Airway Trust Fund.''

While authorization in law may exist for this funding from general revenues, no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the Chair of September 23, 1993, and June 26, 2001.

The Chair finds that the provision is not supported by an authorization in law. The point of order is sustained and the provision is stricken.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to address my colleagues for a moment. I talked to the gentleman from Minnesota (Mr. OBERSTAR) and I talked to the gentleman from Florida (Mr. YOUNG), and we were not going to insist on the point of order with the aviation money. I will tell the Members why, although it is in our jurisdiction of our committee.

We passed the security bill last week, and I am very proud of it. It also needs to be funded. I thought it would be time now to try to put this behind us and get this screening system in place, get the screeners in place, get the equipment in place, and achieve what we sought to do a week ago Friday.

It has been decided not to do that by Members of the Committee. But I do believe the gentleman from Florida (Mr. YOUNG) and I dealt honorably together. I thought we had reached an agreement on the aviation part of the legislation; we had not on the highway part of the legislation.

I just urge my colleagues to understand one thing: We have to fund this program. It has to be funded. We have to get it done.

Members heard about Mr. Secretary Mineta saying he doubts he can meet the 60-day requirement. He is probably correct. We will do everything possible, but he needs the money to do it.

May I suggest respectfully, the other thing that can happen if he does not do it, the faith of the flying public will be eroded. We have to act very rapidly to fund this. I believe the chairman of the Committee on Appropriations was trying to do that.

I do think the White House, very frankly, the administration, did not communicate that need to our committee. It did not inform us that this is very, very important, and frankly, I did not know about this until yesterday afternoon. I suggested to them and to the gentleman from Florida (Mr. YOUNG) that the communication in the future be more evident and more forthwith, so we can reach a mutual agreement, so we can solve the problem.

The points of order have been upheld; I understand that, and I am not going to delay it any longer. But the reality is that if we do not recognizes the need to fund the screeners, marshals, and all the other things that were in that security bill, we are not doing ourselves any favor, nor the flying public.

So I urge Members to consider that. Later on down the road we can and we will make sure this is properly funded.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I regret that the points of order were raised because of the important message that my colleague, the gentleman from Alaska (Mr. YOUNG), has mentioned: the importance of funding these important programs.

I want to say that it was a real privilege and pleasure to work with him most of today to come to an agreement, and I wanted to say to him for the RECORD that regardless of the fact that points of order were raised that were not consistent with that agreement, that I will keep the agreement that the gentleman and I reached personally as this bill proceeds through the conference.

Mr. YOUNG of Alaska. I thank the gentleman, because this goes forth to the Senate side, or, I should mention, the other body. God knows what is going to happen on that side.

Again, I say to my good friends, we must fund these projects. For those who have not gone over to the committee room, anybody on this floor listening to this telecast, look at the technology that is available, that is being shown there today. But it takes money to build those machines. We need those machines.

The battle last week or 1–1½ weeks ago was all over federalization. The battle should be, can we rise to the occasion through technology. I believe we can do that.

Go over and see what is there right now. The reason we have not used it, very frankly, is the FAA has been dragging their feet for the last 10 or 15 years. Under this bill we have passed, I believe the Secretary of Security can demand and issue the permits for the purchase of those pieces of equipment, but we need the money to do it.

I thank the gentleman, the chairman of the Committee on Appropriations, and the gentleman from California (Mr. LEWIS) for a fine defense bill. I think this is a bill to be proud of, regardless of what has been said on the floor. We must get past this bill and move it forward.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the difficult position the chairman of our committee was in in this process, wanting to accomplish the right thing for aviation security, but also constrained by the appropriation process.

Now, striking that provision does not strike the money.

□ 1700

The money is available. It is just the source of money. Now, when this body moved in the immediate aftermath of September 11 to appropriate the $40 billion, it was clearly understood $20 billion of that was to be set aside for New York and another $20 billion was to be used for other purposes. And it was also made clear by the executive branch and specifically by the Secretary of Transportation that one of the first measures to be instituted in aviation security would be to bring sky marshals aboard domestic flights; and that the funding for those sky marshals would come out of this $20 billion of the initial $40 billion.

It does not seem reasonable to me to raid the Aviation Trust Fund, to do that when there was already commitment to take those dollars out of another source. But I understood the difficult position that our committee chairman was in. I want to see if there would be a commitment from the Committee on Appropriations that these Aviation Trust Fund dollars would be restored and in what way and in what time. But our ranking member felt very strongly about this matter that we worked on a bipartisan basis in the last Congress to fashion and enact Air 21 with the firewalls to understand those dollars would not be raided for other purposes.

We do not know what specifically those dollars are going to go for from the Aviation Trust Fund. It would have been good to have an elucidation on that. I regret that I was not on the floor at that time. I confess I had a meeting with the Federal Highway Administrator talking about other matters, and I rushed over as soon as I concluded that meeting.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member of the full committee for yielding.

Mr. Chairman, I simply want to say first of all that I was not party to any agreement. I was aware of the situation in this bill. I felt it was inappropriate and against the rules to take this money out of the Highway Trust Fund. I want everyone to know here that any agreements they had I was not party to. I also want everyone to know that this was my initiative and my initiative alone. I felt very strongly about it.

If I have ruffled any feathers and upset any agreements over here, that is unfortunate; but nevertheless, I felt very strongly about it so I moved in that direction.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. OBERSTAR. Mr. Chairman, I think that the important work of the aviation security measure that we enacted which is now law can go forward. It is unfortunate that some sky marshals, frankly, have not been paid. I have been made aware of situations where sky marshals have performed their job now for several weeks but have not been paid and that is because the $20 billion fund has not been made available for this purpose because it was not a specific authorization.

Now, the bill before us is supposed to have a specific authorization to do these things. It was not our understanding that the Aviation Trust Fund was to be raided for this purpose. In the Aviation Security Act it provided a $2.50 airline ticket surcharge that in the coming years is estimated to raise between $800 million and $1,200,000,000 depending on when that fee is actually put into effect; and in the following year, a full year of operation, that fee would raise $2.65 billion.

That is enough money to fund these purposes. But we should not raid the trust fund which is needed now more than ever before for the runway improvements, taxiway improvements and the investment dollars that are needed at this most critical time for aviation to get back on its feet.

I appreciate again the very difficult position the chairman was in. I wish that we had been involved at an early stage of this process on this side so some of our concerns could have been taken into consideration.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FILNER:

In title X (the emergency supplemental provisions), in the item relating to ''DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES'', insert before the period at the end the following:

Provided, That, of the amount provided under this heading, $20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

Mr. FILNER. My amendment, Mr. Chairman, refers to the southern border of the United States.

We know the tragedies that had afflicted this country of September 11, especially on New York City; and arguments have been made on this floor very eloquently this afternoon about the need for help for New York City. The ripple effect of those attacks affected our whole Nation. And similar arguments can be made for other sectors of our country, other sectors of our economy. For example, the increased security that was called for after September 11 on our borders required what we call a level-one alert.

Level-one alert means that every individual, every vehicle is going to be stopped, inspected, trunk opened up, questions asked, information entered into a computer, questions asked again. That process of level-one alert takes time.

And what has occurred at the southern border is because of the time that is required for this increased security, which everybody supports and everybody wants, is that the waiting period for legal people to cross the border from Mexico into the United States has increased to an hour, 2 hours, 4 hours, sometimes 8 hours at a time. That waiting time for people to cross the border legally has devastated the economies of communities along the border.

I represent San Diego, California, which has the busiest border crossing between any two countries in the world. But what I say today refers also to Calexico, California; to Nogales, Arizona; to El Paso, Texas; to Brownsville, Texas. The border economies have depended on that legal crosser for their business. Anywhere from 50 to 90 percent of economic activity has been cut since September 11.

Now, nobody on the border wants terrorists to cross. Everybody supports the level-one security concerns. But what is needed if we are going to spend

the time on level-one alert is to provide the resources to the Customs Service and the Immigration and Naturalization Service to carry out these inspections.

We have 24 crossing gates at the San Ysidro border-crossing in San Diego. Sometimes a couple of them are open, sometimes six or 12. Why not open them all? Why not open them all 24 hours a day? We could have both the level-one security and the quick time that is required to keep the flow moving.

People who want to shop in San Diego or in Calexico or Nogales or in Brownsville or in El Paso do not cross the border because it takes too long. People cannot cross the border for their jobs. People cannot cross the border to go to school. Let us open all the lanes 24 hours a day.

According to my discussions with the INS, the increased number of positions to do the level-one security and to keep the flow at a reasonable rate would cost about $20 million, $20 million. That seems like in the context of the discussions we have had today almost minuscule. We have talked about billions here and billions there. All I am saying is let us allocate within the budget, Mr. Chairman, allocate within that budget $20 million to inspectors to help us deal with the border crossings.

We can have security. We can have the commercial flow that is absolutely necessary. Businesses along the border, these are mom and pop businesses. These are people who are having trouble keeping the mortgage going on their rents, who are having trouble keeping employees hired, having trouble meeting the utility payments. It is devastating the border communities, in fact, devastating much of the city of San Diego. Three billion dollars a year of our economy in San Diego comes from the legal shopper from Mexico.

So let us keep terrorists out. Let us keep security high, but let us keep the flow necessary for commercial activity. Let us reallocate within the budget, Mr. Chairman, $20 million to make sure that the southern border is properly staffed. The bill has $165 million for the northern border. Let us put in 20 extra for the southern border. I do not think that is too much to ask.

Mr. ORTIZ. Mr. Chairman, I join my good friend from California and thank him for his work with the Border Caucus and his diligence to find ways to accommodate the free flow of commerce along the Southwestern border.

It is not new for border members to let the House know when our infrastructure does not meet our transportation and trade needs. But at this point, it is less the need for more infrastructure—we simply need to be able to use what we already have. It does us no good to have 4–5 lane U.S.-Mexico bridges if we have only enough personnel to operate a couple of those lanes.

This House would be appalled if you could see the staggering lines of traffic waiting to use a fraction of lanes on a bridge . . . only because we do not have the personnel to staff them. Imagine coming across a bridge from Virginia using only one lane, while perfectly good lanes go unused. That's what we face at our nation's border crossings. The border is in a crisis, Mr. Chairman.

It is the front door to the North American markets—yet right now it is the front door to chaos and congestion. As a border representative, I understand—more than you can possibly imagine—the recent attitude in the Congress that while we are at war, our borders should be harder to cross—not easier. That's bunk.

Open borders and free-flowing commerce are a large part of what this country is about. And I might remind my colleagues, respectfully, that the terrorists who visited the terror on our nation came across the northern border, not the southern. We have addressed that already through the PATRIOT Act, and this amendment does not affect those inspectors on the northern border. But we failed to focus our attention on the border traffic that is best characterized by the extraordinarily long waits at our front door. Well, we have to put out a better welcome mat than that, my friends. This addresses not only our democratic tendencies, but a fundamental principle of our economy as well.

Mr. Chairman, we are in real trouble on the border. That's hardly a new position for us; but the increased security after the 11th has made an already bad situation much worse. One of the issues that has contributed to the suffering on the border is Congress' insistence that border crossers now use biometric laser visas. The deadline to get the new visas passed Sept. 30, and many border residents can no longer cross to shop, go to school, or get health care.

Let's forget for a moment that the INS does not have enough equipment to scan the biometric components, which is bad enough. But without an extension to the now-passed deadline, these people simply won't be participants in our economy until well into 2002 when they can get replacement cards. The truck traffic passing over our bridges is nearly always destined for points far beyond the border. That leaves us with nothing.

I understand the chair's ruling on the amendment and we will not press this here, but let the members of the House hear our message: We are in trouble on this and we need enough inspectors on the bridges and an extension for laser visa compliance to mitigate the damage to the border economy.

Mr. FILNER. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, as empathetic as I am to the gentleman's causes here, I think we have done a very balanced job in this overall package. Therefore, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.'' Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. FILNER. Mr. Chairman, the gentleman from California (Mr. LEWIS) refers to a rule which in the normal course of things is completely understandable. The gentleman from California (Mr. LEWIS) knows there are a hundred items in his bill that do not follow the rule that he just stated. He knows that a hundred items not authorized are appropriated in this bill.

The gentleman from California (Mr. LEWIS) says he is empathetic with my arguments. It is an emergency. It is a disaster. Some of the same argument we heard from New York City on a lesser scale and on a lesser visibility are occurring on the southern border communities.

All that we are saying is not asking for money to just reallocate; make sure it is reallocated to these deserving communities which are dying, and take into account we have a disaster. What I am asking is no different than a hundred other folks have asked in your bill. So let this one go and help the border communities survive.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. LA TOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATOURETTE:

Pages 168 through 170, strike section 801 of the bill, and redesignate subsequent sections accordingly.

Mr. LATOURETTE. Mr. Chairman, this is the first of two amendments that we may offer and coauthored by the gentleman from Illinois (Mr. COSTELLO), the ranking member of our subcommittee. One has to do in section 801, the other one in section 809, is a specific usurpation of the jurisdiction of the Committee on Transportation and Infrastructure.

Specifically, section 801 would authorize the chief administrative officer of the House to acquire buildings and facilities for the House of Representatives in the event of an emergency situation, and section 809 would permanently authorize the Architect of the Capitol to purchase property for use by the House, the Senate and the Capitol police.

The Committee on Transportation and Infrastructure has a long history of reviewing legislation pertaining to

the Capitol grounds, to authorize the Architect of the Capitol to acquire facilities for the Library of Congress, the Library of Congress storage facility, for the Senate page school, for the Japanese-American patriotism memorial on the Senate side, for the Capitol visitors center, and even for the sale of 501 First Street.

The legislative language in this appropriations bill causes us some concern; and with the acquiescence of the distinguished chairman of the full committee, I would like to engage in a colloquy, if I may on my time.

Mr. Chairman, as the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management, I have serious concern over the authorization language relating to the lease, purchase or the acquisition of buildings and facilities granted to the Chief Administrative Officer of the House and the Architect of the Capitol. It is my understanding these provisions are intended to relate to items arising only from the September 11 attacks and other October biological events.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say that the language that the gentleman refers to is included to allow the House of Representatives to continue planning for future contingencies and continuity of operations.

Section 809 of the bill, which the gentleman from Ohio (Mr. LATOURETTE) is also concerned with, is intended to allow the Architect of the Capitol to acquire facilities such as a new Capitol Police headquarters and command and control center, which they desperately need. The language is intended to relate to events of September 11 and is not intended to usurp your committee's authority, and we will certainly work with the gentleman through this process.

Mr. LATOURETTE. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida (Mr. YOUNG) very much for his observations.

It is my intention in a moment to ask unanimous consent to withdraw this amendment; but before I do, would the gentleman from Minnesota (Mr. OBERSTAR) like to be yielded to?

□ 1715

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I share the chairman's great concern, and I appreciate that the Committee on Appropriations wants to give this authority in the emergency circumstances, but it is authority that is not necessary.

The chief administrative officer now has authority to sign agreements with executive branch agencies, like GSA, that can supply office space in time of emergency. And I have great concerns about the language used in this provision. Section 801 has terms that are not defined, ''facilities,'' ''such other arrangements,'' and ''other entities.'' Seems to me that broadly worded language of that nature leaves the House open to risk, leaves us open to speculative real estate transactions without the ordinary scrutiny that would be undertaken by the subcommittee which the gentleman from Ohio chairs.

I just wonder whether the Committee on Appropriations had given thought to this: whether in providing such broad language they really intended to remove from the committee's appropriate oversight responsibility these actions by the chief administrative officer. Is the chairman prepared to respond to that concern?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I have to admit that I was engaged in a conversation and not listening to the gentleman.

Mr. OBERSTAR. If the gentleman from Ohio will continue to yield, my question simply was, did the Committee on Appropriations understand in crafting this language that they were, in some sense, removing from the Subcommittee on Economic Development, Public Buildings and Emergency Management its responsibility for oversight and for authorization of these actions by the chief administrative officer in order to protect the House's interest in appropriate real estate transactions; protect us against speculative actions?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman that these are items that have been identified that need to be taken care of. As my colleague, the gentleman from Alaska (Mr. YOUNG), mentioned just a few minutes ago dealing with airport security and aviation security, they have to be done.

Now, Members do not understand that in the absence of an authorizing bill, the appropriators are usually asked to take care of issues that have not been authorized, and so that is what we do, and we do that very well. We try to do it in cooperation with the authorizing committee, and we thought that we had a fairly good understanding not only on this but the aviation package as well.

So we understand the appropriate relationships of the committees, but sometimes the authorizing committees do not have a bill, do not have a vehicle, are not prepared to deal with a problem, and so the Committee on Appropriations is asked to do it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LATOURETTE) has expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I appreciate what the chairman has just said; however, our side was not involved in these discussions, and it is obvious that the chairman of the Subcommittee on Economic Development, Public Buildings and Emergency Management was not involved. We could well have worked with the Committee on Appropriations to craft language that would have been acceptable to our committee, and then folded that into the appropriation process. That is the concern that we have.

Mr. LATOURETTE. Reclaiming my time, Mr. Chairman, I thank the gentleman, and I will tell the distinguished ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for whom I have great respect and have worked closely with for 7 years, that the appropriators have indicated to me this is a specific situation to deal with the events of September 11.

I felt it more than appropriate to express the concerns of our subcommittee that we not lose the oversight function, which we do very well, but I am satisfied and assured by the Chairman's remarks, and I thank him for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 182, line 21, after the dollar amount, insert the following: ''(increased by $250,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would like to say to the gentleman, if we can expedite this, we are prepared to accept the amendment.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I can assure the gentleman that it will be as expedited as humanly possible, given those good tidings.

This amendment, offered by the gentleman from Ohio (Mr. STRICKLAND) and myself, is an effort to ensure that we fulfill the obligations set forth in the airline security bill we passed and the President signed just a week ago. It is precipitated by concerns that have been expressed by the Secretary of Transportation that we will not meet some deadlines that were established in that bill to assure that 100 percent of the bags that go into the belly of an airplane are screened.

Just 1 week after the President of the United States signed this bill, assuring Americans that we are going to have

100 percent screening of baggage, to say we give up and we are not going to fulfill this equipment does not respect the needs of the American public for safety in flying. So this amendment we offer would increase the appropriation by $250 million so that we can be assured that no excuse is allowed; that there was a lack of resources to do the positive bag matching that is required by the bill, to do the visual inspection that is required by the bill, and to use perhaps dog sniffers, which are euphemistically called ''canine explosive detection units'' in our bill.

We want to make sure resources are not an issue. We think we should do this on a bipartisan basis.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

I am doing this for one reason. My good friend, the gentleman from Washington, if I am not mistaken, voted for the Senate bill, and in the Senate bill they had no bag screening at all, period.

I read the paper today, and Mr. Mineta, unfortunately, did say what he said, and he is probably correct unless we do fund it; but I also see a couple of other Members jump up and holler in anguish, saying this is terrible, this is wrong, we are letting the American people down, who voted for the Senate bill.

* * * In reality, the Senate bill had no screening of baggage at all.

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

Mr. YOUNG of Alaska. If it is the ''demagogue'' word, Mr. Chairman.

The CHAIRMAN. The Member will be seated.

The Clerk will report the appropriate portion of the remarks.

Mr. YOUNG of Alaska. Mr. Chairman.

The CHAIRMAN. The gentleman will suspend.

□ 1730

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent to withdraw any statement that any Member might think I said that was out of order, just to speed things along, although I have been informed that I was not out of order; otherwise I will wait for the ruling of the Chair.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I want to get back to the point that when we work on legislation, we do the best we can within the House of the people. And to have other Members question the integrity of the House during a period of debate following the 2 weeks after we pass the bill, and then to have the Secretary of Transportation mention something that might be a reality, and to say that the administration is not fulfilling the obligation of the Congress is not correct.

Mr. Chairman, I respectfully request Members, do not use this as a political issue as has been used for the past 4 weeks. Let us seek good, sound security. Let us fund it and make it correct.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are prepared to accept the amendment. However, I would like this opportunity to just remind Members that what this amendment would do is increase the amounts available from the user fee trust fund for the purposes of airport security which we all want.

However, just a few minutes ago there was stricken from this bill monies from the airport trust fund for this very purpose. I am having a little bit of difficulty fathoming the duplicity that we are engaged here in. There was a point of order, two points of order sustained just a few minutes ago that would prevent the Congress spending airport trust funds and highway trust funds for the emergency that we are dealing with here, the aftermath of September 11.

Here we are increasing the amount of money coming from a trust fund. I am having a little difficulty, pardon my ignorance, in fathoming the duplicity that is involved this afternoon. If anyone would care to comment on that, I would be happy to yield.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. First, Mr. Chairman, I have not made any points of order today in this regard. But more importantly, what this has done is we have been looking for a way on a bipartisan basis, and I see no reason for ill will on this issue at all, I really think the parties are together on this, to assure that we give the administration enough resources to do this baggage screening that we all want done, and we are all on the same page on that.

What we found is there is another probable $250 million that will be available from the stream of revenue through the ticket surcharges that were set forth in the airline security bill. This money will not come out of the airport trust funds. This money will be funded 100 percent by the surcharge on the tickets.

Mr. ROGERS of Kentucky. Reclaiming my time, I fully understand that. But I am having some difficulty understanding that those earlier who objected to the use of trust funds for airport security and struck $466 million from the bill that was designed for that purpose, and now supporting the dipping into a trust fund, the new one, for the purpose of airport security.

Mr. Chairman, we have got to find the money somewhere. I really am at a loss to understand why those who objected to the use of the trust funds that were earlier stricken did that. We have got to find monies to pay these air marshals to safeguard the cockpit, to pay the screeners under the new scheme. It is going to cost us $54,000 per person, the government. We do not have the money. It was stricken from the bill.

Where is the money? Where is the money?

The trust funds are sitting there fat. I thought when we passed a tax to create a trust fund and charge users of the airports and the highways for the use of those facilities, I thought those monies would be used for airport security and the other purposes that the trust fund is collected for; and yet those were stricken from this bill. I support the gentleman's amendment because we have to have the money, but it still leaves us several hundred million dollars short.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, first off, we are not a monolithic group on our side of the aisle, so I will not address the concern of any other Members. Members must understand that this will be funded through a stream of revenue that has been set up, and there is a $2.50 charge.

I want to make sure that Members understand that I think there is a bipartisan desire to get this job done. I compliment the gentleman from Alaska (Mr. YOUNG), although I disagree with his assertion of my demagoguery on his work in increasing the appropriation in the airline security bill to have a 100 percent baggage screening requirement. That is the right thing to do. We have now a fund for making sure that gets done, and I thank the gentleman for accepting this amendment.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, after September 11 many Americans were absolutely shocked to learn when they got on an airplane, the bags were not screened for explosive devices. We have debated that issue in this House, and we came to a bipartisan agreement that I think we can all be proud of. It was something that we agreed to and voted on. We sent it to the President. He signed it into law. It is the law of our land today.

I was stunned, quite frankly, a few hours ago when our Secretary of Transportation announced that he could not meet the requirements of this law. As I understand the law, it is not an option. It is a requirement that within 60 days this government have some procedure in place to make sure that every bag is screened for explosives. All Members want that. The American people want it.

All we are trying to do with this rather simple amendment is to provide an additional $250 million to the already $1 billion so that if the Secretary

of Transportation does not have enough employees, he can acquire them. If there are not enough drug-sniffing dogs, we can have them trained. We can do, in fact, for the American people what we have said we will do for the American people. There is no need for acrimony.

Mr. Chairman, I think we can all agree on this. We can all claim victory and say we have done the right thing and we can get the job done. With that I urge my colleagues to feel good about this amendment, and I congratulate my Republican colleagues for having indicated that they will accept it.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so for the purpose of responding to the chairman's question where these funds are going to come from, and the implication that the point of order made by the gentleman from Illinois struck the money. In fact, the point of order struck the source of the funding. It did not strike the $466.5 million in this legislation.

When the Congress appropriated $40 billion in the immediate aftermath of September 11, $20 billion was clearly understood to go to New York for its needs and another $20 billion to respond to other needs of the economy. And it was made very clear at that time when the Secretary of Transportation announced that sky marshals would be assigned to domestic flights that the funding for those sky marshals would come out of that $20 billion. That is the basis on which we have proceeded.

That in this interim period of time until the surcharge on airline tickets provided for in the aviation security bill is put into effect and the money is raised, that the emergency appropriation of $20 billion in part would cover the cost of the sky marshals.

Mr. Chairman, does the chairman of the appropriations subcommittee have a different understanding?

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, what is happening here is once the sections were stricken earlier, no longer will these expenses that we are talking about for the sky marshals and the screeners and the like be taken from the airport trust fund; it will be taken from the general treasury. The American taxpayers are going to be footing the bill here rather than the trust fund that was created for the purpose. If we are going to have a trust fund for security in the airports, we ought to spend those dollars for that purpose.

Mr. Chairman, does the gentleman believe in truthful budgeting, or not?

Mr. OBERSTAR. Reclaiming my time, the sky marshal program was established by President Nixon by executive order issued on September 11, 1970, with funds appropriated not out of the airport and airways trust fund, not out of an aviation account, but out of a separate account dedicated to fund the sky marshal program. That program ramped up to a few thousand sky marshals, and then gradually dwindled down.

When the $40 billion was appropriated in the aftermath of September 11, the Secretary of Transportation made it clear that the funding initially of the sky marshal program, the ramping up of the program would come out of that $20 billion, and we do not see any reason to raid the trust fund in order to do that. The Secretary made a commitment, and I think the purpose is very clear. The Committee on Appropriations has so many demands on the $20 billion, it does not want to exceed its $20 billion, and dipped into the trust fund to do so.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, then perhaps we need to reduce taxes. If we are not going to use the trust fund monies for trust fund purposes, perhaps we need to reduce that tax; and perhaps we ought to ask the Committee on Ways and Means to address the issue of taxing the traveling public and we are not using the money for that purpose.

Mr. OBERSTAR. Mr. Chairman, I would say to the gentleman, that is why we proposed a surcharge. The funds to be taken by this language are already spoken for. They are already spoken for in the FAA, and are needed for the purposes for which they are intended. The additional money to pay for the sky marshals was to have come out of $20 billion. That was our understanding.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask the gentleman, is it not true that there are unobligated, unexpended, surplus, noncommitted funds in the airport trust fund at this moment?

Mr. OBERSTAR. Mr. Chairman, there always are at the beginning of a fiscal year when the funding has not been designated, but those dollars will be committed and are already spoken for.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(On request of Mr. ROGERS of Kentucky, and by unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, there is a balance at the end of the year in the airport trust account that is unobligated, unspent surplus funds; is that not true?

Mr. OBERSTAR. Not exactly.

Mr. ROGERS of Kentucky. If the gentleman would continue to yield, yes, it is.

Mr. OBERSTAR. Mr. Chairman, not exactly. Those dollars are committed to acquisition of air traffic control technologies, as the chairman well knows. The operations account is to pay for the air traffic controllers and for the professional systems repair personnel, and were not intended to pay for sky marshals.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, would they also be available for such things as bomb detection machines at the airports?

Mr. OBERSTAR. In the facilities and equipment accounts, yes.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman would continue to yield, I rest my case.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, the point is that the surcharge is to pay for those acquisitions, and payment of sky marshals is to come out of the $20 billion. We should have had this dialogue long before this moment, before coming to the floor with this legislation.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate on the airport security bill was a fascinating debate and one in which I thought the Senate had done a good job, and I thought the House had improved on it. I thought the House improved on it when they added a provision that said we must check baggage that goes into the belly of an aircraft. The House version required this to be done by the end of 2003.

That is really what the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) and I had requested. We were saying at least by the end of 2003. To the credit of, frankly, the House, they put that amendment in; and then the conference committee said by the end of the year 2002.

It is physically impossible to inspect for explosives in 60 days, and there was no intent that we would be able to inspect for explosives in 60 days.

□ 1745

If Members of Congress thought they were voting for that, I think that would be a hypocritical thing for me or anyone else to do, because we know it cannot be done. It is going to be tough to do it by the end of 2002.

But clearly we need more money, and I think that the gentleman from Washington (Mr. INSLEE) is right in requesting it. I thank the chairman for accepting it. But it should have been taken out of the trust fund. We should not be talking about expanding airports and doing all the other improvements until we make planes safer. I take some real exception to the deletion of this. I realize technically they were right in doing

it, but I think they were, frankly, inaccurate and I would say it was a moral mistake. I think that what is in the trust fund should go for safety. Our constituents want that and I regret that it will now come out of the general fund. But I thank the chairman for accepting the amendment. I appreciate the gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) offering the amendment here and support it. I also want to thank the gentleman from Alaska (Mr. YOUNG) for being the one who made sure it was in the bill because it was not in the Senate version. The Senate did a good job; the House, I thought, improved on it; and I think the conference committee did an even better job.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Does the gentleman understand that as a result of the moneys being stricken earlier this afternoon, coming out of the trust funds for the purpose of security, buying bomb detection machines, sky marshals, screeners and the like, because that money was stricken from the bill, this bill earlier today, that $466.5 million, adding back the $250 million that we are talking about with the Inslee amendment, will not get us back to where we were? We are still going to be short several hundred million dollars. And that the airport trust fund has funds in it right now that could be used for this purpose.

Mr. SHAYS. I am aware of it. I am very distressed by it. I hope it is worked out by the leaders and you as to how we deal with this. I think it was a clear mistake to take it out of the trust funds. I think in the end we endanger the public by doing it.

Mr. ROGERS of Kentucky. Does the gentleman mean it was a mistake to strike it?

Mr. SHAYS. Yes, it was a mistake to delete from the bill the use of the money from the trust funds; we should be using the trust funds for what they were intended, and that is for the flying safety of the American people.

Mr. ROGERS of Kentucky. I thank the gentleman for that statement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new title:

TITLE ____—STEEL INDUSTRY LEGACY RELIEF

FINDINGS

SEC. ____1. The Congress finds the following:

(1) The United States steel industry has been severely harmed by a record surge of steel imports into the United States since 1998.

(2) This surge in imports has resulted in the loss of more than 26,000 steel worker jobs and is the imminent cause of 25 steel company bankruptcies.

(3) The import surge has also forced the United States steel industry into reduced volume, lower prices, and financial losses.

(4) On October 22, 2001, the International Trade Commission determined that the domestic steel industry has been severely injured by the import surge.

(5) The United States steel industry has massive retiree health care liabilities that total $13,000,000,000 and cost the steel industry almost $1,000,000,000 annually.

(6) These health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the impact of foreign imports.

(7) Steel company bankruptcies, job losses, and financial losses are contributing to the Nation's current economic slowdown and are having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens.

(8) A strong steel industry is necessary to a healthy economy and to the adequate defense preparedness of the United States.

TRADE ADJUSTMENT ASSISTANCE FOR STEEL

SEC. ____2. (a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

"CHAPTER 6—ADJUSTMENT ASSISTANCE FOR STEEL COMPANIES

"SEC. 291. DEFINITIONS.

''In this chapter:

''(1) QUALIFIED ANNUAL EXPENDITURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified annual expenditure' means, for any calendar year in connection with a qualified steel company, the total of all expenditures made by such company during such calendar year to meet retiree health care liabilities under a covered retiree health plan established or maintained by such company. Such term includes—

''(i) any disbursement during such calendar year from a voluntary employees' beneficiary association trust organized by the company under 501(c)(9) of the Internal Revenue Code of 1986 to fund retiree health care liability, and

''(ii) any qualified transfer by the company during such calendar year of excess pension assets, described in section 420 of such Code, to fund retiree health care liability.

''(B) LIMITATION.—In any case in which an employee benefit plan is a covered retiree health plan as a successor to another covered retiree health plan, in determining so much of the qualified annual expenditure for any calendar year of the qualified steel company as is attributable to such successor plan, the Secretary shall disregard any expenditures made to meet retiree health care liabilities in excess of the present value of the amount of the retiree health care liabilities in existence on the date of the enactment of this chapter under the predecessor plan in effect on such date.

''(2) QUALIFIED STEEL COMPANY.—The term 'qualified steel company' means any entity that is incorporated under the laws of any State and—

''(A) on January 1, 2000, was so incorporated and was engaged in—

''(i) the production or manufacture of a product identified by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; or

''(ii) the mining of iron ore, or

''(B) is a successor to an entity described in subparagraph (A).

''(3) RETIREE HEALTH CARE LIABILITY.—The term 'retiree health care liability' means, in connection with a qualified steel company, an obligation of such company under an employee benefit plan to pay post-retirement health benefits to participants and beneficiaries or to contribute to such a plan providing such benefits.

''(4) COVERED RETIREE HEALTH PLAN.—The term 'covered retiree health plan' of a qualified steel company means an employee benefit plan—

''(A) established or maintained by such company for its employees, or

''(B) established or maintained pursuant to a collective bargaining agreement between one or more employers including such company and one or more employee organizations,

under which, as of the date of the enactment of this chapter, such company has retiree health care liability. Such term includes a successor employee benefit plan established or maintained as described in subparagraph (A) or (B).

''(5) EMPLOYEE BENEFIT PLAN AND RELATED TERMS.—The terms 'employee benefit plan', 'participant', 'beneficiary', and 'employee organization' have the meanings provided such terms, respectively, under section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"SEC. 292. ESTABLISHMENT OF GRANT PROGRAM.

''(a) AUTHORIZATION.—The Secretary of Labor is authorized to provide grants to any qualified steel company for the purpose of assisting such company in making the qualified annual expenditure for the calendar year for which assistance is requested.

''(b) APPLICATION.—

''(1) IN GENERAL.—A qualified steel company may, not later than December 1 of the year prior to the calendar year for which assistance is requested, submit to the Secretary an application for a grant under this section.

''(2) CONTENTS.—An application for a grant under this section shall contain—

''(A) appropriate documentation of the company's qualified annual expenditure for the calendar year for which assistance is requested; and

''(B) such other information as the Secretary may require.

''(3) REVIEW AND APPROVAL.—Not later than 30 days after the receipt of an application under paragraph (1), the Secretary—

''(A) shall review the application and determine whether or not the application meets the requirements of paragraph (2); and

''(B) if the Secretary makes an affirmative determination under subparagraph (A), shall approve the application.

''(c) AMOUNT OF GRANT.—The amount of a grant provided to a qualified steel company under subsection (a) for a calendar year shall be equal to 80 percent of the qualified annual expenditure of the company for the calendar year..

''(d) MONTHLY PAYMENTS UNDER THE GRANT.—The Secretary shall make assistance payments on a monthly basis to an eligible company that provides in a form satisfactory to the Secretary documentation of so much of a qualified annual expenditure as is attributable to the previous month. Proper adjustments shall be made in amounts subsequently paid to the extent prior payments were in excess of or were less than the proper amount.

''(e) DIRECT ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—In the case of a qualified steel company that ceases operations as of any date on or after January 1, 2000, and that has retiree health care liability with respect to participants and beneficiaries under a covered retiree health plan at the time the company ceases operations, each such participant or beneficiary shall be eligible to receive assistance under this chapter to compensate for the inability of the company to satisfy such liability with respect to such participant or beneficiary. Such assistance shall be equal to the actuarial present value of such liability with respect to such participant or beneficiary as of the date the company ceases operations. The Secretary shall by regulation provide for the administration of such assistance, except that, to the extent that funds available under this chapter for providing assistance pursuant to this subsection are insufficient to provide for such assistance in full to all eligible participants and beneficiaries, the Secretary shall allocate such funds on a pro rata basis.

''SEC. 293. RECORDS.

''(a) IN GENERAL.—Each recipient of assistance under this chapter shall keep records which fully disclose the amount and disposition by such recipient of the assistance received which will facilitate an effective audit. The recipient shall also keep other records as the Secretary may prescribe.

''(b) ACCESS.—The Secretary and the Comptroller General of the United States shall have access for the purposes of audit and examination to any books, documents, papers, and records of the recipient pertaining to assistance received under this chapter.

''SEC. 294. PENALTIES.

''Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any obligation, for the purpose of obtaining money, property, or anything of value under this chapter, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both.

''SEC. 295. CIVIL ACTIONS.

''In providing financial assistance under this chapter the Secretary may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and such jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or Secretary's property. Nothing in this section shall be construed to except the activities pursuant to this chapter from the application of sections 516, 547, and 2679 of title 28 of the United States Code.

''SEC. 296. REGULATIONS.

''The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

''SEC. 297. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary to carry out this chapter $2,400,000,000 for the fiscal year 2002, of which—

''(1) $800,000,000 is authorized to be expended in calendar year 2002;

''(2) $800,000,000 is authorized to be expended in calendar year 2003; and

''(3) $800,000,000 is authorized to be expended in calendar year 2004.''.

(b) CONFORMING AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the items relating to chapter 5 the following:

''CHAPTER 6—ADJUSTMENT ASSISTANCE FOR STEEL COMPANIES

''Sec. 291. Definitions.
''Sec. 292. Establishment of grant program.
''Sec. 293. Records.
''Sec. 294. Penalties.
''Sec. 295. Civil actions.
''Sec. 296. Regulations.
''Sec. 297. Authorization of appropriations.''.

APPROPRIATION

SEC. ___3. The following sums are appropriated out of any money in the Treasury not otherwise appopriated, for the Department of Labor, for the period comprising fiscal years 2002, 2003, 2004, and 2005, for purposes of carrying out the preceding provisions of this title (including the amendments made thereby), including the provision of adjustment assistance to qualified steel companies to meet qualified annual expenditures, the following: $2,400,000,000, of which $800,000,000 is available for obligation solely for calendar year 2002; of which $800,000,000 is available for obligation solely for calendar year 2003; and of which $800,000,000 is available for obligation solely for calendar year 2004: *Provided*, That of the amount made available for calendar year 2002, $5,000,000 shall be available for necessary expenses to administer this Act, to remain available for calendar years 2003 and 2004 until expended: *Provided further*, That the amounts appropriated under this section are 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: *Provided further*, That such amounts 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, is transmitted by the President to the Congress.

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. VISCLOSKY. Mr. Chairman, reserving the right to object, I have no objection, but our preference is to have the gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Subcommittee on Defense and former chairman of the Steel Caucus, control time on our side of the aisle on behalf of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Without objection, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Kentucky (Mr. ROGERS) each will control 15 minutes.

There was no objection.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman from Pennsylvania (Mr. MURTHA) for controlling time on this amendment.

Mr. Chairman, the amendment that I have before the House is the same amendment I offered in full committee 2 weeks ago and, that is, to provide $800 million a year for 3 years to provide assistance on the so-called legacy costs to the domestic steel industry to assist the industry in solving their problems as far as pension costs and health care for retirees, to allow the industry to save itself, to consolidate and to continue to melt steel in the United States of America.

Why am I and others offering this amendment today to this bill? Because it is a matter of utmost national defense. On August 26 of this year, President George Bush said, ''If you're worried about the security of the country and you become overreliant upon foreign sources of steel, it can easily affect the capacity of our military to be well supplied. Steel is an important jobs issue. It is also an important national security issue.''

But why should we today ask the American taxpayer to help a specific industry in this country? It is because they have been injured through no fault of their own by foreign interests. On June 22 of this year, Trade Ambassador Zoellick on behalf of President Bush initiated a section 201 investigation by the International Trade Commission into allegations that serious injury has occurred to the domestic steel industry because of illegally traded steel over the last some years. I would point out to my colleagues that this is the first presidentially initiated 201 investigation in the last 16 years.

On October 22, a little over a month ago, the ITC, comprised of 3 Republicans and 3 Democrats, found that serious injury had occurred to this industry. At this point in time, I would also point out that this is an industry that has done everything possible to save itself. Under the voluntary restraint agreements of the 1980s, the industry has invested $60 billion in itself. Its productivity has increased 156 percent since 1980. And no one on the planet Earth makes steel more efficiently than our domestic industry. It now takes only 3.5 man-hours per ton to produce a ton of steel compared to 10 man-hours per ton two decades ago.

As far as the technology involved with the industry, it is on the cutting edge. Almost 50 percent of the steel purchased by automakers today was not even produced 7 or 8 years ago, given the changes. But I would point out to my colleagues, this is not only an economic issue but it is a human

tragedy in the making. These improvements have occurred over the last two decades because 300,000 American citizens gave their economic life. And now we find that injury continues to occur because of illegal trade practices.

The Trade Ambassador has suggested before any final implementation of relief under an ITC recommendation, the industry must consolidate. The industry needs this relief on liability in order to proceed.

Why today? Because the industry cannot wait until next year. The ITC recommendation is not due until December 19, and the President's final action does not have to occur until February 16. But what has happened over the last 36 days since I last appeared before the Committee on Rules in an attempt to offer this amendment to the economic stimulus package? At that time and on that day, on October 23, I indicated to my colleagues in the Committee on Rules that we were losing a steel company at the rate of one every 3 weeks. That was October 23. Today I stand before you and tell you we are losing steel and mining companies at the rate of one every 7 days.

Since October 23, USA Metals in Texas declared bankruptcy. Since October 23, Acme Steel in Illinois ceased all operations and are trying to sell themselves for $1. Since October 23, Geneva Steel in the State of Utah has ceased operations. Since that same date, LTV Corporation filed to protect its assets. And last week in the State of Michigan, Empire Mine idled all of its facilities indefinitely.

I would conclude my remarks on my amendment by reminding my colleagues, we are talking about American citizens who are losing their jobs, families who are losing their income, and I would ask for their consideration.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman from Indiana has made a very powerful and compelling case. Steel is the basic building block of an industrial society. In 1947, author John Gunther wrote that what makes America the greatest industrialized Nation in the world is its ability to roll more steel than the Soviet Union, Germany, France, Belgium and Great Britain combined.

That statement is no longer true. We are bombarded by unfairly traded steel, subsidized in foreign countries, to preserve a basic building block of their economy and to dump their excess capacity in the world's largest open free market, the United States. While we have played in the international trade arena by the Marquis of Queensbury rules, other countries are playing with black belt karate and kicking our brains out. Brazil, 27 different tax subsidies for the production and export of steel. Russia, Ukraine, producing steel at a loss in order to keep people working, and dumping their steel in this market and causing unemployment here.

The gentleman spoke well and truly about the legacy costs of the domestic steel industry. His amendment is one way, but the best way to avoid those legacy costs is for the administration to conclude the 201 proceeding now underway; impose countervailing duties or tariffs or quotas, and stop the influx of subsidized steel; let the U.S. steel industry continue to work, to hire people, to keep them on the job, to keep those payrolls going. And we will not have to draw down the Pension Benefit Guaranty Corporation funding to support the retirement funds that are in jeopardy. We will not have to pay unemployment compensation to pay people not to work. We ought to do either what the gentleman from Indiana is suggesting or impose the penalty phase of the injury process underway now in the International Trade Commission.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today as the son of a steelworker in support of the gentleman from Indiana's amendment. I want to commend the gentleman for his tireless efforts within the Steel Caucus to ensure that the Federal Government is utilizing every means possible to protect our domestic steel industry and those Americans it employs.

The goal of the steel industry legacy relief program will not only provide assistance to the steel producers in meeting retiree health care costs, but it also gives comfort to the nearly 2 million Americans who currently receive pensions and health care from current and former steel companies. This assistance is especially important for those who are eligible for retiree health insurance at the time a steel company ceases its operations.

It is no secret that our domestic steel industry is in jeopardy. This is an industry we rely on for our transportation, electric, oil and, most importantly, our national security needs. The domestic steel industry has been devastated by a flood of imported foreign steel, resulting in plunging steel prices and the closing of multiple steel producing companies. For example, LTV in Cleveland, like other steel companies, is now on the brink of shutting down, leaving thousands to be unemployed.

It is imperative that we make meaningful and effective reforms that will ensure the long-term viability of this vital industry. The steel industry legacy relief program is just one way to assist American steelworkers who are negatively affected by widespread plant closings and bankruptcies.

I want to thank the gentleman from Indiana. He is a soldier in this fight to protect this vital industry. I urge my colleagues to support his amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

□ 1758

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to join the gentleman from Indiana (Mr. VISCLOSKY) in support of this amendment. As thousands of American steelworkers have sadly discovered, the U.S. has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by 36 million tons. The trade deficit in steel was $11.7 billion, accounting for about 7 percent of our continually growing overall trade imbalance. The vast majority of these imports were subsidized by foreign governments and dumped at below-market prices in the United States.

Congress must respond. One immediate step we must take is protect the retirement benefits that these workers have earned. To encourage needed reorganization and consolidation of the domestic steel industry, a Steel Industry Legacy Relief Program should be created to provide assistance to steel producers in meeting retiree health care costs. This amendment establishes such a program, offering assistance equal to 80 percent of the total expenditures made to meet steel retiree health care liabilities.

Our country's history of flawed trade agreements has propelled the steel industry towards the crisis it faces today. It only makes sense that current and future retirees, surviving spouses, and dependents who are eligible for retiree health insurance which they earned at the time a company ceases operation be eligible to receive assistance.

We must protect the 700,000 hardworking families who rely on this industry for their salaries, pensions and health benefits, and for those communities in which they live. I urge all of my colleagues to support America's steelworkers and those communities in which these steelworkers live.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the legacy cost issue that has been raised by the gentleman from Indiana (Mr. VISCLOSKY) is one of the important elements in addressing the financial stability of America's steel industry.

Mr. Chairman, at this very time, 3,200 steelworkers in Cleveland are wondering whether or not they are going to have jobs tomorrow; and yet, despite the fact that the union and the creditors have worked together to make concessions, the management of LTV wants to liquidate the company. We are anticipating that new management will come in, and new management will need something done about legacy costs, as will management of steel companies throughout this country.

It is urgent that we address the issue that is raised by this amendment. Because of the accumulation by steel

companies of massive legacy costs, the cost of pension and health benefits for thousands of employees who went into retirement has to be assured.

The Visclosky amendment, supported by both the steel industry and the steelworkers, provides a solution. Much like title II of H.R. 808, the amendment would create a fund to address legacy costs. Steel companies would be able to draw on the fund to aid with the payment of health and pension benefits.

One might ask, what does this have to do with defense? That has been raised. The existence of a healthy steel industry is crucial to our national security. It is inexplicable that at the time when we are in a national emergency, at a time when our men and women are traveling overseas to defend the interests of this country, that we should simultaneously be here begging for the survival of the American steel industry, which has defended this country through matters, thick and thin, over the last century.

It is essential that Congress begin to take action to save this steel industry and to save the jobs. Right now there are thousands of American families, tens of thousands, who are watching this Congress, wondering if we are going to hear their pleas. We bailed out the airline industry. The insurance industry is going to be walking down this aisle in the next few hours. And yet what about American steel? What about protecting our national security? What about legacy costs?

Mr. MURTHA. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the points that I want to make, and I am not in the habit of speaking when I know a point of order is going to be made against legislation, but here is what we face: for instance, Bethlehem Steel has 18 retirees for every person working. Bethlehem's pension cost is going to be at least $2 billion over a period of time if they go chapter 7.

Now, who picks that up? The PBGC picks it up. We set up the PBGC in order to protect what we thought would be garment factories going out of work. We only pay 80 percent of the pension costs. We pay none of the health care costs.

Right now all of those retirees are being paid by Bethlehem Steel. We have the same problem with LTV and all these other companies that have retirees that do not have full funding for the pension guarantee in their fund. So we are going to have to face this.

We did it for the coal miners, for the health care costs for the coal miners, and we are going to have to look at some way to take care of these pensioners. All of us have retired steelworkers. We have them from Pennsylvania that move to Florida, we have them in California, we have them all over the country. If we do not, we are going to have thousands of steelworkers getting 80 percent of their pension and losing their health care costs completely.

So I hope that when we go to conference we will look at the possibility of finding a way to fund some of these corporations out of the tariffs. Now, if the administration finds a way to charge tariffs and then we can take the money out of the tariffs, it would cost the government a lot less than it would if we go to PBGC. So I would ask all the Members of the committee to think about the disastrous process we are going to have to go through if we lose these steel companies, besides the fact of national security.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman for yielding me time.

I am pleased to rise in support of this amendment. In the city of Cleveland, I am sure you have heard from my colleague that we are in the midst of the closing of LTV Steel. That will impact some 3,200 workers at LTV, but also, in addition, the retirees and others who are supported by the steel industry.

I rise in support of this Legacy Relief Program because the retiree costs in the industry are surely the highest costs that are paid by the industry. In the case of a steel company that ceases operation on or after January 1, 2000, current and future retirees, surviving spouses and dependents who are eligible for retiree health insurance at the time the company ceases operation shall be eligible to receive assistance.

That is what our steel companies need. The percentage of the cost of retiree health care costs far exceeds the other costs of a steel company remaining in place.

I want to thank my colleague, the gentleman from Indiana (Mr. VISCLOSKY), for offering this amendment. I want to thank my other colleagues in the Steel Caucus who have stood up on behalf of steelworkers across this country.

As we have talked over the past weeks of being in an economic crisis as a result of September 11, the steel industry is in an economic crisis, not just because of September 11, but because of the failure of our Nation to come up with a program that adequately addresses the steel industry.

It is the long-term impact that has caused the steel industry to be in the dilemma it currently is in, and it is therefore incumbent upon us as Members of Congress to step up to the plate and say to the steel industry, we want to save you; we are going to do two, three or four things to help you get on the right track.

This bill is one of the things that we can do to get the steel industry on the right track, and, in addition, to support those workers who built the World Trade Center, those workers who built all of the buildings that cross this country.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with Representatives LATOURETTE and STRICKLAND. Our amendment limits the funds that can be allocated under this bill to purchase steel, so that such funds can only go towards purchasing American melted and poured steel.

I would like to first give special thanks to Ranking Member MURTHA, who has recognized the importance of this provision to the steel industry. I thank him, as well as Chairman LEWIS, for their support.

This amendment is the least we can do. Our U.S. steel industry is in an ever increasing downward spiral.

In fact, just last week LTV Corporation announced that it is seeking to shut down its steel making operations. LTV is a part owner and customer of the Empire Mine in my district, and because of that announcement, the Empire Mine is going to be idled indefinitely. Most of the workers at the Empire will be laid off by the end of the month. 770 hourly and 120 salaried employees will be affected by this mine closure.

This mine closing is absolutely devastating to these workers, their families, and the communities that rely on the iron ore mines. I owe it to these hardworking citizens of northern Michigan to do what I can in Congress to try to save the steel. and iron ore industries.

All I say to everyone in this House: we should wherever possible promote our domestic steel industry and encourage the purchase of American steel. We now have such an opportunity.

The Department of Defense purchases ships, plans, and other systems that consume large quantities of steel. As we appropriate our taxpayer dollars towards funding our defense needs, we should ensure that these monies are not used to further endanger our already weakened domestic steel industry.

Our taxpayer dollars should not go to buying foreign steel, American money they should buy American steel.

Our steel industry is efficient, it is competitive, and it produces a high quality product. It is being driven out of business by the dumping of below market priced foreign steel.

U.S. government contracts should not be buying foreign dumped steel over our quality U.S. steel.

Our amendment requires the Department of Defense contractors to buy U.S. melted and poured steel.

Our amendment does provide that in cases where the steel product is not domestically available, or there are some national security reasons for buying foreign steel, that an exception is possible. Other than those instances, however, we will be promoting our domestic steel industry in its fight to survive.

In this time when our very national security has been threatened, we cannot further jeopardize our domestic steel industry. Vote for the Stupak-La Tourette-Strickland amendment

and cast a vote for the American steel industry.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore violating clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment directly amends existing law, and I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Indiana (Mr. VISCLOSKY) wish to be heard on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I would ask to be recognized.

Mr. Chairman, I will not concede the issue of relief being necessary for the domestic steel industry. I would concede that the amendment that was offered here today is violative of the rule we are operating under. I would simply want to withdraw that amendment.

Before I do that, I want to sincerely thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); I want to thank my chairman on the Subcommittee on Defense, the gentleman from California (Mr. LEWIS); as well as the gentleman from Kentucky (Mr. ROGERS), who managed the time, for the courtesy in allowing us to keep this very important issue before this institution and the American people.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Could the gentleman from Illinois specify which amendment?

Mr. MANZULLO. Mr. Chairman, this is the amendment that deals with the 7(a) program, the 504 program.

The CHAIRMAN. Section 201 or 202?

Mr. MANZULLO. It would be on page 148, line 7, if that helps.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member on the Committee on Small Business, will allow the $140 million appropriated in this emergency supplemental to also go toward the 7(a) and 504 loan programs of the Small Business Administration if not all the funds have been used for disaster relief. The initial appropriation of $100 million last September and this additional funding of $140 million is designated to support $1 billion in disaster relief. As of November 19, the SBA approved nearly $142 million in total disaster relief.

The CHAIRMAN. The gentleman from Illinois will suspend.

The amendment the Clerk read was an amendment striking section 201. Is that the amendment the gentleman wishes to offer?

Mr. MANZULLO. I am not addressing that. There are three amendments.

The CHAIRMAN. The amendment that the gentleman is addressing is not yet at the desk.

Mr. MANZULLO. I would withdraw my remarks, and ask unanimous consent that the amendments that we have striking sections 201 and 202 be considered en bloc, and then we could return later to the first one which I was addressing.

The CHAIRMAN. Without objection, the amendment reported by the Clerk is withdrawn, and the amendments striking sections 201 and 202 will be considered en bloc.

There was no objection.

AMENDMENTS OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments offered by Mr. MANZULLO:

Page 148, beginning on line 9, strike section 201.

Page 148, beginning on line 23, strike section 202.

Mr. MANZULLO. Mr. Chairman, this amendment strikes sections 202 and section 201 and section 202. Section 202 violates House rule XXI by authorizing in an appropriations bill, and it is the same argument with section 201. I would ask for the support of the Committee on Appropriations on this.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman is prepared to complete his debate on this, we are prepared to accept his amendment.

Mr. MANZULLO. Mr. Chairman, I am finished.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. MANZULLO).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO:

Page 148, line 7, after the period insert ''Notwithstanding any other provision of this Act or any other law, funds made available to the Small Business Administration from amounts available in Public Law 107–38 may be obligated for emergency expenses and business loan assistance related to the September 11, 2001, terrorist attacks on the United States and related economic conditions under subsections (a) and (b) of section 7 of the Small Business Act (15 U.S.C. 636) and title III and sections 503 and 504 of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.).''.

Mr. MANZULLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Chairman, this amendment, which I offer along with the ranking minority member, the gentlewoman from New York (Ms. VELÁZQUEZ), will allow the $140 million appropriated in this emergency supplemental to also go towards the 7(a) and 504 loan program of the Small Business Administration if not all the funds have been used for disaster relief.

The initial appropriation of $100 million last September and this additional funding of $140 million is designed to support $1 billion in disaster relief. As of November 19, the SBA approved nearly $142 million in total disaster relief, with only $24 million being actually disbursed. It is quite conceivable that the SBA may not use the entire allotment provided in this appropriations.

My amendment simply gives the SBA administrator the flexibility to use all these funds to provide additional relief to small business borrowers who use the main lending programs of the SBA, the 7(a) General Business Loan program and the 504 Certified Development Company program. The $240 million set aside for the SBA in P.L. 107–38 and H.R. 3338 should be used to help as many small businesses as possible.

I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just rise to ask the gentleman a question. As I understand it, the gentleman just moved to strike in the previous amendment because it was legislating on an appropriations bill.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, that is correct.

Mr. OBEY. Now, reclaiming my time, is it correct that the gentleman is proposing an amendment that legislates on an appropriations bill?

Mr. MANZULLO. Mr. Chairman, if the gentleman will yield further, it is questionable as to whether it does or not. I am sure the Committee on Appropriations will state that it does; and I will state that it does not for the record, and I will probably lose. That is correct.

Mr. OBEY. Well, all I can say is it certainly appears to me to do so, and I find that lack of consistency very interesting.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Manzullo and Velázquez amendment. The purpose of this amendment is to allow $140 million appropriated in this emergency supplemental to also go towards the 7(a) Loan Guaranty Program and the 504 Certified Development Company Loan Programs of the Small business Administration providing that not all the funds have been used for disaster relief. This amendment will give the Small Business Administration flexibility to use all appropriate funding to provide additional relief to small business borrowers who use main lending programs of the Small Business Administration.

After 10 years of solid economic growth, America has entered an economic downturn. For the first time in a decade the economic indicators—benchmarks showing where we are and where we are going—all point down. Job losses in technology and manufacturing have risen dramatically and corporate bankruptcies were nearly double what they were last year. Consumer confidence hit its lowest point in over a decade. Even though, the U.S. stock market saw a significant gain in the last 10 years. However, the bottom has virtually fallen out as a result of the events of September 11. Now every industry is taking a huge hit as profits and employment figures head into a free fall.

Part of the solution to this problem is for Congress and the President to implement a sound and fair fiscal policy that will provide an economic stimulus for the general public and small businesses. Since small businesses account for 99.7 percent of America's employers, it can play a vital role in bringing America out of this economic downturn.

To help American small business survive this economic downturn, the Small Business Administration must engage all available resources in facilitating entrepreneurship development, providing low- or no-interest loans, and more technical assistance programs to small businesses. The most important contribution Congress can make is to fund all SBA programs at their authorized levels.

I urge all my colleagues to support the Manzullo and Velázquez amendment.

□ 1815

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' This amendment changes existing law. I ask for a ruling on the point of order.

The CHAIRMAN. Does the gentleman from Illinois (Mr. MANZULLO) wish to be heard on the point of order?

Mr. MANZULLO. Yes, I wish to be heard on the point of order.

This amendment simply gives the flexibility to the SBA administrator to use leftover funds already appropriated to also go towards a 7(a) and 504 loan program. There is sufficient authorization already in place to cover the expected increase in demand as those turned down for disaster look to other sources for assistance. This amendment does not require that this funding go towards 7(a) in a 504 loan program, it simply provides discretion to the SBA administrator. On line 3 and 4 the amendment clearly states that funds made available to the Small Business Administration from amounts available in P.L. 107–38 may be obligated for emergency expenses and business loan assistance for the purpose of disaster loan programs and also the 7(a) and the 504 programs.

We would argue that this is not an open-ended commitment; this is a one-time emergency response to a credit crisis facing small businesses across the Nation.

Earlier this month the Federal Reserve released reports which stated that banks are imposing tougher standards on business loans over the last 3 months because of the slowing economy. We need fee relief in the 7(a) and 504 loan programs in order to get our economy back on track. So this does not spend any extra money, it simply works within the parameters of the discretion of the SBA administrator and, therefore, I do not believe that we are legislating on an appropriations bill.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 165, line 24, after the dollar amount, insert the following: ''(reduced by $100,000,000) (increased by $100,000,000)''.

Mr. SANDERS. Mr. Chairman, this amendment is cosponsored by the gentleman from Illinois (Mr. DAVIS), the gentleman from New York (Mr. HINCHEY), the gentleman from Massachusetts (Mr. TIERNEY), and the gentlewoman from Wisconsin (Ms. BALDWIN).

Mr. Chairman, today we are talking about bioterrorism and how to protect the American people against this nightmare, and that is an appropriate subject of discussion and something that the American people want us to address. But we must be frank and say that if, God forbid, this country was ever subjected to a major terrorist attack in terms of biological, chemical, or nuclear weapons, we must admit that we currently do not have the public health infrastructure to deal with such a crisis. This bill contains many important provisions to fill that gap, and I support those provisions, but it still leaves a very large hole.

Mr. Chairman, 44 million Americans have no health insurance or any primary care physician, and tens of millions more are inadequately insured. In the event of a national medical emergency, where would these people turn for medical assistance? How, in an orderly and effective way, would millions of people receive the medications and medical care they need on the same day?

In my view, the United States Government must make certain that every community in America, in our large cities and in our rural small towns, have a public health capability for treating all people, regardless of income, regardless of geographical location. It is inconceivable to me that we can talk seriously about addressing the nightmare of bioterrorism without addressing the issue of public health infrastructure. We can have all the medicine we want, we can have all the vaccines we want, and we must have that, but they will not do us any good if there is not a public health infrastructure to make sure that that medicine is adequately and effectively distributed and that all people are able to get the health care that they need. That will not be easy.

Mr. Chairman, this amendment begins to address that problem by providing $100 million in additional funding for federally qualified community health centers. The good news here is that we are not reinventing the wheel in this area, because FQHCs have already shown in urban areas and in rural areas that they can provide quality health care to all people at a very cost-effective rate.

Mr. Chairman, FQHCs already exist in every State in this country and are widely recognized as doing a great job. They have widespread support on both sides of the aisle and from President Bush and Secretary of Health and Human Services Thompson. The only problem is that there are not enough of them, and if we are serious about protecting the American people from bioterrorism, we must build more. The bottom line is that every American must know that in the event of a national medical emergency, there is a public health place that they can go to get the drugs that they need and to get the health care they need that does not

exist now. And in my view, by expanding the community health center program, we can go a long way in making that access available to all people.

So, Mr. Chairman, I think that this is an important amendment, it is widely supported, and I would hope the membership would accept it.

Mr. LEWIS of California. Mr. Chairman, we very much appreciate the brevity of the gentleman and, with that, we have no objection to the amendment.

Mr. OBEY. Mr. Chairman, we also have no objection on this side of the aisle.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the amendment.

I simply appreciate the fact that this amendment is accepted. I commend the gentleman for introducing it. Community health centers do, in fact, have the infrastructure in place, and I think it is a great amendment, and I appreciate the chairman and the ranking member for accepting the amendment.

Mr. Chairman, I rise in support of the Sanders amendment. This amendment simply redirects $1 million from the Public Health and Emergency Fund to Community Health Centers to make sure that they are prepared in the event of a bioterrorism attack.

Community Health Centers are the first responders; they are the community doctors to more than 12 million patients a year. They provide quality affordable health care to the uninsured, working poor, and Medicaid and Medicare populations.

The tragic events of September 11th have changed our lives forever. It has caused us to re-examine our public health infrastructure—to determine whether we are prepared should a bioterrorism attack occur. The Illinois Primary Health Care Association just distributed a ''White Paper'' on this very subject. They suggest that the unfortunate reality of today is that community health centers in Illinois and throughout the country are not well prepared to fulfill their role as first responders in the event of a bioterrorist attack. They note that health center personnel presently lack adequate (if any) training to detect the symptoms associated with bioterrorism. Additionally, health center personnel lack the capacity to conduct mass inoculations, and they do not possess the communications infrastructure necessary to quickly share suspicious diagnosis information with other entities in the community and public health sector. Finally, many Illinois community health centers lack any formal plan to manage the consequences of a bioterrorist attack and community and regional planning has been inadequate.

This ''White Paper'' really underscores the weaknesses in our public health infrastructure. We must not only ensure our strength abroad—but we must solidify our strength at home. A public health infrastructure that is strong provides security for all of our citizens. This is a matter of public health. The Sanders amendment proposes to strengthen our public health infrastructure by redirecting $1 million to our first responders—community health centers.

This is a good amendment because it will provide the resources needed to assist in training health center personnel on bioterrorism and upgrading existing facilities. It will also help to create additional health centers and provide resources to strengthen our integrated information system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to consideration of the amendment at this stage of the reading?

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY:

In the proposed division B (relating to emergency supplemental appropriations), insert the following new titles:

TITLE II—EMERGENCY RELIEF AND RECOVERY PROVISIONS

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TEMPORARY EMERGENCY UNEMPLOYMENT ASSISTANCE FOR THE STATE OF NEW YORK

For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for payment to the special fund established and administered by the State of New York for the payment of unemployment compensation (as referred to in section 3306(f) of the Internal Revenue Code of 1986), $880,000,000, to remain available until expended: *Provided*, That such amount shall be available only to provide assistance to dislocated workers in New York City and the State of New York who are unemployed as a consequence of those attacks, in accordance with succeeding provisions of this paragraph: *Provided further*, That such amount shall not be paid over to such special fund until such time as the State of New York enters into an agreement with the Secretary of Labor, under the terms of which such amount shall be used only (1) to provide for up to 26 weeks of regular compensation to displaced workers (described in the preceding proviso) in accordance with the unemployment compensation law of that State, (2) to provide for up to 26 weeks of extended compensation, under a program established under such agreement, for any such displaced workers who have, beginning with any week that begins on or after September 11, 2001, and before the week that includes December 31, 2002, exhausted all rights to regular compensation under the unemployment compensation law of that State, (3) to provide for up to 26 weeks of benefits, under a program established under such agreement, for any such displaced workers not otherwise eligible for benefits under the unemployment compensation law of that State (weekly benefits under such program not to exceed the maximum weekly amount authorized under the unemployment compensation law of that State), and (4) notwithstanding any other provision of State or Federal law, to cover administrative expenses incurred by that State in connection with any compensation or benefits provided for under clauses (1)–(3); and the State of New York has taken such measures as may be necessary to ensure that the provisions of such agreement relating to clauses (2) and (3) will be implemented: *Provided further*, That such amount may be used to reimburse the appropriate fund or account of the State of New York for any amounts described in clause (1) or (4) of the preceding proviso which were paid or incurred after September 11, 2001, and before the date of the enactment of this Act with respect to such displaced workers: *Provided further*, That, in determining (for purposes of this paragraph) whether an individual's separation from employment was as a consequence of the September 11, 2001, terrorist attacks on the United States, the relevant authority may consider the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area: *Provided further*, That, in connection with any compensation payable under chapter 85 of title 5, United States Code, and any compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies, any amounts paid out of the amount appropriated by this paragraph shall not be required to be repaid: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR CERTAIN INDIVIDUALS IMPACTED BY THE TERRORIST ATTACKS

SEC. 2101. (a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a program under which premium assistance for COBRA continuation coverage shall be provided for qualified individuals under this section.

(2) QUALIFIED INDIVIDUALS.—For purposes of this section, a qualified individual is an individual who—

(A)(i) becomes entitled to elect COBRA continuation coverage—

(I) as a result of the loss of employment in New York City or New York State of the individual as a consequence of the September 11, 2001, terrorist attacks on the United States; or

(II) as a result of a reduction of hours of employment in New York City or New York State of the individual as a consequence of such attacks; or

(ii) is the beneficiary of an individual who—

(I) is described in clause (i); or

(II) was employed in New York City or New York State at the time of such attacks and was killed as a result of such attacks;

(B) has elected such coverage; and

(C) enrolls in the premium assistance program under this section by not later than the end of the 1-year period beginning on the date of the enactment of this Act.

(3) SCOPE OF CONSEQUENCES OF ATTACK.—For purposes of this section (and the succeeding section), in determining whether an individual's loss of employment or reduction in hours of employment is a consequence of the September 11, 2001, terrorist attacks on the United States, there shall be taken into consideration the displacement of businesses in and around the World Trade Center area, dislocations for workers employed in businesses serving clients in and around the World Trade Center area, the effect of the attacks on travel and tourism in the New York City area, and the effect of the attacks on the ability of businesses to distribute goods and services in the New York City area.

(4) STATE OPTION TO ELECT ADMINISTRATION OF PROGRAM.—

(A) IN GENERAL.—A State may elect to administer the premium assistance program established under this section if the State submits to the Secretary of the Treasury, not later than January 1, 2002, a plan that describes how the State will administer such program on behalf of qualified individuals who reside in the State beginning on that date.

(B) PAYMENTS.—In the case of a State that submits a plan under subparagraph (A), subject to subsection (k), the Secretary of the Treasury shall pay to each such State an amount for each quarter equal to the total amount of premium subsidies provided in that quarter on behalf of such individuals.

(5) IMMEDIATE IMPLEMENTATION.—The program established under this section shall be implemented without regard to whether or not final regulations to carry out such program have been promulgated by the deadline described in paragraph (1).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—Premium assistance provided under this subsection shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer covered under COBRA continuation coverage; or

(2) 12 months after the date the individual is first enrolled in the premium assistance program established under this section.

(c) PAYMENT AND CREDITING OF ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be equal to 100 percent of the amount of the premium required for the COBRA continuation coverage.

(2) PROVISION OF ASSISTANCE.—Premium assistance provided under this section shall be provided through the establishment of direct payment arrangements with a group health plan (including a multiemployer plan), an issuer of health insurance coverage, an administrator, or an employer as appropriate with respect to the individual provided such assistance. It shall be a fiduciary duty of the plan, issuer, administrator, or employer to enter into such arrangements under this section.

(3) PREMIUMS PAYABLE BY QUALIFIED INDIVIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—Premium assistance provided under this section shall be credited by such plan, issuer, administrator, or employer against the premium otherwise owed by the individual involved for such coverage.

(d) CHANGE IN COBRA NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 4980B(f)(6) of the Internal Revenue Code of 1986 with respect to individuals who, on or after September 11, 2001, and before the end of the 1-year period beginning on the date of the enactment of this Act, become entitled to elect COBRA continuation coverage, such notices shall include an additional notification to the recipient of the availability of premium assistance for such coverage under this section.

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under section 4980B(f)(6) of the Internal Revenue Code of 1986 does not apply, the Secretary of the Treasury shall, in coordination with group health plans, health insurance issuers, administrators, and employers that provide or administer the COBRA continuation coverage involved, assure provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility under subsection (a)(2)(A) and enrollment under subsection (a)(2)(C) in connection with the coverage with respect to each qualified individual;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with the premium assistance; and

(C) the following statement displayed in a prominent manner:

''You may be eligible to receive assistance with payment of 100 percent of your COBRA continuation coverage premiums for a duration of not to exceed 12 months.''.

(3) NOTICE RELATING TO RETROACTIVE COVERAGE.—In the case of such notices previously transmitted before the date of the enactment of this Act in the case of a qualified individual who has elected (or is still eligible to elect) COBRA continuation coverage as of the date of the enactment of this Act, the group health plan, health insurance issuer, administrator, or employer involved or the Secretary of the Treasury (in the case described in the paragraph (1)(B)) shall provide (within 60 days after the date of the enactment of this Act) for the additional notification required to be provided under paragraph (1).

(4) MODEL NOTICES.—The Secretary shall prescribe models for the additional notification required under this subsection.

(f) OBLIGATION OF FUNDS.—Subject to subsection (k), this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of premium assistance under this section.

(g) PROMPT ISSUANCE OF GUIDANCE.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue guidance under this section not later than 30 days after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16) of the Employee Retirement Income Security Act of 1974.

(2) BENEFICIARY.—The term ''beneficiary'' has the meaning given such term under section 1002 of the Employee Retirement Income Security Act of 1974.

(3) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), section 8905a of title 5, United States Code, under a State program that provides continuation coverage comparable to such continuation coverage, or other comparable continuation coverage offered to a beneficiary under a group health plan.

(4) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' has the meaning given that term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)).

(5) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given that term in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a)) and in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)).

(6) MULTIEMPLOYER PLAN.—The term ''multiemployer plan'' has the meaning given that term in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)).

(7) STATE.—The term ''State'' means the State of New York.

(8) STATE OR LOCAL PUBLIC BENEFIT.—The term ''State or local public benefit'' has the meaning given that term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)).

(i) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. 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, is transmitted by the President to the Congress.

(j) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance provided to, or on behalf of, an individual under this section, shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other Federal public benefit or State or local public benefit.

(k) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or section 2102, in no case shall the total amount that may be obligated under this section and section 2102 exceed $1,025,000,000.

(2) CONTINGENCY MECHANISM.—

(A) IN GENERAL.—The Secretaries of the Treasury and Health and Human Services shall cooperatively establish a mechanism to assure that the total amount obligated under this section and section 2102 does not exceed the amount specified in paragraph (1).

(B) USE OF FIRST COME, FIRST SERVED MECHANISM.—Under such mechanism—

(i) with respect to this section, the Secretary of the Treasury shall provide, in coordination with States to the extent applicable, the assistance under this section giving priority based upon the order in which a qualified individual applies for assistance in a manner consistent with subparagraph (A); and

(ii) with respect to section 2102, the Secretary of Health and Human Services shall provide that the Federal financial participation provided under such section shall be available to States giving priority based upon the order of qualifying expenditures under State plans in a manner consistent with subparagraph (A).

OPTIONAL TEMPORARY MEDICAID COVERAGE FOR CERTAIN UNINSURED INDIVIDUALS IMPACTED BY THE TERRORIST ATTACKS

SEC. 2102. (a) IN GENERAL.—Notwithstanding any other provision of law, with respect to any month before the ending month, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act, medical assistance in the case of an individual—

(1)(A) who lost employment in New York City or New York State as a consequence of the September 11, 2001, terrorist attacks on the United States;

(B) who experienced a reduction of hours of employment in New York City or New York State as a consequence of such attacks; or

(C) who is the spouse or dependent child of—

(i) an individual described in subparagraph (A) or (B); or

(ii) an individual who was employed in New York City or New York State and was killed as a result of such attacks;

(2) who is not eligible for COBRA continuation coverage (as defined in section 2101(h)(3)); and

(3) who is uninsured.

(b) LIMITATION OF PERIOD OF COVERAGE.—Assistance under this section shall end with respect to an individual on the earlier of—

(1) the date the individual is no longer uninsured; or

(2) 12 months after the date the individual is first determined to be eligible for medical assistance under this section.

(c) SPECIAL RULES.—In the case of medical assistance provided under this section—

(1) the Federal medical assistance percentage under section 1905(b) of the Social Security Act shall be 100 percent;

(2) a State may elect to disregard (or apply alternative) income, asset, and resource limitations and the provisions of section 1916(g) of such Act, except that in no case shall a State cover individuals with higher family income without covering individuals with a lower family income;

(3) such medical assistance shall not be provided for periods before the date the individual becomes uninsured;

(4) individuals eligible for medical assistance under this section shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act; and

(5) the Federal financial participation with respect to such assistance is subject to the limitations specified in section 2101(k).

(d) DEFINITIONS.—For purposes of this Act:

(1) UNINSURED.—The term ''uninsured'' means, with respect to an individual, that the individual is not covered under—

(A) a group health plan (as defined in section 2791(a) of the Public Health Service Act),

(B) health insurance coverage (as defined in section 2791(b)(1) of the Public Health Service Act), or

(C) a program under title XVIII, XIX, or XXI of the Social Security Act, other than under such title XIX pursuant to this section.

For purposes of this paragraph, such coverage under subparagraph (A) or (B) shall not include coverage consisting solely of coverage of excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act.

(3) ENDING MONTH.—The term ''ending month'' means the last month that begins before the date that is 1 year after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall take effect upon its enactment, whether or not regulations implementing this section are issued.

(f) EMERGENCY DESIGNATION.—The amount provided in this section is designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. 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, is transmitted by the President to the Congress.

TITLE III—ADDITIONAL EMERGENCY RELIEF AND RECOVERY PROVISIONS

CHAPTER 1—LABOR PROGRAMS

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Of the amount provided under this heading in title I of this division, $32,400,000 shall be provided to the Consortium for Worker Education, established by the New York City Central Labor Council and the New York City Partnership, for an Emergency Employment Clearinghouse.

STATE UNEMPLOYMENT SECURITY OFFICE

WORKERS COMPENSATION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the September 11, 2001 terrorist attacks on the United States, for workers compensation programs in accordance with this paragraph, $195,000,000, to remain available until expended: *Provided*, That, of such amount, $145,000,000 shall be for payment to the New York State Workers Compensation Review Board, for the processing of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the terrorist attacks: *Provided further*, That, of such amount, $25,000,000 shall be for payment to the New York State Uninsured Employers Fund, for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to the terrorist attacks: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

CHAPTER 2—HEALTH AND HUMAN SERVICES PROGRAMS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Health Resources and Services'' to reimburse local area public and private hospitals for unreimbursed care provided in response to the September 11, 2001 terrorist attacks on the United States, including overtime costs, equipment and supplies destroyed or damaged in the attack, $140,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'' for baseline safety screening for the emergency services personnel and rescue and recovery personnel who served in response to the September 11, 2001 terrorist attacks on the United States, $12,000,000, to remain available until expended: *Provided*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for ''National Institute of Environmental Sciences'' to respond to the September 11, 2001, terrorist attacks on the United States, for carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $10,450,000, to remain available until expended: *Provided*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

CHAPTER 3—COMMERCE PROGRAMS

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For an additional amount for emergency grants authorized by section 392 of the Communications Act of 1934 to respond to the September 11, 2001 terrorist attacks on the World Trade Center, $6,500,000, 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: *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, is transmitted by the President to the Congress.

CHAPTER 4—COMMUNITY DEVELOPMENT AND FEMA PROGRAMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', to respond to the September 11, 2001 terrorist attacks on the United States, $900,000,000, to remain available until expended: *Provided*, That such funds shall be subject to the first through sixth provisos in section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 : *Provided further*, That, of the amount provided in this paragraph, $10,000,000 shall be used for a program to aid the travel and tourism industry in New York City: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', to respond to the September 11, 2001 terrorist attacks on the United States, $6,560,000,000, to remain available until expended: *Provided*, That such amount shall be for recovery activities and assistance in New York City and the State of New York, Northern Virginia, and Pennsylvania: *Provided further*, That, of the amount provided in this paragraph, $1,350,000,000 shall be for the Office of World Trade Center Attack Claims, created in chapter 5 of this division: *Provided further*, That, of the amount provided in this paragraph, the Federal Emergency Management Agency may provide up to $110,000,000 to the New York City Board of Education to compensate the Board for the costs of providing additional classroom instruction and related activities to students who lost instructional time as a result of the September 11, 2001 terrorist attack on New York City: *Provided further*, That, of the amount provided in this paragraph, not less than $600,000,000 shall be for public facilities defined in section 3601 of this division: *Provided further*, That the amount provided in this paragraph 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: *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, is transmitted by the President to the Congress.

CHAPTER 5—WORLD TRADE CENTER ATTACK CLAIMS

SHORT TITLE

SEC. 3501. This chapter may be cited as the ''World Trade Center Attack Claims Act''.

DEFINITIONS

SEC. 3502. In this chapter, the following definitions apply:

(1) AFFECTED AREA.—The term ''affected area'' means the area south of Canal Street in the borough of Manhattan, New York City, New York.

(2) ATTACK.—The term ''attack'' means the attack on the World Trade Center in New York City that occurred on September 11, 2001.

(3) CLAIM.—The term ''claim'' means a claim by an injured person under this chapter for payment for injury suffered by the injured person as a result of the attack.

(4) CLAIMANT.—The term ''claimant'' means an injured person that submits a claim under section 3504(b).

(5) DIRECTOR.—The term ''Director'' means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if an Independent Claims Manager is appointed under section 3503(d)(4), the Independent Claims Manager.

(6) INJURED PERSON.—

(A) IN GENERAL.—The term ''injured person'' means an individual, corporation, partnership, company, association, cooperative, joint venture, limited liability company, estate, trust, or nonprofit organization that—

(i) suffered injury as a result of the attack; and

(ii) resides or maintains a place of business in the affected area.

(B) EXCLUSIONS.—The term ''injured person'' does not include—

(i) a lender that holds a mortgage on or security interest in real or personal property affected by the attack; or

(ii) a person that holds a lien on real or personal property affected by the attack.

(7) OFFICE.—The term ''Office'' means the Office of World Trade Center Attack Claims established by section 3503.

OFFICE OF WORLD TRADE CENTER ATTACK CLAIMS

SEC. 3503. IN GENERAL.—There is established within the Federal Emergency Management Agency an office to be known as the ''Office of World Trade Center Attack Claims''.

(b) PURPOSE.—The Office shall receive, process, and pay claims in accordance with section 3504.

(c) FUNDING.—The Office—

(1) shall be funded from funds made available under this chapter; and

(2) may reimburse any other Federal agency for provision of assistance in the receipt and processing of claims.

(d) PERSONNEL.—

(1) IN GENERAL.—The Office may appoint and fix the compensation of such temporary personnel as are necessary to carry out the duties of the Office, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PERSONNEL FROM OTHER AGENCIES.—On the request of the Director, the head of any other Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Federal Emergency Management Agency to assist the Office in carrying out the duties of the Office under this chapter.

(3) EFFECT ON OTHER FEMA DUTIES.—The establishment of the Office shall not diminish the authority of, or funding available to, the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to any area with respect to which a major disaster or emergency is declared by the President to exist during the period in which the Director carries out this chapter.

(4) APPOINTMENT OF INDEPENDENT CLAIMS MANAGER.—The Director may appoint an Independent Claims Manager to head the Office and to assume the duties of the Director under this chapter.

COMPENSATION FOR VICTIMS OF THE ATTACK

SEC. 3504. (a) IN GENERAL.—Each injured person may receive from the United States compensation for injury suffered by the injured person as a result of the attack, as determined by the Director in accordance with subsection (d).

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which interim final regulations are promulgated under subsection (h), an injured person may submit to the Director a written claim for payment of injury suffered by the injured person as a result of the attack in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—The Director shall investigate, adjust, grant, deny, settle, or compromise any claim submitted under subsection (b).

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Any payment on a claim by an injured person—

(A) shall be limited to the amount necessary to compensate the injured person for injury described in paragraph (2) suffered as a result of the attack during the period beginning on September 11, 2001, and ending on March 11, 2003;

(B) shall be subject to subsection (e)(1)(D);

(C) shall not include—

(i) interest on the amount of the payment before the date of settlement or payment of a claim; or

(ii) punitive damages or any other form of noncompensatory damages; and

(D) shall not exceed $500,000, except in the case of a claim for which the Director determines that a greater amount is appropriate.

(2) TYPES OF INJURY.—

(A) RESIDENTIAL LOSS.—Under paragraph (1), an injured person may receive payment for a residential loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) An insurance deductible.

(iv) A temporary living or relocation expense.

(v) Debris removal and other cleanup costs.

(vi) Any other type of related injury that the Director determines to be appropriate.

(B) BUSINESS LOSS.—Under paragraph (1), an injured person may receive payment for a business loss consisting of 1 or more of the following:

(i) An uninsured or underinsured property loss.

(ii) Damage to or destruction of physical infrastructure.

(iii) Damage to or destruction of tangible assets or inventory.

(iv) A business interruption loss.

(v) Overhead costs.

(vi) Employee wages for work not performed.

(vii) An insurance deductible.

(viii) A temporary relocation expense.

(ix) Debris removal and other cleanup costs.

(x) Any other type of injury that the Director determines to be appropriate.

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Subject to subparagraph (B), a claimant shall have the burden of demonstrating injury suffered by the claimant.

(B) ABSENCE OF DOCUMENTS.—If documentary evidence substantiating injury is not reasonably available, the Director may pay a claim based on an affidavit or other documentation executed by the claimant.

(e) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—To the maximum extent practicable, not later than 180 days after the date on which a claim is submitted under subsection (b), the Director shall—

(i) determine the amount, if any, to be paid for the claim; and

(ii) pay the amount.

(B) PRIORITY.—The Director may establish priorities for processing and paying claims based on—

(i) an assessment of the needs of the claimants; and

(ii) any other criteria that the Director determines to be appropriate.

(C) PARAMETERS OF DETERMINATION.—In determining and paying a claim, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injuries that are the subject of the claim resulted from the attack;

(iii) the amount, if any, to be paid under this section; and

(iv) the person or persons entitled to receive the amount.

(D) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—Subject to clause (ii), to prevent recovery by a claimant in excess of the equivalent of actual compensatory damages in accordance with subsection (d), the Director, in determining the amount of, and

paying, a claim, shall reduce the amount to be paid for the claim by an amount that is equal to the sum of the payments or settlements of any kind that were paid, or will be paid, with respect to the claim, including—

(I) payments on insurance policies; and

(II) benefits under the public assistance program, individual assistance program, or other program of the Federal Emergency Management Agency or under a program of any other Federal, State, or local agency.

(ii) GOVERNMENT LOANS.—Clause (i) shall not apply to the receipt by a claimant of any Federal, State, or local government loan that is required to be repaid by the claimant.

(2) ADVANCE OR PARTIAL PAYMENTS.—At the request of a claimant, the Director may make 1 or more advance or partial payments before the final settlement of a claim.

(f) RECOVERY OF FUNDS IMPROPERLY PAID OR MISUSED.—The United States may recover any portion of a payment on a claim that was improperly paid to the claimant as a result of—

(1) fraud or misrepresentation on the part of the claimant or a representative of the claimant;

(2) a material mistake on the part of the United States;

(3) the payment of benefits described in subsection (e)(1)(D) that were not taken into account in determining the amount of the payment; or

(4) the failure of the claimant to cooperate in an audit.

(g) APPEALS OF DECISIONS.—

(1) RIGHT OF APPEAL.—A claimant may appeal a decision concerning payment of a claim by filing, not later than 60 days after the date on which the claimant is notified that the claim of the claimant will or will not be paid, a notice of appeal—

(A) in the case of a decision on a claim relating to a business loss, with the Administrator of the Small Business Administration; and

(B) in the case of a decision on a claim relating to a residential loss, with the Director.

(2) PERIOD FOR DECISION.—A decision concerning an appeal under paragraph (1) shall be rendered not later than 90 days after the date on which the notice of appeal is received.

(h) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act—

(1) the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims; and

(2) the Director and the Administrator of the Small Business Administration shall jointly promulgate and publish in the Federal Register procedures under which a dispute concerning payment of a claim may be settled through an appeals process described in subsection (g).

(i) PUBLIC INFORMATION.—At the time of publication of interim final regulations under subsection (h), the Director shall disseminate, through brochures, pamphlets, radio, television, the print news media, and such other media as the Director determines to be likely to reach prospective claimants, a clear, concise, and easily understandable explanation, in English, Spanish, and any other language that the Director determines to be appropriate, of—

(1) the rights conferred under this section; and

(2) the procedural and other requirements of the regulations promulgated under subsection (h).

(j) COORDINATION.—In carrying out this section, the Director shall coordinate with the Administrator of the Small Business Administration, other Federal agencies, State and local agencies, and any other individual or entity, as the Director determines to be necessary—

(1) to ensure the efficient administration of the claims process; and

(2) to provide for local concerns.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—

(1) IN GENERAL.—Section 3716 of title 31, United States Code, shall not preclude any payment on a claim.

(2) ASSIGNMENT AND EXEMPTION FROM CLAIMS OF CREDITORS.—

(A) ASSIGNMENT.—No assignment, release, or commutation of a payment due or payable under this section shall be valid.

(B) EXEMPTION.—

(i) IN GENERAL.—A payment under this section shall be exempt from all claims of creditors and from levy, execution, attachment, or other remedy for recovery or collection of a debt.

(ii) NONWAIVABLE EXEMPTION.—The exemption provided by clause (i) may not be waived.

(3) EXCEPTION.—Notwithstanding paragraph (2), the Director may—

(A) require the repayment, using a payment under this section, of any disaster loan made by the Small Business Administration to address injury suffered as a result of the attack; and

(B) use the remedies provided by subchapter II of chapter 37 of title 31, United States Code, in collecting debts due to the Federal Government that arise from this chapter.

ACCEPTANCE OF SERVICES OF OTHER AGENCIES AND VOLUNTEERS; GIFTS

SEC. 3505. In carrying out this chapter, the Director may—

(1) accept and use the services or facilities of any State or local government, or of any agency, office, or employee of any State or local government, with the consent of the government;

(2) use such voluntary and uncompensated services by individuals or organizations as may be needed; and

(3) accept gifts of supplies, equipment, and facilities to be used in carrying out this chapter.

RELATIONSHIP TO FEDERAL ENTITLEMENT PROGRAMS

SEC. 3506. (a) REQUESTS FOR BENEFITS.—Nothing in this chapter affects any right of an injured person that submits a claim to submit a request for benefits under any Federal entitlement program.

(b) CONSIDERATION OF PAYMENTS AS RESOURCES.—A payment on a claim received by an injured person under section 3504 shall not be taken into account in determining the assets or resources of any individual or household under any Federal program or federally assisted program that provides financial aid, assistance, or benefits based on need, including—

(1) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(2) any program established under the Social Security Act (42 U.S.C. 301 et seq.).

REPORTS AND AUDITS

SEC. 3507. (a) REPORTS.—Not later than 1 year after the date of promulgation of interim final regulations under section 3504(i) and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under section 3504(b) during the year preceding the date of submission of the report, including, with respect to each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment on the claim.

(b) AUDITS.—The Comptroller General shall—

(1) conduct an annual audit of the payment of all claims submitted under section 3504(b); and

(2) not later than 120 days after the date on which the Director submits to Congress the initial report required by subsection (a) and annually thereafter, submit to Congress a report on the results of the audit.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3508. (a) IN GENERAL.—There are authorized to be appropriated to carry out this chapter—

(1) for administration by the Office of the compensation process $100,000,000; and

(2) for payment of claims $1,900,000,000.

(b) AVAILABILITY.—Amounts made available under subsection (a) shall remain available until expended.

(c) FEMA FUNDS.—None of the funds made available to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this chapter.

TERMINATION OF AUTHORITY

SEC. 3509. The authority provided by this chapter terminates effective 42 months after the date of enactment of this Act.

CHAPTER 6—GENERAL PROVISIONS - THIS TITLE

AUTHORITY TO OBTAIN REIMBURSEMENT FOR EXPENSES INCURRED IN RESTORATION OF UTILITY SERVICE AND TRADING OPERATIONS

SEC. 3601. (a) IN GENERAL.—For purposes of any appropriations made by Public Law 107–38 or this division—

(1) the term ''public facilities'' as used in such law and in section 102(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(8)) includes facilities and equipment of public utility companies regulated by the New York Public Service Commission and the facilities and equipment of not-for-profit exchanges and boards of trade regulated by the Securities and Exchange Commission or the Commodity Futures Trading Commission; and

(2) the term ''repairing public facilities'' in such law includes replacing and restoring facilities and equipment lost, damaged, and destroyed.

(b) APPLICABILITY.—Subsection (a) shall apply through September 30, 2003.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mrs. LOWEY. Mr. Chairman, I introduced this amendment in behalf of the gentleman from New York (Mr. SWEENEY) and myself and other members of our delegation.

Mr. Chairman, it has been 11 weeks since terrorists attacked America. We have asked our allies to join us to defend the Free World and embarked on a dangerous and long-term effort against terrorism overseas. Here at home, we are growing used to a sense of uncertainty and tighter security. When we go home, we say hello to our neighbors

who are very concerned, who ask us all kinds of questions. We thank the police, we thank the firefighters. And I know when we went home to see our families, we just hugged them a little tighter, a little closer, and expressed our forgiveness, our thankfulness, thankfulness that we were able to be together.

Again and again we hear, it will never be the same. The world has forever changed.

Mr. Chairman, nowhere is that more true than in New York. Almost 4,000 dead, many of them under 40, with young children. The loss among firefighters in one day is more than in the last 50 years combined.

Mr. Chairman, 100,000 have lost their jobs. There is a frozen zone that has swallowed up small businesses by the hundreds. Mr. Chairman, 5,000 people still cannot go home. Do we remember how we rushed home for Thanksgiving? Just think of what it has been like for the last few months in New York for too many New Yorkers.

There has been some progress. Yes, FEMA is a full partner in the recovery. It is going well. About 40 percent of the site has been cleared. Crews are working 24 hours a day, 7 days a week, even on Thanksgiving, to recover bodies and clear away the rubble. Some have said New York is getting all the help it needs, but I say to my colleagues, Ground Zero is not the only place where we see such devastation. Widows need health insurance. Laid-off workers who are just getting by need extended unemployment benefits. Residents need checks to cover security deposits in temporary homes and to repair their apartments. Small businesses need grants, not loans, and they need a simple application process. The FEMA bills will accumulate over time and the Federal Government will pay as the FEMA bills come due.

Mr. Chairman, I say to my colleagues, people need help, not just local governments. Families have bills now. Small businesses have loans due and orders to place now. Residents have to decide whether to relocate or wait it out now, and the holidays are coming. Imagine how it feels to be in New York, to be a New Yorker.

Mr. Chairman, there is no tougher, more feisty place than the city of New York, but our city took a staggering blow for all of America. We asked for help, and we were promised whatever it took. We worked together, Republicans and Democrats, to put together an amendment that would set aside $20 billion that we were promised by the President of the United States of America. I was in that room, and we were so appreciative when the President of the United States of America said, ''You got it. You got the $20 billion.'' We thought we got it. And we designated as a contingency emergency spending which would allow the President to determine when the money would become available. This makes sense. It allows Congress and the President to keep their promise to New York and it gives the President flexibility.

I must tell my colleagues, I have seen some tough fights in my years in the Congress, but this fight for New York has been one of the more demoralizing and difficult of my career. For the life of me, I simply cannot understand why the White House and the Congress cannot come together to do what is right for New York now. But I want to make one thing very clear. I will not give up. My colleagues from New York will not give up. I am convinced that we can come to an agreement. I will work with the majority, the Senate, the White House until we do.

I truly want to thank the gentleman from New York (Mr. SWEENEY) for cosponsoring this amendment with me. He has been a real leader in this effort. I want to thank the gentleman from New York (Mr. WALSH) for his leadership, and I particularly want to thank the gentleman from Florida (Mr. YOUNG), who really gets it. He understood from the start. He visited Ground Zero, he saw the tremendous needs. He understood that the $20 billion would be a floor, not a ceiling.

□ 1830

I also want to thank our ranking member of the committee, the gentleman from Wisconsin (Mr. OBEY), who also has been supportive of this effort and understood, as the gentleman from Florida (Chairman YOUNG) said, we are all New Yorkers at this time.

Mr. Chairman, this is the right thing to do. Please support us in our fight.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 55 minutes, to be divided and controlled as follows: 25 minutes controlled by the gentlewoman from New York (Mrs. LOWEY), who has already had 5, and 30 to be controlled by myself.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply say that I think that is reasonable. That is in line with the original intent of the agreement that had been worked out. It just was not offered soon enough to be offered in a more pure fashion.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. I continue to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I rise in support of this amendment, I want to thank my colleague, the gentlewoman from New York (Mrs. LOWEY), for working with me, along with the gentlewoman from New York (Mrs. KELLY), and other members of the delegation.

Without being redundant, I would like to recap a little bit of history and recognize that on September 11, New York stood in the cross-hairs of an attack on America, an attack by those who would perpetuate world terrorism, who caused unprecedented loss of life and property to all New Yorkers.

That is why we offer this amendment today, in recognition of that loss and that terrible damage. We recognize that New York's problems have not ended. In fact, in some respects, we run the risk of exacerbating those problems.

The New York economy is in fiscal crisis in many respects. It went from a period of surplus prior to the attacks to now a period of deficits, deficits that have been estimated in the range of something like $9 billion at the end of next year. New York has lost 150,000-plus jobs already from this attack.

So what we attempt to do today is to honor a commitment, a commitment that was made immediately by the President of the United States and the leadership of this House and of Congress to make sure that whatever New York needed, it was going to be done, it was going to be taken care of.

We call for the establishment of contingent funds in this amendment, funds that will not be scored, that will be under the discretion and control of the administration so they can keep an eye on the broader issues of spending and the effect of that.

We need to do this because we need to keep a focus. We need to continue to make clear that our commitments are not just words, but the real, tangible efforts on the part of the Federal Government to let those who attacked New York, those who would deem to attack New York, that they cannot get away with that process.

Mr. Chairman, I trust the President, I trust the Speaker of this House in their commitment, but I also recognize that assurances are not insurance.

This is not a partisan battle, although some may come to the floor and may argue that it is a partisan battle in some respects, that it is the failure of commitment. I, for one, as one Member, do not believe that at all, that those commitments are not real. I expect at the end of the day that the right thing is going to be done. What we have here is a disagreement over process and procedure.

It is an important distinction, an important point to make, that we need to establish a mechanism to ensure that there are no delays in New York's recovery, that there are not any hiccups in the process to go forward.

Today in New York, people are making decisions about what they are going to do with jobs, how they are going to go forward with their business

interests, whether they are going to live in lower Manhattan or whether they are going to move elsewhere. They are looking to Congress for leadership. They are looking for Republicans and Democrats alike to come together and find that process and build in those assurances.

What we propose today in this amendment, recognizing that it is subject to a point of order, is to continue that fight forward.

I have, as well, introduced a standalone supplemental funding bill in the Committee on Appropriations as another means, another mechanism, to reserve space, to reserve New York's place in the appropriations process to ensure that we do not forget.

Earlier today, as we debated and discussed the rule attendant to this underlying bill, one of my colleagues stepped forward and said he viewed this process as one of not a great urgency right now, today, because New York has not expended the dollars that have already been appropriated or authorized out, and that New York may indeed not be able to do that.

I wish I could tell the chairman that I shared in that belief, because I do not know what is going to happen in February, what is going to happen in March or in April. What I do know is that we need to ensure that we do not have those kinds of delays.

My colleague further pointed out that he viewed this process as one not unlike the use of a credit card. I do not disagree with that process. That is why we have asked for the establishment of this contingent fund, to ensure that the money is there to back up the commitments that are made on behalf of the city and the State of New York, so when those officials go to get contracts, they can do it with the assurance and with expedited force to ensure that those jobs get done.

Some New York officials have said that at this point we do not need this funding. What I would suggest is they are not looking down the road at the pratfalls that may overtake an additional supplemental bill that could come forward to this floor at additional times.

New Yorkers have been through an awful lot, Mr. Chairman. To subject them to further debate and deliberation over something that has already been committed I think goes beyond the pale of what we can accept here in this House, or what we should accept.

With that, I would urge my colleagues to support this amendment. I would urge my colleagues to move steadfastly on the notion that New York needs to have those dollars in place so it can begin the full reconstruction.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think that any of us, unless we were there and lived there, could understand what the people of New York have gone through. This was a tragedy that none of us have ever seen before, none of us have ever witnessed before.

We made a commitment to New York that they would be provided at least $20 billion. The President made that commitment. The gentleman from Wisconsin (Mr. OBEY) and I were in meetings with our counterparts in the Senate when that commitment was made, and we reacted to it and said yes, we will agree to the $20 billion, and we added $20 billion to the original number of that emergency supplemental.

The whole country owes New York a lot, not only for what happened there but for the way they responded. The New Yorkers have shown America what it is like to be Americans in time of trials and tribulation and trouble. They have responded in an unbelievable way.

The mayor was a strong leader, is a strong leader. The Governor is a strong leader. I watched in amazement as I saw the firefighters and the police officers and the civilian people who were involved in the rescue and recovery. I can say that they made America proud, the way that they responded.

We are going to keep the commitment that was made to New York. We are going to provide whatever is necessary, even if it goes above that commitment.

I would say today, Mr. Chairman, that based on the rules of the House and the work of the Committee on Appropriations, this amendment is subject to a point of order; and later in the debate I will raise that point of order, not that I really want to, but that is the way it is. That is the way it is going to be.

But I want to say to my friend, the gentleman from New York, all of my friends from New York, that we will move quickly on a supplemental request to provide whatever is necessary for New York and for America to recover.

I have a friend, a family friend, visiting me in the Capitol today. In fact, if I was not here, I would be having dinner with him tonight. He was an executive, or he still is, because the company is surviving, we hope, an executive of one of the largest companies in the World Trade Center.

The only reason that he is alive today is because the taxi that he was in, going to work, got caught in a traffic jam. He had just exited the cab and was on the sidewalk in front of the World Trade Center when the airplane hit it. Every member of his firm who were in that building at the time did not survive. Not one that was in that building in that firm, not one survived.

So I understand, I understand the importance of what we are talking about here. I want the gentlewoman from New York (Mrs. LOWEY) to know that this commitment that the President made, I am going to keep it. The President is going to keep it.

As of today with the rule that we adopted, which had a self-executing amendment dealing with New York, adding an additional $1.5 billion, we now have committed just a little over $10 billion for New York. With the additional $10 billion or whatever it is that is necessary, we are going to move it, because we are all a part of New York based on what happened in that city on the 11th day of September of 2001.

We are going to maintain that commitment. It may not be totally today, but it will be committed and it will be maintained, and we are going to deliver on that promise.

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

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the chairman for his work. I know he would rather be arguing on this side of the aisle, Mr. Chairman. It is unfortunate that he is being put in this very difficult position, but I want to thank him.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. RANGEL), dean of our delegation.

Mr. RANGEL. Mr. Chairman, I am a proud Member of Congress today to be following the eloquence of the chairman of the Committee on Appropriations. His remarks were stirring and moving, and almost as wonderful as I felt when this great House went to the steps of the Capitol and sang together ''God bless America.''

None of us knew how New York would respond to what struck us, but it was abundantly clear that America had spoken and this Congress had spoken, and as the gentleman said so eloquently, that we knew that New Yorkers were going to fight back and our country was going to fight back and the Congress will be with us.

It is difficult to see why we are here. Why are we in the hall? I leave here, and I have this time ahead of the ranking member of the Committee on Appropriations because I am going to a meeting on the economic stimulus package, where the leadership of this House is asking for a $200 billion tax cut to be put in the stimulus package.

What are we talking about? What is the $10 billion shortfall causing us to create an atmosphere where once, and not that long ago, we were in complete unity? In our delegation there was not a position between Republicans and Democrats, and outside of that, there was not a position in this House with Republican and Democrat.

They shuffle around some money to give a handout to New York City, we thank them, but that money is coming from other congressional districts, and this evening some of our own Members will be moving to restore that money back to where originally it was supposed to be in their congressional district.

Mr. Chairman, I leave this floor, hoping that no district in this country ever suffers a natural disaster or a terrorist strike or anything; but I tell the

Members, I also wish that they never be treated like the people in the city and State of New York are being treated. We are not even given a reason why a promise made is not being kept. We have no reason why $10 billion is being taken away, allegedly to support the Department of Defense.

So I appreciate the song, but I wish we could go home with the money.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the gentleman from Florida, Senator BYRD, Senator STEVENS, and I were in a room negotiating that original $40 billion package after the events of September 11. We had agreed on about $32 billion, because we had assumed that it was going to cost about $10 billion to $12 billion in New York.

Then a note was passed into the room telling us that the President had personally guaranteed the New York delegation that he would provide, in this bill, $20 billion. Later on that evening, when some Senators tried to unravel the deal, those of us who were in the room putting that deal together again remember that at one point they suggested that we ought to substitute language ''up to $20 billion.''

So I asked Mitch Daniels, the director of OMB, whether the language ''up to $20 billion'' would meet the commitment that the President had made or whether the language needed to be ''$20 billion,'' period. He said the commitment was $20 billion, period.

Now we are being told that New York ought to settle for less in this bill. So I guess I've finally got this figured out. The commitment to New York is going to be kept, the administration is going to keep its commitment, but I guess they believe in keeping their commitments on the installment plan.

That is not the way we do business around here and engender trust. It is a shame. New York ought to get the full $20 billion. The gentlewoman is right to offer this amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind all Members not to characterize actions or inactions by Members of the Senate or the Senate.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. HINCHEY), an outstanding member of the Committee on Appropriations who has been very forceful in his arguments.

□ 1845

Mr. HINCHEY. Mr. Chairman, I just want to take a couple of minutes to remind us about the extent of the devastation and the consequences of the devastation that occurred in New York.

Currently, there are more than 5,000 people who are displaced from their homes in Manhattan as a result of the attack; 16 million square feet of office and hotel space has been destroyed; and 838 major companies have been dislocated as a result. More than 15,000 small businesses have been destroyed, dislocated or severely damaged. Over 108,000 people have lost their jobs. And the realistic estimate of economic damage to the metropolitan region area this year, $83 million.

We are asking for this Congress and the executive branch to fulfill its commitment to the State and City for the basic minimum that was agreed to already in public law, for at least $20 billion to begin to meet the human needs.

Now, we are told do not worry about it. We know that we agreed to $20 billion. You have only gotten half. The rest of it will be coming. But what happens to the people in the meantime? What happens to the unemployed? What happens to the widows and the orphans? What happens to the people who are injured? What happens to the people who have no health insurance? The answer to that question is virtually nothing will happen to them.

They will continue to be unemployed. Their unemployment insurance will run out. They will continue not to have health insurance, and they will not get the health care that they need. They will continue to be disabled, and they will not get the attention to deal with those disabilities.

These are the problems that are confronting the people of the city and the metropolitan region in the surrounding area. And the money that was supposed to come to the city, the other $10 billion was supposed to deal with these human consequences. And the fact is that the human consequences have gone unanswered, and they will continue to go unanswered so long as the State and city do not get what they have been promised by this Congress.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment.

The residents of my district and my State have suffered greatly. I am here today to speak for them. Congress has to do everything it can to help us rebuild our lives and our communities. The amount of money contained in the final bill is sufficient for now, but this vote seems a chance to get more funding for New York faster and send a clear signal to Congress that New York's needs persist and will continue to persist.

For many of us who support the measure of the gentlewoman from New York (Mrs. LOWEY) and the gentleman from New York (Mr. SWEENEY) it is not about doubting the promises that have already been made. The President has shown tremendous compassion for New Yorkers in the aftermath of September 11. I trust the President. I take him at his word when he says New York is going to receive the full $20 billion commitment from the Federal Government.

So while I appreciate the efforts of my colleagues who have worked very hard to meet the needs of New Yorkers, I believe this amendment reflects the true magnitude of the State's loss and deserves support. This is not just about bricks and mortar. It is about the people. It is not just the heroic police and firemen, the public safety officers, the real heroes that went in and pulled people out of those buildings and helped that day. But it is about the extended family around New York, the people from my district who suffered then and are still suffering. It is about supporting those people in their loss. It is about supporting our city that we all, so many of us, work in. It is a very important amendment to so many of us that I feel it really needs support.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, this is how it started with the devastation at the World Trade Center. This aerial photograph shows you what you have already seen and what you know, the damage.

What this photograph does not show you is the ripple effect that it has had on a community, on a city. Underneath this rubble, there are people who lost their lives and may never be found. But the ripple effect is people who lost their jobs, victims who have to be compensated, rebuilding that has to take place. That this picture does not show you. That is what this amendment is about.

But this amendment is also about a promise, a promise from a President to a city, a promise from a President to a Nation, that we would get what was coming to us in terms of dollars. Now we are being told to wait until the spring.

As I said many times today and many times in the last few weeks, next spring the fervor for New York may not be the same. Next spring if you pit New York against other budget items, New York will not win that fight. And so we are here today to try to bring help to the victims and to try to bring help to our city, not by asking for anything we do not deserve or not by asking for anything that was not promised, by simply allowing the law to be carried out. Let us be clear on that. It is law and all we need to do is follow the law. The picture tells you what you need to know. But what we need to solve is how to deal with the devastation that was left behind. I urge all of my colleagues to please join us in this fight in allowing this amendment to be approved and allowing my city to get back on the road to recovery.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER), in whose district can be found Ground Zero.

Mr. NADLER. Mr. Chairman, the scene of devastation my colleagues just saw is in my district. Many of the dead and injured were my neighbors and

friends. Many of the newly unemployed and the at-risk small businesses are my constituents.

This bill welshes on a solemn pledge made to the people of New York a few months ago. It amends the bill passed by the House in September to cut in half the $20 billion appropriated for New York, Virginia, and Pennsylvania. Congressional leaders and the President have repeatedly stressed their intentions to provide more than the $20 billion in aid to New York, just not now. The funds will come eventually. Be patient, trust us, they say; but the funds are desperately needed now, not in 6 months.

We need funds now for grants to enable small businesses to survive. Lower Manhattan could lose 10,000 of its 14,000 small businesses in the next 6 months. The victims of the attack need unemployment benefits and health insurance now, not next year.

Small business owners are making decisions now, whether to try to keep going or to shut their businesses. Large businesses must decide whether to return to downtown eventually or whether to seek permanent quarters elsewhere now. Residents are debating now whether or not to return to Lower Manhattan. They all need to know now whether there is a commitment on which they can depend, on which they can risk their lives and livelihoods, to rebuild Lower Manhattan.

How can we expect them to trust a commitment from people who are today breaking their solemn pledge of only 2 months ago? Who in this Chamber would bet his or her family's fortune on such a commitment?

Mr. Chairman, the honor of the House is at stake. We must vote for this amendment. We must not pass this bill in this form so that we can redeem the honor of the House and not welsh on the commitment that was made and signed into law only 2 months ago. Despite the efforts of people like the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. WALSH), who have done wonderful work here, and the gentlewoman from New York (Mrs. LOWEY) and others and the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, the honor of this House is still at stake. I urge the Members to redeem it today with a proper vote.

Mr. YOUNG of Florida. Mr. Chairman, could I inquire as to the time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 24 minutes remaining. The gentlewoman from New York (Mrs. LOWEY) has 10½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I would be happy to grant the gentlewoman's request to yield her 10 minutes of my time for purposes of control.

Mrs. LOWEY. Mr. Chairman, I am very appreciative, and I would like to thank our chairman, our gracious chairman, who is always eloquent and articulate, and thank him again for his support for New York; and if I was not afraid I would use up more time, I would tell the group how very helpful he has been to us, and I thank him very much.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I am very proud to yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) for the opportunity to talk about this amendment, which is still subject to a point of order, and also to thank the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), and especially the gentleman from New York (Mr. SWEENEY), as well as the New York appropriators, the gentlewoman from New York (Mrs. LOWEY) and the gentlemen from New York (Mr. HINCHEY and Mr. SERRANO).

It is a shame we will not have the opportunity to vote on the Sweeney amendment because it would help address New York's tremendous unmet needs. We need all the Federal aid we were promised, not next year, not next month, not tomorrow. We need it yesterday. None of the $20 billion we need is going under a mattress. No one doubts that FEMA will pay to clear up the site at the World Trade Center.

What is in doubt are the costs that do not neatly fall in the Federal guidebook for disaster relief; like money for hospitals that canceled elective surgery so they could treat victims; like costs to utilities to rewire Lower Manhattan; like many different kinds of costs of education. We have tremendous unmet needs and unpaid bills.

Here are some of the invoices: $108 million to make up for lost classroom size; $6.1 million in reimbursement for lost revenues for food services for children; $13.4 million for reimbursement for additional school-related expenses including transportation, data infrastructure, and other critical-support services.

Yesterday, I met a man who tells the whole story. His name is Eddie Rodriguez. He makes $38 an hour painting bridges, which is difficult and dangerous work. His son is also a bridge painter. His daughter is a freshman in college. Because of September 11, Eddie and his son lost their jobs. Today, the Rodriguez family has no health insurance, and Eddie had to tell his daughter that her dream of graduating from college would have to wait because he could not afford to pay for the tuition.

Soon Eddie and his family will be attending the funeral of his wife's sister's husband who was killed in the World Trade Center attacks, and Eddie lost several friends in the crash of Flight 587.

Eddie's story tells a story of the pain of New York. It has been a terrible year for New York and for Eddie Rodriguez. The American people understand this and they want Washington to help; and in a month and a half, without the New York amendment, Eddie and his son will not get extended unemployment benefits. His household will have no income at all, and his daughter's college dream will be suspended indefinitely.

So do not go telling me that New York does not need the money. Go tell Eddie Rodriguez and the thousands of Eddie Rodriguezes in New York who have lost their jobs because of this disaster.

PREFERENTIAL MOTION OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. ACKERMAN moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his preferential motion.

Mr. ACKERMAN. Mr. Chairman, not to be concerned, it is not my intention to follow through on the motion, just that we are tight on time, and I do not want to impact on any of my other colleagues and we have got numbers worked out now.

Mr. Chairman, I come from New York, a city wracked with pain, suffering from an attack of mass destruction against our country and upon our city. We are an American city which makes it even more painful for us to fathom why we should have an uphill fight as we plead the cause of our people to our government.

To those who want to send us away with a penny and a promise, please remember some things. When California was hit with an earthquake, 84 people died, a national tragedy, 84 people died, and we ponied up $7 billion. Every New Yorker was there. Nobody asked for a receipt. Nobody said, take part now and come back later.

When Texas was hit with floods, every New Yorker was there, voting for every penny that was requested then and there. Nobody asked for a receipt.

□ 1900

We do this because we believe that we are good neighbors and we are great Americans.

When Hurricanes George and Andrew hit Alabama, Florida, Louisiana, and Mississippi, $4.3 billion was spent immediately, and every New Yorker stood by at the exact moment that it was requested. Hurricane Hugo, $1.5 billion, hitting North and South Carolina. Every New Yorker voted for it. The floods in the Midwest, Illinois, Indiana, Kansas, Minnesota, Montana, Nebraska, South Dakota, North Dakota. Billions of dollars was spent and not one New Yorker even blinked.

New Yorkers have been there every time there has been a problem anywhere in the country. Nobody in this

Congress has ever questioned. And we are so proud that not one New Yorker in the history of the Republic has ever said no to $1 to any other place in the Nation that had a disaster. We do not know why we are treated like this. We never said to anybody else, take half now and come back later.

Let me tell my colleagues a little bit about who we are. We are the people that showed the world the courage of Americans. We are the people who have more dead and unburied in a disaster than have occurred in all the disasters in the history of the Republic.

Our one town has more people than 42 States. We have more Puerto Ricans than San Juan. We have more Dominicans than Monte Christi. We have more Germans than Bonn. We have more Italians than Palermo and Bologna. We have more gentlemen than Verona, more merchants than Venice, and more barbers than Seville. And Brooklyn alone has more people than all of Mongolia. We have more Catholics than Rome. We have more Muslims than the Holy City of Madina. We have more Irish than Cork and Limerick and Galway. And, yes, we have more Jews than Jerusalem.

On any day, on any lousy, stinking, single, random day, we have more heroes than the world could ever have conceived. Do not tell us that we have made you proud, unless you are willing to help make us well.

We are part of your country. We are not here, hat in hand, looking for foreign aid. Do not nickel-and-dime us. Do not tell us to go home to our constituents with half a loaf and to come back later, maybe next year, if the money is there. We are part of this team. Do not turn us away.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order and my time, but I am almost sorry that the gentleman withdrew his motion, because I was going to get that 5 minutes on my side and offer it to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my colleague from Westchester, which we share, and I thank the chairman and everyone else.

Let us remember that the September 11 attacks were not attacks on New York, it was an attack on America, and we as Americans need to help New York City recover its costs directly connected to the World Trade Center attacks.

I am a little bit bewildered to be here today to even be discussing this at all, because 2 days after September 11, I was part of a congressional delegation that met with President Bush at the White House, and the President unequivocally said to us the $20 billion is for New York, and the $20 billion is only the start, because $20 billion alone is not enough to repair all the damage that was done to New York. It was a floor, not a ceiling. And that money, the President told us, would be there.

Now, I do not understand what the difficulty is. The money has been appropriated. It is a law. It has been passed. The money should be there. It should be a pot of money for New York to draw on, not something for New York to come back next year and ask for more, when there will be other regions of the country with needs.

And to have to compete with those regions, that is not fair. When there are earthquakes and fires and floods, we all respond. We certainly need to respond to terrorism. And if the money is going to be there, why is it not there now, when this is the law that this Congress passed?

Many, many people need our help. Four thousand people died. Special consideration needs to be given to hospitals and schools and businesses and our utilities. Verizon and ConEd, they need special help. They are precluded from getting money, and it is not fair to have them compete with everything else. They need to have a special waiver so they can get the $900 million that they are owed.

Let us look at this amendment. This amendment provides unemployment insurance extension, emergency employment clearinghouse, workers' compensation, continuation of health care, COBRA, hospital costs, CDC safety screening program, NIH environmental assessment, disaster recovery programs, public television facilities, economic development, CDBG, FEMA. These are all things that New York needs.

I implore my colleagues: We need the money now. This money was passed. It is not just a promise, it is a law. New York needs the help. Please help us now.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Brooklyn, New York, (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Let me begin by first thanking the chairman of the full committee, the ranking member, of course, and the chairman and ranking member of the subcommittee. And of course my good friend, the gentleman from New York (Mr. WALSH), who I think has done a magnificent job. I want to say that before I make these comments.

Mr. Chairman, this is wrong. New York deserves a whole lot better. We know there are certain religious groups, certain agencies locally that are trying to do all that they can do during this crisis, but this cannot be resolved without the help of the Federal Government.

A $20 billion promise was made and only half of that money is now being appropriated. The question is: What do we do about the other $10 billion? Well, somebody said, trust us, we will give it to you. Just trust. And then somebody said, pray and maybe it will happen. I think New York deserves a lot better than that.

Anytime there has been a crisis anywhere, New Yorkers have been there on behalf of whoever. That is one thing about us, that we have demonstrated our generosity down through the years. And to come here today and have our colleagues say to us, we will give you this and you just have to trust and wait for later, I think that is the wrong attitude to take.

We have hospitals that have already spent $140 million in direct costs, directly related to the World Trade Center disaster, and they have only gotten back $35 million. These hospitals are now laying off people because they do not have enough money to continue to function. And my colleagues are saying do not worry about it, it is all right? I think that when it comes to our hospitals laying off people, I think we should be very, very concerned about that, because that is something that we cannot afford the luxury of.

The other thing that I think we should be very concerned about is that we have people now with no health insurance as a result of the sudden action that we are taking. We should move now to keep our commitment that we made. I think we should do it now.

What has happened to us, let us face it, can happen anyplace, anywhere, and we all are Americans.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York, (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentlewoman for her leadership on this issue. And at the risk of doing harm to them politically, I want to thank the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Mrs. KELLY) for their great leadership on this issue.

We passed Public Law 107–38, and it says $20 billion shall be expended in New York. It does not say anywhere ''eventually,'' it does not say anywhere ''someday,'' and it does not say anywhere ''when we get to it.'' It was an allocation of funds for this year. It is the law. This should not be misunderstood. It was not an optional thing. It was not ''maybe we will do it.'' It is the law. We made a commitment to do it; and, frankly, the President of the United States looked us in the eye and gave us that commitment.

But there is a myth that has been perpetuated here today that, well, New York has gotten everything that it has asked for. Well, that is baloney. New York has gotten together, and Governor Pataki has asked, Mayor Giuliani has asked, Republicans have asked, and Democrats have asked how to spend that $20 billion; unemployment benefits, extension of COBRA, Workmen's Comp., extension of tax credits to redevelop lower Manhattan. We have asked. It is not coming.

Finally, we have heard on some level the words have been to ''trust us.'' And, frankly, we do. Chairman YOUNG has been great on this stuff. And, to be honest, New York has lost a little bit of its swagger. We have been hit with a couple of body blows. But all we are saying now is that this is the time. There will be other emergencies, there will be other urgent needs, and there will be other things this country will face. If anthrax did not teach us, nothing will.

This is a time when New York needs it. This is a time when New York has been promised. We trust this House will do the right thing, and the right thing is to pass the Lowey-Sweeney amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER)

Ms. SLAUGHTER. Mr. Chairman, today, my colleagues from New York and I are on this floor fighting to guarantee that this Congress and the administration fulfill the promise made to us in law.

We find ourselves working against an inexplicably stealth campaign by the White House to delay, perhaps indefinitely, the needed aid to our city. In public, the administration officials make statements like, ''An agreement is an agreement is an agreement.'' But in private they have made it known to the House leadership that the President would veto any spending bill with New York's funds in it, forcing the Committee on Appropriations to abandon ongoing bipartisan discussions to craft such an amendment.

In public, the President vows that New York will receive everything it was promised; but in private, Vice President CHENEY lobbied members of the majority to vote against the efforts to allocate this aid.

I am at a complete loss as to why the administration would wage this underground campaign to deny New York the needed funding in its hour of need. If there is a legitimate and reasonable explanation, we would like to hear it. To date, however, we can only guess as to the motivation.

Mr. Chairman, New York holds a special place in our Nation's history and culture. It was the first capital of the newly formed United States, the historic gateway for the immigrants who built our country, and home to the Statute of Liberty. It is a cultural mecca, an international financial center, and a beacon of opportunity. New York personifies the spirit of our whole Nation. It is big, bold, modern and ambitious. And that, Mr. Chairman, is why New York City was attacked.

As many others have said, New York took the blow, but America was the target. It should be a matter of our national pride not only to help New York recover but to go above and beyond the call of duty to restore this city to health. I find it incomprehensible that some seem to be trying, instead, to do the least amount possible for this devastated and wounded city.

I urge my colleagues to join me in supporting the Sweeney-Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time.

I want to thank the entire New York delegation. I am proud to work with all my colleagues these past few weeks after the attack on New York on September 11, and never more proud than I am right now on this floor to stand behind the Sweeney-Lowey amendment.

Let me thank my colleagues, the gentleman from New York (Mr. WALSH) and let me thank the gentleman from Florida (Mr. YOUNG), the chairman, for their efforts. Let me especially thank the gentlewoman from New York (Mrs. KELLY), and my good friend the gentleman from New York (Mr. SWEENEY) for standing with us on this amendment.

A great deal has been said about the wound that was inflicted upon our great city, but sometimes, as someone who was personally affected by this, I find it easier to talk about it in metaphor.

On September 11, a dagger was struck into the heart of the city of New York that has left a gaping wound for the last 2 months. That wound has not healed; has not even been bandaged. It is bleeding. New York City is still bleeding today and will continue to bleed.

We have the best economic surgeons, the best economic doctors in the world. They know how to fix it. They know what medication the wound needs, but they are saying they just cannot get the right dosage.

□ 1915

Mr. Chairman, that is what we are talking about here. We are asking for the money that was promised to the city. That is all. Where we find ourselves now is that we are relegated to glorified begging. We, the delegation of New York, after having sustained the blow on September 11, after sustaining the loss of the Twin Towers, after having sustained the loss of thousands of individuals with lives and talents, everything that goes into making an individual a person, thousands have been lost.

On top of that, we are told that we are not going to get the full funding that we were told we would get in the spirit of unity just 2 months ago. We have to go back to our constituents and say, I know we were told we were going to get that money, we will not get it yet and we will have to wait 4 or 5 months down the road, and hopefully then we will be successful and get this money for New York.

I do not know how Members of Congress can vote against this amendment and go back and the next time there is a disaster in their area and react to their constituents when they say, Where is the money?

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, New York's economy is in deep trouble. We lead dozens of States in economic decline. Jobs are being lost. Small businesses are going under. Municipal governments are going back into debt. Fire and police budgets are strained.

I do not represent New York City; I represent Long Island, but my district sends thousands of commuters into New York City every day, and our jobs depends on jobs in New York City. Our economies are linked.

This House has just approved a $25 billion retroactive repeal of the alternative minimum tax for the richest corporations of America. If we can find the money for Enron and we can find the money for IBM, we should be able to find the money for people who have lost their jobs and their health insurance and their unemployment insurance and the small businesses who are being forced out of business in New York today. We have done it for others. It is time to do it for New York.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a former New Yorker.

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, just last week I was on this floor lamenting as intently as I could bring to bear the idea that we were passing a bill having to do with the Andes and so-called free trade when we were unable to come to a conclusion with respect to not just unemployment, but with respect to the human needs in this Nation, throughout this Nation.

I said at that time why should people from New York have to come to the floor and beg for the opportunity to have a redress of this egregious grievance that has been committed against us in the United States. I have an article here on what was called a bone-sopping rainy day, hundreds of unemployed people in Waikiki coming hoping they could get a job working on invasive species in Hawaii, to work with their hands in the fields to try to work to make our environment better.

We have 31,000 people out of work directly as a result of September 11. What I am asking is cannot the example of the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the appropriators here be brought to bear when we deal with the other bills that are coming forward with respect to how we are going to deal with the economic trauma that has hit the whole country?

Mr. Chairman, perhaps the gentleman from California (Mr. THOMAS) at that time misunderstood my quest that day. I voted against the Democrat bill and the Republican bill that is supposed to be dealing with economic

stimulus. Let us use what the gentleman from New York (Mr. WALSH) has done and what the gentleman from New York (Mr. HINCHEY), the gentlewoman from New York (Mrs. LOWEY) has done, and what the gentleman from New York (Mr. SERRANO) has done. Let us use what the gentleman from Florida (Chairman YOUNG) has done by way of leadership on the economic stimulus program and as Republicans and Democrats draw together on behalf of the entire Nation with New York leading the way, and this amendment leading the way, showing us what we can do as Americans to come together and have victory.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by thanking again the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations, who has made it clear over and over again that when the United States was attacked, we were all Americans, we were all New Yorkers. The gentleman has expressed to me his concern, his observations, the pain that he saw when he visited Ground Zero. I feel confident that we are going to continue this process.

For me it was very gratifying to work in a bipartisan way with my colleagues, the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. WALSH), the gentleman from New York (Mr. REYNOLDS), with all of the appropriators and the New York delegation, to make it clear to our colleagues that although the United States was attacked, New York has been suffering extraordinary pain.

As New Yorkers we go home every weekend. We look in the eyes of those who lost their loved ones, their sisters, husbands, family members. Life will never be the same for any of us; but for New Yorkers, they feel that every single day. We were all in the office when the President made the commitment of $20 billion to New York. I feel confident that the President of the United States will keep that commitment. In fact, from the chairman of the Committee on Appropriations to the ranking member who has been so supportive, the gentleman from Wisconsin (Mr. OBEY), all of the Members have made it clear that this is a floor, it is not a ceiling.

I hope, Mr. Chairman, that although today it is tremendously disappointing to all of us that that commitment that is so needed now so we can rebuild, so we can plan, so we can make sure that New York regains its former glory, I would hope that in the days, not months ahead, we can somehow find the vehicle to keep that promise. There are an awful lot of people in New York who heard that promise, who heard it again and again who are counting on it, who understand that when the President of the United States speaks and the Congress of the United States speaks, that word, that word can be believed by everyone.

Mr. Chairman, let us work together again in a bipartisan way to ensure that in the days and the weeks ahead we can keep that commitment. I am sorry that it cannot be done this evening, but I know that Members' hearts and thoughts are with us every day. Mr. Chairman, again I thank the entire New York delegation.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I believe this is a sad state of affairs. What took place on September 11 was not a New York tragedy; it was a national tragedy. As a result, we spoke with the President of the United States, and he pledged $20 billion to the City of New York.

We all know that to repair the damage that took place to the United States of America that happened to be in the City of New York will cost far more than $20 billion. But the President pledged $20 billion. We negotiated and we thought we had agreed that we had at least $20 billion in this appropriation, in this year, that the city could count on in rebuilding the World Trade Center area.

And then to come back and to only receive $11 billion, not knowing when the $9 billion will come and having some promise in the future about when the $9 billion will come will not help restore what needs to be done in New York City.

We need to make sure now, not just for New York City, but for our Nation, that we rebuild in that area. We need the $20 billion, not sometime in the future, but now, as promised. We heard the President say during the campaign, ''I mean what I say, and I say what I mean.'' We want the President to say what he means and let us have the $20 billion now.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not disagree with almost anything I heard this afternoon. All I will say is that the commitment was made and it will be kept. The only question is one of timing. I take the President at his word that at the appropriate time the request will be made for the additional money for New York, and I will move that supplemental request just as quickly as I possibly can.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, at this point, I would make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and as such constitutes legislation in violation of clause 2 of rule XXI. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from New York wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, no, since I have no options available to me.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes new emergency designations under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

Page 183, after line 18, insert the following:

For an additional amount for such purpose, $60,235,000, 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.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself.

Mr. OBEY. Mr. Chairman, reserving the right to object, on the minority side, will we be yielded some time under that arrangement?

Mr. YOUNG of Florida. Mr. Chairman, I would ask unanimous consent that of my 10 minutes, that 5 minutes be yielded to the gentleman from Wisconsin (Mr. OBEY) for the purpose of control.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1930

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides for full funding of the President's antiterrorism emergency supplemental spending request of $203 million for the

Coast Guard to maintain its aggressive response to terrorist threats to our Nation's ports and waterways.

I want to thank and commend Chairman Young for his very strong commitment and support to the Coast Guard over the years. Chairman Young has understood the needs of the Coast Guard, has attempted to work with us, and I hope that in the future we will be able to continue that. But the reality, Mr. Chairman, is that since September 11, the Coast Guard has increased its counterterrorism operations using existing personnel, vessels and aircraft, augmented by Reserves and auxiliary personnel. Without immediate additional resources from Congress, this posture is unsustainable.

For this reason, I am shocked that the supplemental funding bill that we are considering today cuts nearly one-third of the President's request. Mr. Chairman, this is not my request. This is not a request of some other body or entity. This is a request of the President of the United States. The request for this Coast Guard supplemental funding is absolutely essential. The failure to include these funds for Coast Guard operations means that the President must choose between ensuring a safe counterterrorism posture for our ports and waterways and providing an adequate level of drug interdiction and other maritime law enforcement operations. This is an unacceptable choice.

Earlier this year, the House voted 411–3 in support of the authorization bill that funded the President's request for the fiscal year 2002 to the tune of $5.4 billion. Mr. Chairman, at that time, almost every Member of Congress stood up, wanting to voice their support to vote for the Coast Guard, to make strong statements about the tremendous job that the Coast Guard has been doing, and we thought we were finally on a roll with people understanding that the Coast Guard has been doing an exceptional job.

The President requested $203 million for the increased efforts of the Coast Guard in this supplemental. The amendment that I will offer would restore approximately $60 million in funding due to the emergency status that the Coast Guard has been operating under since September 11.

For the past several years, the Coast Guard has suffered from significant funding shortfalls. During fiscal years 2000 and 2001, the Coast Guard was forced to reduce law enforcement operations by up to 30 percent due to insufficient funds. Without the President's request for supplemental funding, the Coast Guard will be forced to reduce operations immediately by 15 percent. I do not think that is acceptable to any of us, Mr. Chairman. To put this in real terms, cutting this funding would keep a number of cutters, helicopters, aircraft and patrol boats sitting idle for up to 6 months, unable to safeguard our ports, unable to save lives, unable to respond adequately to threats to America.

Mr. Chairman, this means that the very successful program of drug interdiction that the Coast Guard has embarked upon would be forced to be set aside so that the Coast Guard could use its scarce assets to protect our ports. This is not a choice they should be forced to make.

Congress acted to safeguard our airways recently. We listened to the debate about the economic impact that aviation has on our Nation's GNP. We must now act to safeguard our ports and waterways. Maritime industries contribute over $740 billion to the gross domestic product annually, and we cannot allow the guardian of this economic engine to go underfunded. We have thousands of containers that come into our ports. The Coast Guard is required to implement a program that they have been grossly underfunded to implement. It is time to recognize that.

I want to commend the Coast Guard for their enormous efforts to safeguard the American people in the wake of the attacks of September 11. All U.S. ports remain open to commerce with an increased security, and currently the Coast Guard enforces 110 maritime security zones. I was honored to again visit Coast Guard Group Air Station Atlantic City yesterday and to hear their comments about their increased missions. Mr. Chairman, I looked into the eyes of the young men and women who have been so motivated, so well trained, so ready for duty, I listened to how they have stepped forward in this time of need of their Nation, willing to put themselves in harm's way, no different than men and women who have traveled to Afghanistan with our Special Forces or Marines. I listened to how the Coast Guard has been asked to board ships to check manifests of cargo and crew to match up from foreign nations; a boarding party that does not know what they are running into, a boarding party that does not know what they are going to find. Yet these young men and women are willing to do it time and time again. How can we look into their eyes and tell them that their efforts are not recognized by resources necessary to keep up this mission?

I was impressed by their can-do spirit and by their willingness to serve their country and do whatever is necessary. I am disappointed that this House is not providing the resources they need. Without increasing the available resources, the Coast Guard simply will be unable to protect these vessels and our port facilities, despite the tremendous efforts of these young Americans.

The Commandant of the Coast Guard, Admiral Loy, said the following about the budget concerns of the service and I am quoting: ''Post-September 11, our national interests require that all Coast Guard resources be operated at their historical level. The President's supplemental request of $203 million for the Coast Guard reflects the minimum funding required to meet these national security obligations.'' This is the gentleman that we have entrusted to lead our Coast Guard, to head our Coast Guard, who has made this statement.

The $203 million in Coast Guard supplemental funding is imperative to ensure we are adequately protecting our 95,000 miles of waterways and coastlines. We must take a shared responsibility to assure that our ports and waterways are protected from terrorism and other security threats. The Coast Guard is doing their best to preserve our Nation, and they deserve nothing less than our best to make sure that they can do their job.

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

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if I understand this correctly, this is what I refer to as a holy-picture amendment. The administration asked for 200-and-some million dollars for the Coast Guard. The bill before us cut it by $58 million. I tried earlier today to defeat the rule under which this bill is being considered so that we could add not just the $60 million that the gentleman is asking to be added to the Coast Guard's budget, but $223 million so that we could fully finance the increased pace of Coast Guard operations to combat terrorism for an entire year rather than the 6 months that is in the bill. I find it interesting that the gentleman voted against our efforts to in fact make in order the amendment which the House could under the rules have adopted, and yet is pursuing today an amendment which is clearly going to be ruled out of order. I find that effort enough to give inconsistency a bad name.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I continue to reserve the point of order, and I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from New Jersey (Mr. LOBIONDO) and the eloquent statement that he made about the valiant efforts of our men and women in the Coast Guard and the great work that they are doing and have done and will continue to do.

This bill, as we all know, is to deal with the funding for activities directly responding to the terrorist attacks of September 11. That is why in the bill we have included almost $145 million for that purpose. Included in that figure, $110 million, new dollars, for Reserve activation, $31 million for increased homeland security capability, and $3.6 million for chemical, biological and radiological strike teams; all of those related, of course, to the activities responding to the terrorist attacks.

However, the administration requested an additional $58 million which the committee bill does not include because, in discussions with the Coast Guard, the majority of these dollars were not for the purpose of responding

to the terrorist attacks, but to restore moneys which the Coast Guard deleted itself from its fiscal year 2002 budget request, the regular expenses of the Coast Guard. Those moneys we can deal with in the regular appropriations bill or a supplemental if it should be necessary at a later time. But this bill funds the Coast Guard for the activities related to September 11, like the other provisions of this bill. It does not deal with the regular operating funds for fiscal year 2002. That bill will be on the floor momentarily, this week I hope, which will include funds for the Coast Guard for fiscal year 2002. I believe that the gentleman from New Jersey will be pleased with that bill. I hope he is.

We cannot find all the money that I would like to find for the Coast Guard, but in this bill I have to say that we have done, I think, well by the Coast Guard dealing with the aftermath of September 11. We can deal with the fiscal year 2002 moneys in another bill, hopefully this week.

So I reluctantly rise to oppose the gentleman's amendment. It is well intentioned and well meant. I commend the gentleman for his enthusiasm for the Coast Guard and the mission that it has been assigned by us to do and which they are carrying out with great success.

We salute the men and women of the Coast Guard. We thank them for the tremendous service they are giving our Nation. We want to see that they have the adequate funding that they desperately need. We will do that in the appropriate bills coming before the House in the appropriate order, rather than fund fiscal year 2002 needs in this emergency supplemental bill dealing with the aftermath of September 11.

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

Mr. LoBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I appreciate the difficulty that the subcommittee chair and the full committee chair have with the moneys; I know these things are very difficult to balance, but it is clear we have an emergency in the Coast Guard. We have had to divert the Coast Guard to antiterrorism protection in New York Harbor, Boston Harbor, in Puget Sound, in the Great Lakes. We have pulled them off of their other resources in order to guard the nuclear power plants and other chemical facilities on the water.

What it has done is it has pulled many of them out of the Caribbean where they were in the forefront of our antidrug effort, temporarily. They are moving back and forth. We have a shortage. We cannot do both things. Similarly on the California coast and in the Pacific, we have fisheries questions, we have safety questions, we have increasing immigration, water interception things coming through the Pacific Ocean. It is clear that we have an emergency as well.

I encourage you strongly as we move towards the supplemental to address this. I understand that your budget is extremely tight, there is general sympathy for the difficulty, but we have to have more for the Coast Guard, our most neglected service, because they are being asked to do double and triple and quadruple duty.

The events of September 11, 2001 have changed this Nation forever. So many people were affected, so many agencies and people have had to make sacrifices, and work so hard, to meet the national security needs of America these past 3 months, and they continue to do so. The Coast Guard is one of the foremost of these agencies, and the men and women who serve are some of those people, they have doubled and redoubled their efforts to tackle their normal multi-mission responsibilities, along with the massive increase in Homeland Security requirements that were placed on their shoulders as a result of this national crisis. In fact, the Coast Guard took on the responsibility of sweeping the Capitol and our office buildings in response to the Anthrax threat.

As a multi-mission, maritime, and military service, the Coast Guard is a leader in America's maritime security. They array their ships, planes, and people against multiple National Security threats including drug smuggling, alien migration, protection of fish our fish stocks, and of course terrorism.

Along with these law enforcement missions, they tackle their other traditional missions, of Search and Rescue, Maritime Safety, Recreational Boating Safety, Aids to Navigation, to name a few.

Their motto, Semper Paratus, Always Ready, has been put to the test many, many times, and without fail, they have come through, it's now our turn to come through for them through adequate funding.

They have worked around the clock since 11 September, increasing their presence to protect ports and maritime transportation infrastructure, boarding commercial vessels at sea, instituting a successful Sea Marshal program at many of their ports, escorting our Navy Ships entering and departing ports, and enforcing Security Zones in protection of critical infrastructure points along our shores.

There was a dramatic mission shift for the Coast Guard come 11 September, once again they proved to be very felxible, very can-do, these are their greatest strengths. They have met the current crisis, they continue to increase their effectiveness, they continue to say Aye Aye, but it has not come without a cost.

The cost has been that their people, their equipment, have been pressed −071o their limit. The increase in their operational tempo, regardless of the mission emphasis, has drained their crews depleted their surge capacity. Some air stations and many of their other field commands are beginning to express concern about their Search and Rescue posture based on crew fatigue, lack of resource maintenance, and lost training opportunities in certain mission areas. Sustainability of their current operational pace is a growing service concern.

The cost has also been their presence, or lack thereof, in other law enforcement mission areas due to their limited resourcing. Shifts in protecting ports and maritime transportation infrastructure yielded activity levels near zero in fisheries enforcement and Alien Migration Interdiction Operations. The Coast Guard is the designated lead agency for maritime drug interdiction and shares lead agency responsibility for air interdiction with the Customs Service, but is now down to less than half of the previous level of activity.

This can not and should not continue. Declines in these mission areas are not in the long term national interest especially drug interdiction. Increased profits for illegal drug smuggling is channeled into the coffers of terrorist organizations thereby giving them additional resources to mount further strikes against our homeland.

The Coast Guard has broad enforcement and regulatory civil authorities, military capabilities, and a coastal and offshore presence to bring to bear against Homeland Security requirements, they will protect our Nation's largest, and perhaps most vulnerable border a 95,000 mile coastline with hundreds of ports. But they are a multi-mission service which can not possibly meet these new homeland security requirements as well as other mission requirements without significant increases in both people, assets and overall funding.

Comparing the new security environment and the new demands it places on the Coast Guard, the Coast Guard mission requirements in other mission areas and the services current capability there are major gaps we need to assist * * * we need to do our best to help fill those gaps.

In the House mark-up of the Emergency Supplemental appropriation, the Coast Guard's figure has been cut from $203M to $145M a $58M cut that will directly take away from the Coast Guard's ability to handle sorely needed depot level maintenance, much of the maintenance that was deferred as a result of the current crisis as well, this cut will not allow Coast Guard operational assets their cutters, small boats, and aircraft, to operate at their optimum levels. Now is not the time to be cutting the Coast Guard. We need them to be operating at their absolute maximum level in order for them to have any chance of meeting America's present and future needs.

The Coast Guard has been Semper Paratus for America, day in and day out. In their time of need let's do our part to be Semper Paratus, Always Ready for them.

Coast Guard's capability has been reduced due to chronic maintenance funding shortfalls; 15 percent operational reduction proposed in the FY 2002 President's budget limits the Coast Guard's ability to operate at the levels necessary for the national interest; Cutters, boats, and aircraft are thoroughly involved in the Coast Guard's port safety and security missions and are a key component of the service's Homeland Security mission; The Coast Guard cannot take on the increased Homeland Security demands without first ensuring their assets are properly supported and maintained; and Overall operational level must be increased to ensure that the service can continue other missions critical to national security such as marine safety, alien migrant interdiction, living resources enforcement, and counter-drug operations, while maintaining a robust Homeland Security force.

Mr. LoBIONDO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment and I rise in support of any effort to increase dollars to the Coast Guard. As the vice chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have worked very closely with the gentleman from New Jersey, and I am intimately aware of the difficulties that the Coast Guard is facing under its current fiscal constraints. I also host the Coast Guard Academy in my district and have for many years been involved in those issues.

Now more than ever, we need resources to defend our 95,000 miles of shoreline and our hundreds of ports. Also, for those of us who have nuclear power plants in our districts, along rivers and on the coastal waters, defense of those littoral shores is critically important, and that even as we speak and even as we have deployed over 30 percent of the Coast Guard Reserves, we cannot provide adequate security along those shorelines for those facilities.

□ 1945

So as I understand the conversations of the distinguished chairman, we are going to be addressing these issues in the future. I certainly hope so.

Mr. LoBIONDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS) for his comments and his willingness to recognize that the Coast Guard desperately needs additional funding, if I heard the gentleman correctly. I would also like to apologize for any breach in communications that we obviously have experienced in the translation of the Coast Guard's needs to what the gentleman from Kentucky (Mr. ROGERS) has understood them to be, and I express my willingness on behalf of our committee to work with the gentleman to try to eliminate those kinds of communication gaps in the future.

I think we have all been able to come together, and this has been productive, in acknowledging that the Coast Guard is doing a tremendous job, and they do desperately need additional supplemental funds to keep going.

So, with that, Mr. Chairman, I once again thank the gentleman from Kentucky (Mr. ROGERS) for his acknowledgment of the situation.

Mr. BARCIA. Mr. Chairman, I rise today in support of the LoBiondo amendment to restore critical Coast Guard funds which are stripped by this bill.

It's no secret that there is a significant difference between what the Coast Guard needs to run its day-to-day operations and to make needed acquisitions and what they have received recently through the budget process.

Earlier this year, the Administration put forth a budget that included a 15 percent reduction in Coast Guard Operations, but that was before September 11—before the Coast Guard shined in its role responding to the attacks of that day, even though it was already stretched so thin.

The demands placed on the Coast Guard since September 11 forced the Administration to reconsider and agree to include $203 million in the its emergency supplemental request for the Coast Guard.

But the bill currently before the House cuts that number by $60 million. Without the full $203 million, the Coast Guard will literally not be able to meet its national security obligations.

Can we really afford to have drastic operational cuts in an organization that is such an integral part of our national defense and plays such a critical role in our maritime safety, security, and mobility? As we all know, the answer is a resounding ''no.''

With more than 600 miles of coastline in my District in Michigan, the Coast Guard's numerous missions— from ice-breaking to search and rescue, from drug interdiction to marine environmental science—are critical to the health and safety of my constituents.

More than that, the Coast Guard is critical to our nation's defense—our homeland security. The cuts included in this bill are unconscionable because they are unsafe.

Thanks to the impressive leadership on the Coast Guard Subcommittee and within the Coast Guard Caucus, I am hopeful that this problem will be rectified and the Coast Guard will be able to continue to provide the nation with the high level of services we have come to know and rely on so heavily.

I urge all of my colleagues to support the LoBiondo amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply note that the gentleman earlier today voted in such a way that made not only my amendment not in order, but it also made the very amendment that he is offering tonight not in order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Hearing no objection, the amendment is withdrawn.

There was no objection.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, today, as I rise in support of the Defense Appropriations bill, I want to draw my colleagues' attention to the strong cooperation and support the United States has received from the Republic of Kazakhstan.

Kazakhstan is a former Soviet state celebrating their 10th anniversary of independence from the Soviet Union on December 16 of this year.

Today's Defense Appropriations bill provides $403,000,000 to assist the republics of the former Soviet Union in the elemination and the safe and secure transportation and storage of nuclear, chemical and other weapons. Unfortunately, this level of funding is totally insufficient and is, in fact, much less than the President requested for this important purpose. It also helps fund programs to prevent the proliferation of weapons, weapons components and weapon-related technology and expertise. This money would aid Kazakhstan, which borders Russia and is located near Afghanistan. Kazakhstan is a strategic friend and business partner of the United States.

On September 15, 2001, following the September 11 attacks on the United States, President Nursultan Nazarbayev of Kazakhstan said:

In these tragic days for America, the people of Kazakhstan are grieving together with the American people about the death of thousands of innocent people.

I am closely following the situation as it unfolds. We stand on the position that the terrorists must be punished, as well as those harboring the terrorists.

The United States and its Security Council have condemned the barbarian act of terrorism and called upon the world community to take resolute actions.

Therefore, Kazakhstan is ready to support the measures undertaken by the United States to fight against terrorism, with all the means available.

Kazakhstan has always been standing against terrorism and is ready to participate in creation of a real international coalition of countries to fight against the international terrorism.

We proceed from the assumption that retaliation should not only be effective, but also should be just. This requires that the state should act with great deal of responsibility. And we rely upon the wisdom of the American leadership. We were pleased to learn that the United States wants to know for sure who has perpetrated these barbaric acts and helped the terrorists before taking actions.

Today I sent a letter to U.S. President George Bush. I expressed Kazakhstan's support for the U.S. actions aimed at fighting against the international terrorism, the global evil that has developed metastases across the entire world.

We hope the American people will be able to quickly cope with the heaviest psychological blow and remain committed to their great historical values.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available under the heading ''Community Development Fund'' in chapter 14 of division B may be used to carry out the first proviso, or any activity (except community development that provides public services for employment and health as described in section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) that are wage supplements and health insurance assistance to unemployed workers), under such heading.

Mr. GEORGE MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this amendment and any

amendments thereto be limited to 60 minutes, to be equally divided and controlled by the proponent and an opponent.

Mr. GEORGE MILLER of California. Mr. Chairman, reserving the right to object, I have a lot of people who said they want to speak. Could I ask that we do that after we have our opening statements. I think I will only take 3 or 4 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the agreement was for 60 minutes.

Mr. GEORGE MILLER of California. I understand that; 30 minutes a side, as I understand it. I would like to make my opening remarks, and then have the time limit take effect. If the gentleman wants to do the same on his side, we would have maybe 70 minutes. It may not be that long. I do not know if Members will come to the floor or not who said they want to speak.

Mr. ROGERS of Kentucky. My understanding was the agreement was 60 minutes total.

Mr. GEORGE MILLER of California. I am asking if the gentleman would amend that to let the opening statements be made by myself and by the gentleman and then have the 60 minutes.

Mr. ROGERS of Kentucky. Will the gentleman take approximately 5 minutes?

Mr. GEORGE MILLER of California. I think so.

Mr. ROGERS of Kentucky. I would be willing to amend the unanimous consent request so that after the gentleman has a 5-minute opening statement, then the 60-minute clock would start to run.

Mr. GEORGE MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his agreement on the time, and I appreciate the additional time.

Mr. Chairman, this is a very difficult amendment to offer, but it is a very essential amendment to offer for a number of reasons. First and foremost, those of us who represent States and localities that have suffered dramatic increases in unemployment, both before and since September 11, with people who are unemployed and were hoping to get a job, who had their chances of a job being secured greatly diminished because of the September 11 attacks, and those who were immediately unemployed after September 11, we have an obligation to those people to make sure that money will be available to help with extended unemployment benefits, unemployment benefits, COBRA benefits or health care supplements; and that is what this amendment does.

What this amendment does is essentially try and reverse what the amendment of the gentleman from New York (Mr. WALSH) did that was made in order as part of the rule which gathered up unemployment funds from all across the country and then said we are going to give these to New York to use for whatever purposes they seek to do that through the Community Development Block Grant.

This is also a very important amendment, because I think it helps to make a point, and that is that what happened in New York, what happened to the people of New York, to the State of New York, what happened in Virginia, what happened in Pennsylvania, was completely unanticipated, unknown by anybody and an emergency; and when the New York delegation from the Senate and the House asked for $20 billion, the President looked them in the eye and said, you have got it.

Now we find out he said, you got it, sort of; and today we find out he said, you got it, but you got to go take it from all the unemployed people in the rest of the country.

That is not what America expects us to do in response to the tragedy of New York. They expect us to deal with New York and to deal with the needs of this country. As they see more of their friends and neighbors becoming unemployed, they expect us to help those individuals, not steal their unemployment in the middle of the night and give it to New York.

We want to help New York. We have all voted to help New York, and we are going to continue to vote to help New York. But what has happened with this amendment has put New York in a terrible position, because our friends and colleagues from New York who are desperately in need now finally have to look us in the face and say we have no alternative. We did not do this amendment. They took this money from you. They made this in order. This was not a matter of debate. They came around and picked it up.

Now, let us understand what this amendment does. This amendment completely ignores what the Secretary of Labor told our committee when she came before our committee. Every issue that we asked her about, the unemployment crisis in this country, the decline in the economy, September 11, her answer was we have a block grant that we are going to give to the Governors, and the Governors can take care of health care, take care of unemployment. They can extend benefits. They can do everything.

Now we find out that $1.8 billion has been taken out of that block grant. So if you are in California, where parts of our economy have been devastated because of the lack of travel, San Francisco, Los Angeles, Disneyland, Orange County, we lose $220 million. If you are from North Carolina, where people have been unemployed because of the problems with U.S. Air, the hospitality interests on the Outer Banks, they lose $54 million. The State of Washington, where the Boeing employees were hit immediately, were unemployed, what do we do in the State of Washington? They lose $53 million. Hawaii, where almost instantaneously people were laid off because people stopped flying to Hawaii, people looking for jobs, low-wage jobs, people without a cushion, what did we do to Hawaii? We take 20 million of their dollars.

It is simply not fair, and it is not right. It is not fair to New York to put the citizens of New York, the Representatives of New York and the victims of New York in this position, where they have to suggest that the only way they can be taken care of is to harm somebody else.

These are people who have lost their jobs and continue to lose their jobs. The number of people who are running out of unemployment grew more than 60 percent in the third quarter over third quarter from year 2000 to this year. In Michigan it is up 88 percent; Indiana, 91 percent; North Carolina, 94 percent; Tennessee, 68 percent; Colorado, 65 percent.

So, as people who are going on unemployment at record rates, the demise in the economy, and people who are on unemployment but losing their benefits at record rates, the answer in this legislation is to take away the money that the Governors could use to try to help them pay for the health insurance, to extend their unemployment benefits, to provide them unemployment benefits if they do not qualify.

That is the challenge of the Walsh amendment. That is the unfairness of the Walsh amendment. That is the unfairness of this bill, that we would take one group of Americans who may be in the process of losing their children's education, losing their car, losing their home, and we would say to them, rather than take care of you too, we are going to take what you desperately need, you desperately need for your family, and we are going to move that over to New York.

Then to New York we say we are helping you, but we had to take it from millions of other Americans who are in desperate trouble; in many instances, Americans that are as in trouble, that lost their economic livelihood. Within days of this vicious attack on the World Trade Center, on the Pentagon, within days they became unemployed, because people realized that people were not going to get back on the airplanes.

So what do we do with these people that were working at the airports, working at the hotels, working in the restaurant industry? We told them a couple of months ago, the Secretary of Labor said we are going to give the money necessary; the Governors are going to have it. But now what has happened in this bill with the acceptance of the Walsh amendment is we have gone out and gathered all of that money up.

We cannot let that be the legacy of this Congress. We cannot help the victims of New York by creating victims in California, by creating victims in Hawaii, by creating victims in Wisconsin, by creating victims in Minnesota, where hundreds of thousands of people are now unemployed there because of the layoffs, with the layoffs of Northwest Airlines, the decline and cutbacks in the routes, with people in Minneapolis-St. Paul who do not have jobs. Do we really think that we can transfer their misery to New York and make New York whole? Of course we cannot. Of course we cannot.

That is why the President, in the heat of the moment, in the emotion of the moment, when the New York Senators, Senator SCHUMER and Senator CLINTON, asked him for the $20 billion in front of everybody in the Cabinet Room, said, you got it. Because he knew this was an extraordinary event in the history of this country; that there was the only way we could deal with it, and that was to take care of this problem.

Did the President really mean you got it, but you got to get it from somebody who has been unemployed because of the same tragedy? You have got to get it from somebody who has lost their health care coverage because of the same tragedy? I do not think so. I do not think he meant to take $141 million from the State of Florida that would go to cover their health care, go to extend their unemployment benefits, a State that has been devastated, again, because of its reliance on tourism and hospitality. I do not think that is what the President meant. But that is the policy that is being carried out here.

I would urge my colleagues to vote for this amendment. The money, the money for New York has been appropriated. It is available. It simply has been impounded. It has been impounded by this President and this administration until such time. And the answer to that impoundment is not to make the life of the unemployed more miserable to help New York; it is to take care of New York, and to take care of the unemployed and those without health insurance because they are unemployed in this country.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank Members for this important debate about the future of our State and the great City of New York.

The amendment that is being debated today, right now, that the gentleman from California has offered, would take approximately $1.8 billion of the funds that were reallocated in an agreement we reached with the White House, take almost $2 billion out of the Community Development Block Grant program, away from New York, and spread it around to the rest of the country.

It does not re-create the national emergency grants that the administration initially provided. This keeps it within the Community Development Block Grant program, but it also takes away the waivers that we had provided for New York so that those waivers would not be available either in New York or the rest of the country.

Why is that important? Well, I think it is pretty obvious to all of us that we have a two-front war going on right now, Afghanistan and the United States.

□ 2000

In Afghanistan we have been seeing all the battlegrounds as the battle has progressed. In the United States, we all know what the battleground was; it was New York City and the Pentagon. The Pentagon is being rebuilt. We are working on a defense appropriations bill today that provides over $300 billion in the defense budget, and there are further funds within the supplemental to fight the war and to rebuild the Pentagon and to conduct our military action.

New York City took a direct hit on September 11. Not only was the World Trade Center destroyed and thousands of people died, but hundreds of thousands of people have been affected in that immediate area. I talked with people in the last number of weeks who still do not have telephone service, who cannot get to their apartments or their businesses by public transportation. There is no one else in the country in that situation right now.

What we did was we tried to attach funds that would otherwise have gone to the rest of the country in anticipation of serious unemployment dislocation. The stimulus package that is being discussed in the House and in the Senate deals directly with unemployment issues. We tried to add to this appropriations bill unemployment insurance benefits and COBRA benefits to provide for health care for those workers who were dislocated and lost their health care. It belongs in the stimulus package. That is where the debate has centered, and both the House and the Senate deal with that, with those issues, in the stimulus package. Indeed, these national emergency grants were authorized by that stimulus package bill. So the $1.5 billion or the total amount of funds, the $3 billion, is unauthorized.

When we designated, redesignated these funds as community development block grant funds, we also redesignated about a half billion dollars in FEMA funds to provide New York City with $2.5 billion in community development block grant funds. Those funds are the most flexible, the most readily available, and most important dollars that we could send to New York City at this time. Why? Because of the thousands of people who live in those neighborhoods and the thousands of businesses that conduct their business and employ people and put bread on the table, there is no other way to affect those decisions that are being made that the Federal Government can do right now.

I think most people understand that CDBG funds are flexible; they can be applied to individual situations, for businesses, for residences; those funds can be used to build public infrastructure, to approve parks, to provide curbs and streets that were destroyed, to build water systems, public utilities. That is why we went after those funds. We have heard today, clearly, that New York City did not get all the funds that were promised and have not received all the funds that were promised. We had to take, I think, dramatic action to show the administration that these funds were needed and they were needed right now, and they agreed to this. And I think the administration was reticent about this, but they acceded to our desires.

The key to this whole thing is putting New York City back together again as quickly as possible. There is no better way to do it than to utilize these funds, these community development block grant funds. If the Congress supports what the gentleman from California wants to do, which basically plays the entire country against New York, it will hurt New York very deeply for a second time. Because right now, people are beginning to understand what this action that we have taken accomplishes: that those businesses who want to stay in New York but need incentives, they need to help put their storefronts back together again, they need to get their communications systems redesigned; they need to buy new communications systems and new point-of-sale equipment for their stores; they need to help their employees to get back on their feet.

Quite frankly, I say to my colleagues, this is about putting a neighborhood back together. No American could or should or would want to deny the people of New York, of lower Manhattan, of the neighborhoods of Chinatown and Soho and Chelsea and Battery Park, and that magnificent area which was really one of the real centers of the beginning of this country; that is where the island of Manhattan was first settled. We are trying to put that neighborhood back together. We have taken dramatic action to try to do that.

I promise that if this amendment is defeated, and I hope that it will be and I believe that it will be, that I will work with my colleagues on both sides of the aisle, as I have thus far, to make sure that any workers who have been displaced or suffered a loss of a job because of that attack on September 11 will have the full force and strength of the Federal Government behind them in making sure that their unemployment insurance benefits, their health care benefits, their retraining, is supported by the Federal Government.

Mr. Chairman, there is one aspect of this that the gentleman has not mentioned. There is $175 million of funds in here that would go towards reflushing the Workers' Compensation Fund. Why is that important? Because hundreds and hundreds of workers have been injured, were injured in the attack and have been injured in the subsequent rubble removal and in the search and rescue processes that took place. This is a dangerous place. There are still toxins in the area from that attack. Those funds, the workers' compensation funds and another $30 million or $40 million for worker retraining to help those workers dramatically and directly affected in New York, in no place have they been affected as they were in New York, to give those people a chance to learn a new job.

So I say to my colleagues, I would implore them, please, please do not accept this amendment. Please reject it. New York has suffered enough. This gives us an opportunity to help, to show the people of lower Manhattan and the rest of that magnificent island the concern that the country has for them. Do not play America against New York. I think America is squarely behind New York. This is a divide-and-conquer strategy that the gentleman from California has offered. I strongly urge that we reject it. Stick with the bill as it stands. Let the bill go forward and let us try to work for the rest of the country's benefit as we go forward.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds just to say when the gentleman says that we are taking the money back that he took to New York out of all of the other unemployment funds and he says we did not do it in a technical way with the waivers, it is a little bit like a person who robbed my wallet and then when I took it back, he says I put it in the wrong pocket. No, it is my wallet. And these benefits go to the unemployed. This is not about divide and conquer. This is about this country meeting its obligation to New York and to unemployed Americans, and we can do both.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I thank the gentleman for the time.

I hope the gentleman from New York will understand, but we do not accept his promise. The President promised $20 billion. The Speaker stood right over there and said that when we did the airline bailout bill, we would take care of the workers.

Now, there are 8 million people in this country unemployed. There are 137,000 in the transportation industry. What have we done for them? Nothing. There are 136,000 in the hospitality industry, nothing; 57,000 in communications, 226,000 in manufacturing, 14,000 in retail, 44,000 in the service industry, 30,000 Boeing employees are being laid off, and we cannot get any more out of this House than $12 billion out of $150 billion stimulus package out of the Committee on Ways and Means, not directed to any new money. We sent it over to the Senate and that stimulus bill is on life support. We have done nothing for workers in this country.

Now, are we in trouble? The overall jobless rate jumped from 4.9 to 5.4 percent in October, in one month. Washington State went from 5.1 percent to 6.1 percent. That is a 20 percent jump in 30 days. New York, Illinois, West Virginia, Texas, do not even have money in their unemployment funds to pay 6 months' worth of benefits, and we have 19 more States that do not have enough for an entire year. That does not reflect the real nature of the problem.

Mr. Chairman, we had over the last 10 years such a good economy, we have eroded the funds in every State. Today, The New York Times says, 30 States are looking at cutting their budgets in the next session, or doing it right now. Maine is $250,000, Connecticut just had a session for $300 million. So we are doing it all across the country. My State is looking at a $1.2 billion cut in the State budget.

So the government puts the money out, the Governor reaches for it, and it is gone. It is gone in Washington State, it is gone in California. And then the height of this whole financial baloney is that stimulus package we put out of here.

Now, the gentleman from New York says it is the only thing we could do. It was the only way we could handle this issue. You voted on the floor of this House to give $25 billion in AMT relief to companies that paid it back to 1986. That $25 billion in and of itself would deal with New York, if my colleagues were serious about New York. There is not a single one of us out here that is not in favor of doing something about New York, and I resent being made out to be me against New York because I argue for the State of Washington, or the gentleman from California (Mr. MILLER) argues for California, or the gentleman from Hawaii (Mr. ABERCROMBIE) argues for Hawaii.

We are supportive of New York, and we had another way to do it, and my colleagues promised it, the President promised it, the Speaker promised it, and we have not done anything. Now we pass a bill and we say well, we are sorry, but we saw that money there and it had not been spent yet because the Governors in the State legislatures had not figured out how to do it, so we are going to sneak it away before they know it is gone. And we promise you, we will come back and fix it.

Nobody in here is going to hold their breath until that stimulus bill passes out of the House. Vote for the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds just to respond quickly. No New Yorker offered an amendment to take funds back from California when the Northridge earthquake hit, and no New Yorker offered an amendment to take back funds when the Mount Saint Helens disaster occurred. I think we have always been forthcoming in our support for the rest of the country. This is our difficult time.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. SERRANO), a member of the Committee on Appropriations.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from upstate New York for his support.

Let me first do what so many of my colleagues have done, and that is to thank the gentleman from New York (Mr. WALSH) for really being our leader and trying to get what was rightfully ours and to try to keep to the promise that was made from the White House. Somewhere along the way the gentleman from New York (Mr. WALSH) had to do what many people felt he had to do, which we disagreed with, some members of the delegation, which was to agree to this and present it to us.

Let me also say that I understand the gentleman from California's statement. He is doing for his State no different than what I and the gentleman from New York (Mr. WALSH) have been trying to do for our State. He sees harm coming, and he is trying to stop it.

But the gentleman from California (Mr. MILLER) makes the point that I have been trying to make for the last 2 weeks, better perhaps than I have made it, and that is that the fight is already on between New York and other States based not only on this amount, but on the promise for all the money that is supposed to come in the spring. If my colleagues think this is going to be a difficult debate, imagine what it is going to be in April and in May when we try to take money, as I have said, out of the FBI and the INS and the Justice Department, and the State Department, and the war and defense, and all other departments and issues, to give to New York based on the promise that if we do not abide by the law now, the money will be coming in the spring.

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Now, we have a couple of problems here. One of them is that we had allies in this fight. The allies have abandoned us.

Now, we know that one of the most difficult things to do in politics or in government is to take on a popular person at the top of his popularity. Mayor Giuliani is riding a wave of popularity. But he was in this fight with us from the beginning, and he took a walk on us. He said, Guys, girls, do not pester the President. You will get the money in the spring.

Number one, in the spring he is not going to be around to use the force of his popularity to get us the money. Michael Bloomberg will be around; and he will be trying to get this money, which will not be coming.

Secondly, by saying that, he pulled the rug from under the floor of the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SWEENEY), all the members of the New York delegation. That is part of our problem.

Mr. Chairman, this is a difficult situation to be in. I spent all week telling Members how bad the Walsh agreement was; and now I am here telling Members, do not get rid of the Walsh agreement because it is the only thing we have.

But at the same time, it continues to make the point that someone put us in this situation. Someone already pitted 49 States and some territories against New York, and this was not what it was all about. It was about one part of America getting hit as a symbol of what we were all about, and the enemy wanted to hit that part of America. It was about a situation where the President and the Committee on Appropriations said, Whatever it takes, and whatever it takes did not even come to be.

Mr. Chairman, if we can only realize that the Walsh agreement is the only thing that we have. So I would beg my colleagues, do not hurt us anymore. We are not going to get the money in the spring. We have been done in. We have been lied to. In fact, if New York newspapers were not so supportive of the Republican Presidents, the 1970s headline could come back, ''Bush to New York City: Drop Dead,'' the way it is set forth to New York City. We were never going to see that, but that is where we are going.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding.

I was going to follow on the gentleman's statement with one about California. In the past, we have had disasters. The fact that we have come together in the past without worrying about one State versus another, it seems to me we should operate with great care in disasters like this and help one another for the strength of the country.

Mr. SERRANO. Reclaiming my time, it was not this side, with all due respect, that put us in this situation. It was the gentleman's administration that did not keep the promise. That is why we are here. That is why the gentleman from New York (Mr. WALSH) is in this situation and we have to find ourselves in this situation.

So again, to the gentleman from California (Mr. GEORGE MILLER), I understand what he is doing. We would do the same thing in New York if we were caught up. But sooner or later, people are going to realize that New York, as the gentleman from New York (Mr. HINCHEY) has said, was the scene of the crime, but the attack was on America, and the people who died and were suffering and the economy that was devastated needs our help.

This is a way to start getting some help, but the real help will probably never come. I ask Members to keep that in mind when they vote tonight.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, what happened to New York was a terrible thing. When it happened, I was one of the four people in this Congress who helped negotiate a $20 billion what I thought was a rock hard commitment to New York to deal with the problems.

Since then, the administration has tried to change the deal. Some people in the Congress have been trying to fix it.

There is a right way and a wrong way to fix that problem. The wrong way is to try to fix it by stealing money from unemployed people in other States in the Union, which is what the arrangement was.

What happened is that the administration's original $20 billion commitment has been chiseled down to $10 billion or so in this bill. Then, when there was a public eruption about that, the White House worked out a deal to take $2 billion, which had originally been requested by the President to help unemployed people in all 50 States in the Union, and instead, they moved that money only to help New York.

That solved New York's problem only partially. It still leaves New York over $8 billion short. What it does to my State is take approximately $33 million away from unemployed people in my State. It does the same thing in Minnesota. That is on top of what the majority has already done to my State by their tax bill.

My new Republican Governor in Wisconsin indicates that the actions of the Republican House tax bill will cost Wisconsin an extra $300 million on its State deficit. Now, how many times do they have to punch other States in the solar plexus in order to cover up the fact that they are welshing on the deal to New York? That is what they are doing, they are compounding the number of victims.

In the end, they are not solving New York's problem, and all they are doing is making the problems of the rest of the States worse. Shame on people who do things like that. In this town and in this body, one's word is supposed to be one's bond. I think we ought to return to that understanding.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I believe that every single Member, and if not every single Member, almost every Member of this body went to visit Ground Zero. We stood there with our hard hats, maybe some were photographed. We were in shock and disbelief. We pledged our support to New York. We said we felt New York's pain and that we would make good.

Feeling New York's pain and not doing what we need to do about it, which is what this administration has done, is a classic bait and switch.

At Ground Zero, surrounded by firefighters and police officers, the President promised to make funding available to assist families, workers, and businesses whose lives were permanently damaged by the events of September 11. This amendment would return funding back to State unemployment and health programs that was taken away in a disingenuous effort to help New York in its greatest hour of need.

I sat in a room with the members of the Committee on Appropriations, along with New York, along with Connecticut and New Jersey and Pennsylvania, to talk about how in fact we were united in helping the New York situation and the individuals who lost everything on September 11. We pledged to work at that.

So this is not directed at my colleagues in New York, to take their money away. This is a sham, what has been done here tonight. What we find out is that the money comes out of funds that were supposed to go to the other 49 States.

I will tell the Members, this is nothing new, because in the economic stimulus package that was proposed by the majority, the health care money that is proposed to go to people who are unemployed and who have lost their health care benefits, that money is coming from the Children's Health Insurance Program, Mr. Chairman. We are taking children's health insurance money from the States; and we are saying, take that money and pay for the health care of workers who are out of work.

Mr. Chairman, this is another bait and switch, nothing new by this majority. These funds would have helped American families hit by the post-September 11 recession, helped to restore them some security they have lost. It comes out of unemployment; it comes out of health care.

We are charged with the responsibility to help each and every American, to heal the wounds of September 11 and return security to all parts of their lives. We must rebuild the confidence of the American people. Together, we are obligated to make this happen.

We provided today that opportunity not to make this happen. We said, take the money from all 49 States and give it to New York, and the rest, go figure it out. Mr. Chairman, I ask Members to support this amendment and please turn this sham around.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, the gentleman from New York has said that he is unhappy to some extent that money

must come from money set aside for pressing social needs in other States, but there is no alternative. Harry Houdini had a trick. He would have other people tie him in knots, and his trick was to get out of the knots.

What we sometimes see in the legislature is the reverse Houdini. That is the process by which one ties oneself in knots and says, gee, I am sorry, I have to do this because I am all tied up in knots.

The people who voted for this rule pulled a reverse Houdini. They tied themselves in knots. They prevented the House from being able to vote a genuine, honest meaning of the commitment.

People say, well, do other States not want to give to New York? Yes, I have people in Massachusetts who want to give to New York, but they are not the unemployed. This is not a case of one State to another. This is a case of going to the very poorest people, the people who have also been hurt. This is victimology, comparative victimology.

They want to help New York, I want to help New York, so how about helping New York, instead of helping IBM by repealing the corporate minimum tax for $1.4 billion? We could help New York just with one piece of the giveaway tax bill.

First they vote to reduce taxes on the wealthiest people in the country, without any incentive to invest. Then they vote for a rule which allows the President to get out from under his promise.

I am not defending Massachusetts. I do not believe in State sovereignty. I am not one of those five Members of the Supreme Court who is trying to rewrite the Constitution to dismantle the Union. I am not here defending a corporate State called Massachusetts. I am here talking about people who may have lost their health care in Massachusetts, Wyoming or anywhere else. I am talking about people who have been thrown out of work.

They are the ones, those who voted for this rule, and I know, they went through the dance, they voted present for a while, and, great suspense, the members of the Committee on Appropriations voted present. We held our breath, the world wondered what would happen; and surprise, surprise, they caved in.

And having caved in and having helped denude New York of the money the President had promised, they then say, hey, let us all be generous and go after people who have been unemployed, people who have lost their health care, and let us feel good about the fact that we are taking it from them.

We have to understand, that is what it is, that it is easy to be charitable with other people's money. It is easy to be charitable with the money of the poor. I understand New York is now in need, and in need not through its fault; but it is kind of liking walking down the street and there is somebody who has lost his job, he is homeless, he asks for some money. What do we do? Go over to some other poor old lady and take 5 bucks off her and give it to him and we feel generous.

That is what they have done here, reduced taxes on people who make $1 billion a year, give profitable corporations billions and billions of dollars in aid; and then, when they are stuck because they have an administration that is unwilling to live up to its own promise, when they are stuck with trying to give New York, and by the way, we are not the ones who want to give New York 10 percent of what they are promised. When they are stuck with that, they say hey, we have a great idea. You know those unemployed people in other States, those people who do not have any health care? Let us give them a chance to feel good.

I suppose the theory is that these poor people are hurt economically, they do not have jobs or health care; but they will do them a good big favor, they will let them feel noble. They will single them out for an involuntary charitable deduction.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oh, to have the prestidigitation skills of Houdini, or the rhetorical skills of the gentleman from Massachusetts (Mr. FRANK).

But the fact of the matter is, Mr. Chairman, if Members support this amendment, they will hurt New York. If Members listen to the Members of the New York delegation, they will tell us that this amendment clearly will hurt New York, and no State nor any American city has suffered as New York has.

Mr. Chairman, this is a hurtful debate for New York. We are very concerned, quite frankly, about what happens down the road, as my colleague, the gentleman from New York (Mr. SERRANO), mentioned. We will have to come back to the Congress for additional help, clearly. Just as the country came back to the Congress and the Congress developed I believe it was seven or eight supplementals after the Pearl Harbor attack, we will have to come back for additional supplementals.

This debate that I see here today tells me it is going to be very difficult for New York to gather its strength and its support from across the Nation to continue the help that we need.

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But need it we will. And here we will come. And we will ask our colleagues from California and Washington and Massachusetts and Wisconsin and the rest of the States around this great country to help us.

We are not doing anything to hurt the rest of the country. These issues will be dealt with in a stimulus package. If they are not dealt with in a stimulus package, they will be dealt with in subsequent supplementals also. Please, if Members want to help New York, oppose this amendment. Stay with the New York delegation, the bipartisan New York delegation, and oppose this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. Each side has 13½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, we must restore funding for all unemployed workers across our Nation. We have to provide income assistance and health premiums. It absolutely dumbfounds me that we would take away this aid for all unemployed workers to make up for a failed promise by our President to New York.

We are all sympathetic. This is not about taking away something from New York. This is about making the promise to New York for $20 billion, but not robbing Peter to pay Paul. Instead of New York's $20 million commitment being failed, we should pay for that and fulfill President Bush's original promise to provide for community block grants so we can expand unemployment benefits, pay for health insurance premiums, or otherwise help families displaced by recession-related impacts across this Nation, impacts created across the Nation due too September 11 and before that.

Without the Miller amendment, my State of California will lose about $220 million that is needed to extend unemployment insurance. Yet California's economy is also suffering from the economic effects of the 11th of September.

Mr. Chairman, I urge my colleagues, stand up for all unemployed Americans and their families. All of them deserve your help. All of them deserve unemployment assistance and health care benefits and we can do that by voting for the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding me time.

I rise not to in any way be unfair to the people of New York. I rise to support this amendment to be fair to people throughout this country. If we stand in Jersey City, New Jersey, we can look across the river and see Lower Manhattan. It is about a 5-minute boat ride from Jersey City to Lower Manhattan.

The absurdity of the underlying bill if we do not pass the Miller amendment is this: a worker who lives in Jersey City who lost her job or his job on September 11 because their business was

destroyed in the attack, will get no additional unemployment benefits or health benefits. But a worker on the other side of the river who happens to live in Lower Manhattan, would be entitled to get additional unemployment or health benefits if the money is used for that purpose.

A river should not divide us. This bill should not divide us. We should not have to choose between honoring our promise to the people of New York City and honoring our obligation to unemployed people all across this country.

The rule for this bill should have permitted us to address both of those concerns. It did not. Fairness dictates, however, that we address the concerns of unemployed Americans across the Hudson River and around the country and adopt the Miller amendment so that unemployed Americans everywhere can receive fair treatment from this Congress tonight. I urge a vote in favor of the Miller amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Just to respond to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS), I just want to be clear that under the structure that we are discussing, either under the Miller amendment or the existing structure of the bill, the workers in New York and New Jersey will be treated equally. There is no difference. There is no additional money in the amendment that I offered that was made whole in the rule that would treat New Yorkers any better than those in New Jersey or Connecticut. So I think we really need to make that clear to everyone, and hopefully they will consider that when they consider voting against the amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Chairman, our good friend, the gentleman from New York (Mr. WALSH), has a lot of good things said about him. How fast it goes, does it not?

Just a few minutes ago we were over here talking in the Committee on Appropriations how we were trying to work this out, and now the gentleman finds himself in this position. You notice how lonely he is over there. Notice how people are not rushing down here to defend this position.

Now we can understand that. We are all legislators here. But let us go over what is taking place here. There is a victory for the forces that attacked us if we are able to be divided this way.

I am here to state that this is politics. We need to vote this amendment for the reason that these folks brought up over here and that they are valiantly defending over here.

Supplementals. If we can handle it by supplementals, and the gentleman from New York (Mr. WALSH) is reduced to the position of saying, look, we are not trying to hurt anybody else, even though that is what the result is going to be. Let us do it by supplemental. Let us deal with that because the revenues are going down all over the country, and it does not matter whether you are Republican or you are a Democrat. But I will state this, if this Miller amendment fails, it will be a bell ringer in the arguments that are going to be made in the next fall in the elections. And some of the people that have been supporting folks on the other side of the aisle, believe me, are going to find themselves in a very difficult political position. And that position will be how is it possible that a promise could be made that all of us are supposed to pull together, Democrat and Republican, but we are hurting the very people at the grassroots that are supporting this war effort.

These are unemployed. I am taking this from the preliminary monthly report of the Bureau of Labor Statistics. And the people of New York are going to get hurt in the sense that they get $60 million, but the people in New Jersey or Hawaii, my people, and I note in passing December 7 was brought up here. I ought to know about that. And we dealt with that with supplementals. How is it possible for us to attack the unemployed in order to pay for a political strategy over here with respect to the supplemental budget that we are supposed to put forward, the stimulus?

How is it possible that we could attack our own people? We are eviscerating ourselves. We are devouring ourselves in order to get behind a political strategy that is going to be a loser for my colleagues. I guarantee my colleagues this, there is not a person on that side of the aisle that supports the position of trying to defeat the Miller amendment that could stand up to anybody in any neighborhood board meeting, in any community meeting and defend that position.

Let us vote for the Miller amendment if my colleagues want to be here next year and they want to be here defending the interests of the American people rather than the interests of American corporations that are trying to take advantage of us.

DISTRIBUTION OF $1.5 BILLION IN NATIONAL EMERGENCY GRANT FUNDS BASED ON STATE SHARE OF INCREASED UNEMPLOYMENT SINCE 9/11

	Average number of unemployed for Aug/Sept	Number of unemployed for October	Increase in number of unemployed	Percent of total increase in unemployed (among States with increase)	Allocation of $1.5 b. of NEG grants based on share of increase unemployed
California	1,214,800	1,284,400	69,600	14.7	$220,742,150
Florida	340,250	384,900	44,650	9.4	141,611,164
Texas	530,800	555,800	25,000	5.3	79,289,565
Virginia	114,150	136,400	22,250	4.7	70,567,713
Arizona	108,550	128,300	19,750	4.2	62,638,757
New York	644,850	664,000	19,150	4.0	60,735,807
Indiana	130,550	148,800	18,250	3.9	57,881,383
North Carolina	206,150	223,300	17,150	3.6	54,392,642
Washington	183,150	200,100	16,950	3.6	53,758,325
New Jersey	187,050	203,300	16,250	3.4	51,538,218
Nevada	49,850	66,100	16,250	3.4	51,538,218
Colorado	85,250	99,300	14,050	3.0	44,560,736
Pennsylvania	287,650	301,300	13,650	2.9	43,292,103
Georgia	158,350	171,000	12,650	2.7	40,120,520
Maryland	115,400	127,700	12,300	2.6	39,010,466
Tennessee	116,750	128,700	11,950	2.5	37,900,412
Louisiana	103,300	115,000	11,700	2.5	37,107,517
Michigan	267,550	278,900	11,350	2.4	35,997,463
Missouri	121,500	132,200	10,700	2.3	33,935,934
Wisconsin	126,650	137,200	10,550	2.2	33,460,197
Massachusetts	131,100	140,100	9,000	1.9	28,544,244
Alabama	105,100	114,000	8,900	1.9	28,227,085
Ohio	254,550	262,300	7,750	1.6	24,579,765
Minnesota	97,100	103,700	6,600	1.4	20,932,445
South Carolina	104,600	111,000	6,400	1.4	20,298,129
Hawaii	26,150	32,500	6,350	1.3	20,139,550
Oklahoma	56,550	62,600	6,050	1.3	19,188,075
Oregon	114,900	118,900	4,000	0.8	12,686,330
Illinois	350,150	353,700	3,550	0.8	11,259,118
Iowa	50,750	54,300	3,550	0.8	11,259,118
Kansas	54,450	57,900	3,450	0.7	10,941,960
Mississippi	66,750	70,100	3,350	0.7	10,624,802
Kentucky	98,050	101,100	3,050	0.6	9,673,327
Utah	46,000	48,400	2,400	0.5	7,611,798
New Mexico	47,850	49,500	1,650	0.3	5,233,111
Maine	28,550	29,600	1,050	0.2	3,330,162
Idaho	32,500	33,400	900	0.2	2,854,424

DISTRIBUTION OF $1.5 BILLION IN NATIONAL EMERGENCY GRANT FUNDS BASED ON STATE SHARE OF INCREASED UNEMPLOYMENT SINCE 9/11—Continued

	Average number of unemployed for Aug/Sept	Number of unemployed for October	Increase in number of unemployed	Percent of total increase in unemployed (among States with increase)	Allocation of $1.5 b. of NEG grants based on share of increase unemployed
South Dakota	11,900	12,700	800	0.2	2,537,266
Total	6,769,550	7,242,500	472,950	100.0	1,500,000,000

Mr. WALSH. Mr. Chairman, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, in North Carolina our State legislature is still in legislative session in the longest legislative session in the history of North Carolina. It started the year with a budget deficit of over $300 million and a constitutional requirement of a balanced budget. After September 11, and after the State legislature had found a way to balance the budget, September 11 hit and they had to face another set of projections that threw the budget out of balance again. They are still there trying to solve this problem.

Now we are told that the poor people, the unemployed people of North Carolina, are going to be taxed an additional $54 million out of their unemployment benefits for the purposes of New York. The people of North Carolina do not mind supporting the people of New York. People who have income would readily do that. I talk to them all the time, but it is patently unfair to ask unemployed people to give $54 million from North Carolina, unemployed people in North Carolina, when we have suffered the same impact from the same set of events.

U.S. Air has a hub in Charlotte. It flies out of Reagan National to Charlotte. It laid off thousands of people after September 11. Those people need the unemployment benefits just like New York needs these funds. We should adopt the Miller amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, may I inquire how much time I have.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from New York (Mr. WALSH) has 13 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire, I am the only speaker left.

Mr. WALSH. Mr. Chairman, no one else has requested time.

Mr. GEORGE MILLER of California. I will go ahead and the gentleman from New York (Mr. WALSH) will close; is that correct?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has the right to close.

Mr. WALSH. Mr. Chairman, I will reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the remainder of my time.

The events of September 11 were uniquely cruel, were uniquely cruel against the victims, people who chose to do nothing more than get up and go to work in the morning, and by the thousands they were slaughtered, unique in their cruelness, in the history of this country and the history of the world.

From the moment after September 11 and even as it was unfolding, we saw something uniquely American, and to the wonder of the rest of the world, we erased all of the boundaries, all of the characteristics, all of the identities, and we pulled together. People drove across country so they could put in a 12-hour shift; children sent money; people were out on the streets asking for help for New York. People raised billions of dollars. Uniquely American.

That is what Robert Frost wrote about, about our boldness, our greatness, our strengths, about our broad shoulders, about our integrity. That is what America saw. It saw strength and it saw compassion. It saw a sharing like we have never witnessed in this country, in this generation of those of us who are alive now. It saw people who said I will do anything to help those people in New York. People went to enlist to help the fight overseas. People gave blood. They stood in line here at the Cannon Building, stood in line to give blood, more blood than they needed. What a tribute to our country.

Now we have got to finish the job, but we have got to finish it as the United States of America, as the American people. When we had hurricanes in Florida, we did not say to the earthquake victims in California that they must contribute, and only victims. We did not say to the victims of the floods in Texas that the people devastated by the ice storms in Maine could only contribute. We did not say to the people in the tornadoes in Kansas, in Tennessee and Arkansas that they would have to get their help from the victims of the hurricanes. No. We came and said this is an American problem, this is a natural disaster, it is an act of God and America will take care of this problem. We will all join together.

We got emergency funding for the floods in Texas, if my colleagues will remember the gentleman from Texas (Mr. DELAY) holding up the bill until it happened. Californians put their shoulders to the wheel to help the victims of Florida after Andrew. That is America.

□ 2045

It is not about making your neighbor poor. It is not about collecting only from the poorest people in the country, those who are already unemployed, who are every much a victim as the unemployed of New York due to that event. That cannot be the trust fund from which we are going to rebuild New York. No.

That is why this Congress went to the President of the United States and asked for $20 billion. That is why this Committee on Appropriations has struggled with the issues of homeland defense. We are not going to get there by thinking we are going to move money between accounts, my colleagues.

And Americans have overwhelmingly said that they are willing to pay to rebuild this country and restore this country and to erase this scar on our landscape. They did not assign that to the unemployed. They assigned that to every American in this country. Every American in this country. That is who America assigned it to.

The gentleman from New York (Mr. WALSH) is in an untenable position. An untenable position. Why? We know the struggles that our colleagues on the Committee on Appropriations have gone through, our colleagues from New York, trying to meet these demands. We heard from the Coast Guard earlier. This is going to cost a lot of money, my colleagues, but it is about the integrity of this country. It is about the future of our families. It is about the security of our Nation.

Can we not rise to that occasion without creating new victims? Can we not rise to that occasion and defend this country and defend its families and try to provide them some income security, a little bit of health care while they are being devastated? I think we can. I think we can do this as a Congress.

I think it is important that our colleagues from New York join us in this and turn our back on this beggar-thy-neighbor policy; that somehow we can make New York whole by bringing down the unemployed in Florida or the unemployed in California. That is not the way a great Nation addresses its great problems. That is not the response we have to terrorism.

This is about our Nation, united in one step together to rebuild this country and to secure this country. And we are not going to do it on the backs of the unemployed. We should repudiate this.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time, and I wish to just clarify one point that has been made by several of the proponents of this amendment, which I think quite

clearly is wrong, and that is that this amendment or that the arrangement under the current structure of the bill takes unemployment insurance benefits away. In fact, people will continue to receive their unemployment benefits.

So anyone out there who has lost their job, this bill will not take away any of their unemployment benefits. I hope people understand that. In fact, the stimulus package will extend extended unemployment insurance benefits and extend making COBRA payments to all Americans who have lost their jobs since the attack on September 11.

Mr. Chairman, I think the debate has been divisive enough, so I would like to try to end on as positive a note as I could.

I think the gentleman from California spoke about the integrity of America, the broad-shouldered approach to this disaster on the part of Americans, the sharing spirit of Americans, and I would ask my colleagues from States throughout this Nation to continue that. We need their help. We are in a difficult spot. The legislative process is unwieldy. We cannot always make things work exactly the way we want to. Sometimes we do get tied up in knots. But it is all for the right reasons, Mr. Chairman. It is all to help a city that has been hit and hit hard. As our Governor said, we have been bloodied but we are not bowed.

This is a difficult time. This is a difficult bill. But I would ask my colleagues to stay with us just this one more time. We will stand with you to make sure that your constituents, the people in your States that have lost their jobs, get the support that they deserve from the United States, from this government.

So Mr. Chairman, in conclusion, I would ask that we reject this amendment. I think it is a divisive amendment. Let us reject it. Support the bill and move this bill over to the Senate for its consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Are there any other amendments?

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in Division A of this Act may be used to provide support or other assistance to the International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court.

Mr. HYDE (during the reading). Mr Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. HYDE. Mr. Chairman, this amendment is intended to protect the men and women of our Armed Forces from the risk of criminal prosecution by the U.N. International Criminal Court.

This is a new court. It has not yet come into existence, but it predictably will, because it is getting ratification from the 60 countries that is necessary, so we should face the fact that this is going to be a reality. Now, once this court is operating, it will claim jurisdiction to prosecute the men and women of our Armed Forces, as well as officials of our government, for alleged war crimes, crimes against humanity, et cetera, even though our country has not and will not ratify the treaty establishing the court.

The court is a threat to the sovereignty of our Nation. Its claim of criminal jurisdiction over our citizens directly conflicts with the supremacy clause of our Constitution, and any Americans prosecuted by this court will be without the protections guaranteed them by our Bill of Rights, beginning with the right to trial by jury.

For those of us who are committed to protecting our Constitution, and we have heard many such voices during our debate on the terrorism bill just a few weeks ago, the first place to begin is with the International Criminal Court.

Terrorists, like the suicide bombers who attacked our Nation on September 11, will not be deterred by the threat that if caught and successfully prosecuted they may be sentenced to life imprisonment, because that is the highest penalty the international court can impose. But U.S. military personnel and their civilian and military commanders will have to worry a great deal about the threat of criminal prosecution by the court.

As a result, if the court were in existence today, the U.S. military operations currently underway in Afghanistan would have to be reconfigured in order to avoid the risk of criminal prosecution by the court. It is imperative that we in Congress do everything within our power to ensure that our Nation's ability to respond to terrorists and others who threaten us is not circumscribed by the U.N. court operating in conflict with the Constitution.

The purpose of my amendment prohibits the use of funds appropriated in this act to support or assist any activity of the International Criminal Court. I wish the Rules of the House permitted me to offer a broader amendment, because I think it is important to permanently prohibit any form of U.S. support to or cooperation with the International Criminal Court, not just support or cooperation by the Department of Defense, but any government agency in the United States.

On September 25, the administration informed us it supports a revised version of the American Servicemembers' Protection Act that a number of us negotiated with the administration. That revised language was based on a bill, H.R. 1794, that was introduced on May 10 of this year by the gentleman from Texas (Mr. DELAY), the gentleman from Pennsylvania (Mr. MURTHA) and myself. The text of that bill was approved by the House as a floor amendment on May 10 by a vote of 282 to 137.

I hope that in conference the agreed language that we have worked out with the administration can be submitted with the text of my amendment, because I believe that our agreed language will better protect military personnel from the threat of prosecution by the International Criminal Court.

Mr. Chairman, the Constitution protects Americans. To put Americans outside the protection of the Constitution in a court that does not permit jury trials is an abandonment of one of the core indicia of citizenship. It is not a good idea, and I hope my amendment is adopted.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I ask my colleagues to think seriously. Generally, we say, ''Let Hyde be your guide.''

The United Nations votes against the United States at least 90 percent of the time, even though we pay the lion's share of funding for the United Nations. On many of the key votes, we are vetoed out of the process.

I do not think any of us wants our men and women that we ask to go in harm's way in our military, or our intelligence agencies and their members, to be tried in a kangaroo court without the proper jurisdiction.

I rise in strong support of the Hyde amendment. I think it is a good amendment and it is good for our men and

women both in the service and in our intelligence agencies.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

I simply rise to thank the gentleman from Illinois for offering this amendment. I think it is something that we should have considered, and we are considering. We are prepared to accept this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill, add the following:

DIVISION C—ADDITIONAL GENERAL PROVISIONS

SEC. ____. (a) OCCOQUAN RIVER, VIRGINIA.—The project for navigation, Occoquan Creek, Virginia, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 440), is modified to direct the Secretary of the Army—

(1) to deepen the project to a depth of 9 feet; and

(2) to widen the project between Channel Marker Number 2 and the bridge at United States Route 1 to a width of 200 feet.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the project referred to in subsection (a) by the Energy and Water Development Appropriations Act, 2001 (as enacted into law by Public Law 106–377), shall be made available to carry out the modifications to the project under subsection (a).

(c) PROJECT REDESIGNATION.—

(1) IN GENERAL.—The project referred to in subsection (a) shall be known and designated as the ''project for navigation, Occoquan River, Virginia''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the project referred to in subsection (a) shall be deemed to be a reference to the ''project for navigation, Occoquan River, Virginia''.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. DAVIS of Virginia. Mr. Chairman, this is a simple amendment that will cost the Federal Government no additional money and will provide an absolutely critical service to the people of the northern Prince William County, Virginia.

Over the past 3 years, I have been working with the Army Corps of Engineers, the Prince William County Board of Supervisors, the mayor of the town of Occoquan, several commercial interests, and recreational boaters, all in an attempt to make the navigation of the Occoquan River safer for everyone who uses it.

Last year, this Congress appropriated $1 million from the Corps of Engineers to conduct maintenance dredging of the federally mandated channel. My amendment will alleviate the problem of maintaining the channel without costing the Federal Government any additional dollars.

□ 2100

First, it establishes deeper and wider channels that will accommodate the increased traffic on the river. Second, it redirects the funds already appropriated for maintenance dredging for this purpose. This is a project of supreme importance to the people of eastern Prince William County, Virginia. We can improve access to the Occoquan River without spending any new Federal money. I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I continue to reserve my point of order, and I move to strike the last word.

Mr. Chairman, I think the gentleman in the well is a very constructive Member, and I consider him to be a good friend of mine. I do not want to in any way prejudge this project because I do not know anything about it.

But in light of some of the things that have happened today, I want to make some observations about this project. This project was brought before the Subcommittee on Energy and Water. That subcommittee is controlled 7 to 4 by the majority party. The subcommittee looked at it and chose not to approve it.

Now we are being asked to approve an energy and water project on a Department of Defense appropriations bill. It is what is traditionally called by some people pork because it is an individual project for an individual Member. I make no judgment about whether that is good or bad. I am not offended by pork if it is responsible. I think it is just as reasonable for Congress to designate projects as it is for the Secretary of any agency.

But I want to note that for the last 2 weeks I have been begging this House to review objectively and support a crucial amendment that would have addressed many of the crucial homeland security issues facing this country. The White House attacked that amendment for being laden with pork, although there was not a single pork item in it; and I defy anyone to show me one.

The Republican leadership in this House peddled the same misinformation to the press, that the amendment we were seeking to provide as a matter of urgent safety, they kept trying to imply to the press that it was laden with pork when in fact it had not a single pork item. They used that argument to block our ability to provide additional border security, additional port security, more help for the FBI, and a variety of other actions, including added protection against weapons-grade nuclear material.

Mr. Chairman, that is one of the reasons that it was hard for at least a week to get the press to pay attention to what was actually in our package because of the misinformation being spread about it, all under the rubric of the term ''pork.''

Now we are being asked to provide for a Member of the Republican leadership as an add-on to this bill an item that can only be called pork. I could object to this under the rules of the House, the very rules that denied our security amendment an opportunity to have a vote. I am not going to do that because I respect the gentleman in the well and I do not consider myself, without further study, qualified to judge the merits of this project. It is probably legitimate. I do not know.

All I know is that there is a very different standard being applied by the House leadership on this issue in comparison to the standard that was misapplied in order to make it more difficult to communicate to Members the content of our own security-related bill.

I will not, Mr. Chairman, raise the point of order that I could raise against this project. If the majority has enough chutzpah to proceed after they have pummeled us with mislabels for the past 2 weeks on an important matter of national security, so be it.

Again, I want to emphasize, I do not criticize the gentleman. He is doing for his district what he thinks is legitimate, and all of us have a right to do that and I do not condemn that project until I know more about it. But I do condemn a process that enables people to smear a legitimate amendment like ours for over 2 weeks by mislabeling it as pork when in fact we had not a single item in that amendment that in any way could be called an item of pork. Mr. Chairman, with that I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) withdraws his point of order.

The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to yield to my colleague from North Carolina for a colloquy.

Mr. BURR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from North Carolina.

Mr. BURR of North Carolina. Mr. Chairman, the bill we are debating today allows $8.25 million to help replace the public broadcasting facilities

that were destroyed atop the World Trade Center during the devastation of September 11 of this year.

No one disagrees that the stations in New York, both commercial and noncommercial, need to get back to the business of serving the people of the city as soon as possible. To date, however, no alternative site for the replacement broadcast towers has been located. Unfortunately, plans to build the new tower have been stalled, and it is unclear when a site will be located. Until then, it is obviously impossible for broadcasters to begin projects to rebuild the broadcast facilities and get back to reaching the full broadcast area that was served prior to September 11.

For this reason, I think it is only appropriate that NTIA refrain from granting this money to the designated stations until a proper site is secured to construct a replacement tower. I urge the NTIA to use its expertise and planning resources to help New York broadcasters with any engineering and technical decisions about the placement of the new tower. However, any actual grant of these monies should occur only after such a tower is located.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I agree with the gentleman from North Carolina that the funding in this bill is for the purpose of reinstituting full broadcast service to the people of New York City. The NTIA will make the funding available to the stations as soon as the most appropriate location of the replacement tower is secured.

Mr. Chairman, I yield to my colleague from Alabama for a brief statement.

Mr. ADERHOLT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, Johnny Michael Spann, the world found out today, is the first American known to have died in combat in Afghanistan. Having grown up in Winfield, Alabama, he served in the United States Marine Corps, and was a Central Intelligence Agency officer when he was killed during the prison riot at Mazar-e Sharif.

Winfield, Alabama, is in the congressional district I represent, and only a few miles from my hometown. I am currently preparing a resolution to honor Mr. Spann in his service for his country. He was 32 years old and a father of three, and I extend my condolences to his family, and ask that all Americans keep his family in their prayers in the days to come.

Mr. YOUNG of Florida. Mr. Chairman, I join in the statement of the gentleman from Alabama, and extend the condolences and the sympathies from this Member in the death of this heroic young American.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 142, line 23, strike the period at the end and insert ", of which $5,000,000 is for enforcement of section 212(a)(1) of the Immigration and Nationality Act.".

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, as I said earlier today, I appreciate the work of both the chairman and the ranking member of this committee, and appreciate how difficult a task this is.

I would have hoped that the Sweeney-Lowey amendment would have been made in order to help our fellow New Yorkers and fellow Americans. I would have hoped that the Obey amendment that dealt specifically with homeland security would have been made in order, and we would have had an opportunity to confront security within our Nation head on.

We find ourselves debating now with unfinished work. I mentioned earlier that our task is to be proactive. This amendment simply reinforces my commitment to being proactive. It deals with the enforcement of health conditions at our border, and specifically in enforcement of section 212(a)(1) of the Immigration and Nationality Act. This amendment would have provided extra dollars for health inspectors and others who would help us assist with individuals who might be crossing our border with contagious diseases. But more particularly, it would assist us in the detection of individuals who would do harm by bringing across infectious diseases such as smallpox.

We have offered to say to the American public that we must go on with our lives and live as we lived before September 11. We must fly in airplanes and visit our relatives, and I agree with that. But as we fight the evilness of terrorism, it is important that we are proactive.

Mr. Chairman, this is a simple amendment. It simply would have taken the dollars and isolated them or targeted them specifically to help enforce or provide extra staff to enforce this provision which will be able to detect those individuals traveling across the border with infectious diseases.

I only realized in the course of this bill that this particular aspect of it needs to be part of a larger picture. I am going to withdraw this amendment hoping that we can move homeland security legislation forward in this House as quickly as possible, that these issues dealing with the securing of our border, these issues dealing with health inspectors at our borders, will be a first priority or a high priority in securing the homeland.

Likewise, Mr. Chairman, I hope that we will not find ourselves borrowing from Peter to pay Paul, taking money from other resources in order to move forward with homeland security. I believe this is an emergency and that these dollars should be separately set aside in order to provide the security that we need while funding our hospitals and public clinics and providing more dollars for law enforcement, and helping to support the new airport security legislation. We need emergency-added dollars. More particularly, we need to act now.

This amendment, I believe, was a good amendment to ensure that those who would come across the border with infectious diseases to do wrong would be detected at the border. We are lacking in the resources to do that. But if we are not going to act today, I hope that we will act extremely quickly, and I will say to the ranking member and the chairman, I hope that they will consider this amendment and consider the need for this amendment and the resources, and provide the extra staffing at our borders to be able to protect those within our borders, and fight terrorism proactively and to move now on behalf of the American people.

The terrorist attacks of September 11, 2001, have challenged Congress to assess and protect against the many risks that this Nation faces. But one of the greatest and least understood risks is the biological threat at our Nation's borders.

America is ill-equipped to deal with terrorist who, infected with deadly biological agents, attempt to pass through our borders. Once such agents pass into the United States, undetected by our border security as it currently exists, they may proceed to launch a terrorist attack against unsuspecting Americans by spreading the disease at an alarming and epidemic rate.

For example, one of the most deadly biological threats known to science is smallpox. Although smallpox was "eliminated" from the world in 1977, stockpiles still exist in secure facilities in the United States, and in more loosely secured facilities in Russia.

According to the American Medical Association and information available for the U.S. Army Medical Research Institute of Infectious Diseases, "Because financial support in laboratories in Russia has sharply declined in recent years, there are increasing concerns that existing expertise and equipment (e.g., smallpox) might fall into non-Russian hands."

While it is not clear whether this disease has been obtained by terrorist cells, such an incident could lead to a terrorist attack that would have national and global ramifications.

In the case of smallpox, the incubation period is about 12 days. During this period, there is minimal visual indication of the disease, allowing a person infected to easily pass through border security undetected.

Even at later stages of the disease, where a characteristic rash, flat red lesions and scabs are apparent, there are few medical professionals at our borders to properly identify and diagnose the disease. Undetected, smallpox may spread from one person to another by infected saliva droplets that expose a susceptible person having face-to-face contact with the ill person.

According to the Centers for Disease Control, infection results in death in up to 30 percent of cases. According to the American Medical Association "In a now highly susceptible, mobile population, smallpox would be able to spread widely and rapidly throughout this country and the world." Clearly, these threats are real and must be addressed.

My amendment provides $5,000,000.00 for the creation of a Border Health Inspectors program, under the Immigration and Nationalization Service, in order to identify and thwart human biological threats to national security at our borders. As the American Medical Association warns ''The discovery of a single suspected case of smallpox must be treated as an international health emergency and be brought to the attention of national health officials.'' My amendment ensures that such national health officials are at our borders and that they have the tools they need to protect us all.

I urge my colleagues to support it.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 11, as follows:

[Roll No. 457]

AYES—201

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

NOES—220

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

NOT VOTING—11

Boehner
Carson (IN)
Chambliss
Cubin
DeFazio
Ford
Latham
Peterson (PA)
Quinn
Rothman
Wexler

□ 2136

Messrs. TERRY, BUYER, BARTON of Texas, EVERETT, RANGEL, BARCIA, NEY and HOSTETTLER changed their vote from ''aye'' to ''no.''

Mr. MEEHAN and Ms. HART changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This division may be cited as the ''Emergency Supplemental Act, 2002''.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3338) making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 296, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 20, not voting 7, as follows:

[Roll No. 458]

YEAS—406

Abercrombie
Ackerman
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
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)

Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
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
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
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
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
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
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
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
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Blumenauer
Brown (OH)
Conyers
Delahunt
Eshoo
Filner
Hinchey
Jackson (IL)
Lee
Lewis (GA)
McDermott
McKinney
Miller, George
Nadler
Owens
Paul
Payne
Serrano
Stark
Velazquez

NOT VOTING—7

Carson (IN)
Cubin
DeFazio
Ford
Quinn
Rothman
Wexler

□ 2154

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3210, TERRORISM RISK PROTECTION ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–304) on the resolution (H. Res. 297) providing for consideration of the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3323

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3323.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). 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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

(Mr. GANSKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2200

GLUCOPHAGE

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor to express my deep concerns regarding the lobbying efforts of Bristol-Myers-Squibb to block access to affordable generic alternatives to their blockbuster diabetes drug Glucophage.

The FDA's Office of Generic Drugs has numerous generic versions of this diabetes drug awaiting approval. However, the office is unable to allow these generics onto the market due to Bristol's monopoly. There are no patents blocking the approval of generics in this case. The only obstacle is a result in the loophole in the Waxman-Hatch exclusivity. It allows Bristol to obtain 3 years of Waxman-Hatch exclusivity in addition to 6 months of pediatric exclusivity for a new indication, the use of this drug for treatment of Type 2 diabetes in pediatric patients ages 10 to 16 years.

Mr. Speaker, the pediatric research conducted on this drug has yielded useful results for pediatric use. However, Bristol should not be allowed a total of 3 years plus 6 months of exclusivity for changing its label to indicate pediatric use. This only leads to 3 years and 6 months more of keeping valuable generics off the market.

The FDA regulations authorize a generic manufacturer to carve out of its labeling indications that are protected by patents or exclusivity. Therefore, there does not seem to be any reason why the generic forms of this diabetes drug cannot be approved now without the pediatric indication.

This specific drug is effective for millions of Americans with Type 2 diabetes. Type 2 diabetes affects the minority population disproportionately, many of whom cannot afford to pay the higher monopoly prices for this life-saving drug. Access to more affordable generic versions of this drug will undoubtedly serve as a life-saving option.

Mr. Speaker, there is currently a legislative fix in place in the House and Senate version of the pediatric exclusivity bill that would close this loophole and allow generic versions of this diabetes drug to compete with Bristol's Glucophage. As Members commence conferencing on this bill, it is crucial that this language remain intact.

Bristol-Meyers-Squibb is sweeping through key offices on Capitol Hill in an effort to retain its exclusive marketing monopoly on its near 80-year-old profitable drug, Glucophage, which reaps about $1.8 billion in annual sales.

Mr. Speaker, I encourage my colleagues working on the pediatric exclusivity bill to keep the current language regarding this important issue in place and not to lose this battle with the drug industry. We have lost it too many times, and given the current circumstances, let us do something for once that will help the consumers of America, who not only have to deal with the weak economy, but also a life-threatening illness such as diabetes.

Let us fight against Bristol-Myers-Squibb and close the Waxman-Hatch loophole.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE SLIPPERY SLOPE OF HUMAN CLONING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I come to the well of the House today to call my colleagues' attention to recent developments in biotechnology research.

As I was preparing to return to Washington, D.C. on Sunday morning, I was shocked, along with the overwhelming majority of Members of this body, to learn that a company in Massachusetts was loudly touting its recent decision to clone a human being for medical research.

Despite the overwhelming vote in this Chamber on the subject, this rogue company and perhaps others have rushed to get ahead of our deliberations, breaking a heretofore established barrier of scientific ethics. I fear, Mr. Speaker, that this action may be the beginning of the end for medical ethics in our country.

No matter what one's position on the issue of human life or abortion or a woman's right to choose, 88 percent of the public today is opposed to the cloning of human beings. We should all be troubled by the fact that scientists are attempting to thwart the political will of the country and the consensus of the medical community in advancing this research ahead of legislation.

When faced with a similar claim of the benefits of what was known as eugenics in his time, the great moralist G.K. Chesterton remarked, ''Eugenicists have discovered how to combine the hardening of the heart with the softening of the head.''

There is no doubt that we have entered a new area of the debate over this issue, Mr. Speaker. Rather than speaking hypothetically about using some human beings to serve the needs of others, for-profit entities are actively defending this as science on the evening news.

This Faustian bargain is the same sort of dilemma that has faced humanity, and particularly civilized societies, for some time. We in the western tradition have consistently embraced the principle, and no matter how attractive the benefits, it is impermissible to experiment on the helpless. We must guard this important principle.

It is hard for us to grapple with the moral implications of a human life that is only seconds from conception. We cannot look at a cloned embryo in the face to confront this moral chasm. It takes a particularly keen sense of moral seriousness to grasp the implications of these recent developments.

One person who does understand this is my good friend and colleague, the gentleman from Florida (Mr. WELDON), who authored the legislation, along with my friend and colleague, the gentleman from Michigan (Mr. STUPAK), who I joined today at a press conference where we stepped in to say that the will of the people of the United States, informed by conscience, ought to lead American ethics in research, and not these amoral biotechnical firms.

Tonight, Mr. Speaker, I come to the floor to urge immediate action to stop the slide towards reductionist thinking on medical technology and the research that makes it possible. Yes, we want to heal the sick and prevent crippling disease. Therapies to make life longer and better are affecting every family. Who would not want more time with their parents and fewer trips to the pediatrician?

It is truly amazing what God has allowed our scientific community to reap in this area. However, it is clear from the debate that these events have triggered across the country that Americans understand the moral implications of the experimentation that I have described here this evening. Cloning human embryos is a step too far. I urge my colleagues to move quickly to place these practices where they belong: beyond the pale of the law.

Ever since witnessing the disaster that was the eugenics movement, civilized societies have recognized that involuntary experimentation on human beings is utterly indefensible. Let us as elected leaders of the foremost civilized society in the world today reconfirm our commitment to this principle.

Today, Mr. Speaker, the House Chaplain began our proceedings with a prayer in which he mentioned the fabled tower of Babel. This was a tower rising to the skies, the pride of its time, a testament to the human technology of the day, but it eventually destroyed its builders and their very civilization.

I submit tonight that the creation of human life for research or for vanity is such a tower of Babel. It threatens to tear the fabric of our society, our law, and indeed, our very civilization, and it must be stopped.

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, many people in the Chamber know about the problems of LTV, one of the third-largest integrated steel-makers in the United States, and its announcement that it may in fact close operations in Cleveland and other places across the country.

Despite the overwhelming passage of a sense of Congress urging the President to keep U.S. antidumping laws off of the negotiating table, the World Trade Organization in Qatar, U.S. Trade Representative Bob Zoellick did just the opposite. We needed help in this country from the USTR, the steel industry needed help from the USTR, LTV needed help from the USTR, but the United States Trade Representative, President Bush's man in Qatar, has remained open to further weakening the rules on trade dumping, further jeopardizing American steel, further threatening American jobs.

Many of us have been concerned about Qatar long before these negotiations began. It is a country that does not allow free elections, it is a country that does not allow freedom of expression, it is a country where women are treated not much differently from the way women have been treated by the Taliban, and it is a country where public worship by non-Muslims is banned.

The message that that meeting of the World Trade Organization sends to people around the world, the trade ministers are meeting in a city and country where public protest is not allowed, where free speech is not allowed, public expression is not allowed, freedom of

worship is not allowed, where free election is not allowed, and that message is quite troubling.

It is troubling because all too often our own trade minister, President Bush's Bob Zoellick, has used language to suggest that those of us who do not support his free trade agenda, his agenda to weaken environmental and labor standards, and environmental and labor standards around the world, that those of us who do not support his trade agenda are simply not concerned about terrorism.

He has questioned our patriotism by pointing out that most of us that oppose fast track 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.

Mr. Speaker, fast track, to be sure, does not embody those American values that our trade rep has indicated. In fact, his claims that the President needs fast track are also simply not true. President Bush already has the authority to negotiate trade deals on behalf of the United States. Instead of simply dealing with tariffs and quotas, modern trade agreements contemplate issues as wide-ranging as environmental law, food safety, worker safety, local banking and tax standards.

Congress must not shirk its responsibility for trade agreements when so much is at stake. Supporters of fast track tell us the U.S. is being left behind. They tell us we need fast track to increase American exports and to bring new jobs to American workers. But our history of flawed trade agreements has led to a trade deficit with the rest of the world that surged to a record $370 billion.

The deficit last year is 40 percent higher than the deficit, the record-setting deficit, of the year before. The Department of Labor reported that NAFTA alone has been responsible, and these are the pro-NAFTA government statistics, that NAFTA alone has been responsible for the loss of 300,000 U.S. jobs.

While our trade agreements go to great lengths to protect investors and protect property rights, these agreements do not include enforceable provisions to protect workers or to protect the environment.

CEOs of America's biggest corporations tell us that globalization stimulates development and allows nations to improve labor and environmental standards. They say interaction with the developing world spreads democracy.

But as we engage with the developing countries in trade and investment, democratic developing countries are losing ground to authoritarian developing countries; in other words, democratic nations such as India are losing out to more totalitarian nations such as China. Democratic nations such as Taiwan are losing out to more authoritarian regimes such as Indonesia.

Why is that? Why are 65 percent of developing country exports coming from authoritarian countries? It is clear corporations locate their manufacturing bases in more authoritarian regimes where the most minimal standards are often ignored. Western investors want to go to China, want to go to Indonesia, want to go to countries which are dictatorships because they have docile workforces, because they do not allow trade unions to organize, because they have authoritarian governments, because they are predictable for western business, because they do not have environmental laws, because they do not have labor standards.

They do not want to go to India, they do not want to go to Taiwan, to South Korea. They do not want to stay even in this country, many times, because we have strong environmental laws, because we have labor protections, because labor unions can organize and bargain collectively, because we have free elections.

Western corporations want to invest in countries that have poor environmental standards and below-poverty wages, that have no worker benefits, that have no opportunities to bargain collectively. Mr. Speaker, that is why fast track is a very bad idea.

MAJOR GENERAL PAUL A. WEAVER, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I come to the House of Representatives today to take a moment to recognize one of the finest officers in our Armed Forces, Major General Paul A. Weaver, Jr., the director of the Air National Guard.

Well known and respected by many Members in this Chamber, General Weaver will soon retire after almost 35 years of selfless service to our country. Today I am honored to acknowledge some of General Weaver's distinguished accomplishments, and to commend the superb service he has provided to the Air National Guard, the Air Force, and our great Nation.

After completing his Bachelor of Science Degree in Communicative Arts in Ithaca College in New York, he entered the United States Air Force in 1967 and was commissioned through Officer Training School. After earning his pilot wings, he had flying assignments in the F–4E and O–2A, and completed overseas tours in Germany and Korea.

In 1975, he joined the New York Air National Guard, with which he served in increasing levels of responsibility. This culminated when he took command of the 305th Airlift Group at Stewart Air National Guard Base, New York, in 1985.

Following his 9 years as commander, General Weaver served as the Air National Guard's deputy director for 4 years and was appointed the director of the Air Guard in 1998.

General Weaver is a command pilot with more than 2,800 flying hours in five different aircraft. He is a veteran of Operation Desert Shield, Desert Storm, and Just Cause. General Weaver's decorations include the Distinguished Service Medal, the Legion of Merit, Meritorious Service Medal, Aerial Achievement Medal, the Air Force Commendation Medal with two oak leaf clusters, Combat Readiness Medal with Service Star, and Southwest Asia Service Medal with two oak leaf clusters.

While serving as commander of the 105th Airlift wing, Paul Weaver was responsible for the largest conversion in the history of the Air National Guard. Under his command, the wing converted from the Air Force's smallest aircraft, the 0–2 Skymaster, to its largest, the C–5 Galaxy.

During this conversion, he oversaw the largest military construction program in the history of the reserve forces as he literally rebuilt Stewart Air National Guard Base.

As the Air National Guard's director, General Weaver's accomplishments are also noteworthy. He has dedicated each year of his term to a different theme: transition, the enlisted forces, the family, employers, and thereby providing focus and enhancement to each of these four crucial areas.

□ 2215

In addition, Paul Weaver's modernization, readiness, people and infrastructure initiatives have enabled a fuller partnership role in the Air Force's expeditionary aerospace force.

The Air Guard achieved all its domestic and global taskings and requirements with a force that is also smaller in size.

Under General Weaver's leadership, the Air National Guard is even more relevant, ready and responsive and accessible than it has ever been.

I would be remiss, Mr. Speaker, if I did not also mention that the Air National Guard is also fortunate to have another Weaver contributing to its success. Besides fully supporting his chosen profession, Paul's wife Cathylee Weaver has had a major impact on the Air Guard's family enrichment programs. With dignity and grace, she has dedicated time and attention to Air National Guard families which led to her recently being voted as Volunteer of the Year for Family Programs.

Clearly, the Air National Guard will lose not only one but two exceptional people.

Let me close, Mr. Speaker, by saying that as both its deputy director and director, General Weaver has made the Air National Guard a stronger and more capable partner for the Air Force. His distinguished and faithful service has provided significant and lasting contributions to our Nation's security.

I know my colleagues will join me in paying tribute to this outstanding citizen-airman and true patriot upon his retirement from the Air National Guard. We all thank General Weaver and wish him, Cathylee and the entire

Weaver family much health, great happiness and Godspeed.

THE FUTURE OF WOMEN LEADERS IN AFGHANISTAN

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, a number of my colleagues rose on the floor to speak to the critical issue of women in Afghanistan and their needs during these perilous times. As Democratic chair of the Congressional Caucus on Women's Issues, I wish to add my voice in support of their excellent intervention.

The Women's Caucus has been stressing for some time now that, in working out any transitional settlement in Afghanistan, Afghan women leaders and organizations should be at the forefront of all discussions.

We must recall, in 1977, the women of that country made up 15 percent of the legislators in their legislative body. There is no reason that their representation should be less than that today when new and far-reaching decisions on governance are being made.

In light of the fact that so many Afghan men have been killed over the past 22 years in war and conflict, Afghan women constitute 60 percent of the women's population and should be so represented accordingly.

We must work, therefore, to help restore the women's level of participation in the rebirth of Afghanistan. As they strive both inside the country and outside to contribute toward shaping a meaningful future, we must demonstrate our resolve to help those Afghan women leaders to be involved in all political and economic negotiations from the very beginning.

This is why it was distressing to note the absence of Afghan women's groups at the U.N.-sponsored conference held this past week in Bonn. They should be viewed, I believe, as principal actors in Afghan political negotiations from the outset, not as marginal leaders and players to be brought in to rubber stamp decisions.

As the Afghan journalist Jamila Mujahed pointed out in an article in Sunday's Washington Post, ''This is very unfortunate that they have not invited women to join this meeting. No one has experienced such brutality against women anywhere in the world as what happened in Afghanistan. I want to go and tell everyone the things that happened to me and my colleagues these past 5 years.''

Mr. Speaker, I will submit the entire article for the RECORD.

[From the Washington Post, Nov. 25, 2001]

IN TALKS ON AFGHAN FUTURE, WOMEN AREN'T PRESENT

(By Keith B. Richburg)

KABUL, Afghanistan, Nov. 24.—In her 16 years as a professional radio broadcaster, Jamila Mujahed has been at her microphone for some of the city's most memorable news events: the toppling of President Najibullah in 1992 and the march of Islamic holy warriors into the capital, and, four years later, the arrival of the Taliban.

So it seemed only fitting that when the Taliban fled and the Northern Alliance arrived on Nov. 13, it was Mujahed who brought Afghans the news on the evening broadcast of Radio Kabul.

Now Mujahed has another very public message, one aimed at U.N. officials and German diplomats organizing the Afghan political conference scheduled to begin in Germany on Tuesday: Open the meeting to professional women like herself, and give women a say in shaping Afghanistan's future.

''This is very unfortunate that they have not invited women to join this meeting,'' she said. ''No one has experienced such brutality against women anywhere in the world as what happened in Afghanistan. I want to go and tell everyone the things that happened to me and my colleagues these past five years.''

The meeting in Bonn is being hailed as a first step toward ending decades of civil strife and helping Afghanistan's warring factions form a truly representative and broad-based government. Representatives of several Afghan factions will try to hammer out plans for an interim government to replace the Taliban and prevent the country from descending into anarchy.

But many Afghans here—not only women, but also professionals, academics and others—are chafing at the highly restricted invitation list.

The Northern Alliance, the armed anti-Taliban faction that seized control of Kabul and about half the country during the past two weeks, is the only group from inside Afghanistan that is attending the Bonn conference. A delegation representing Afghanistan's former king, Mohammed Zahir Shah, will be attending from Rome, where he has been in exile since 1973. And two other groups that have held political talks in the past—the Peshawar Assembly for Peace, named after the Pakistani border city, and the Cyprus group—also will attend. In all, just 30 Afghans will meet to begin mapping out the country's future.

In the view of many left on the outside looking in, whatever government eventually emerges from the process will be neither representative nor broad-based. ''It will be a less-than-50-percent government,'' said Sariya Parlika, a women's rights activist. Excluding female representatives in Bonn, she said, ''is a clear human rights violation.''

''This is only the gun barrel that is sending representatives,'' said Said Amin Mujahed, a history professor at the Academy of Social Sciences in Kabul and the husband of Jamila Mujahed. ''It's not the scholars or the professionals or the other educated people in Afghanistan. It's only the war factions and King Zahir's people. It can make a government, but not a broad-based one.''

The United Nations is sensitive to such criticism but says the makeup of the conference is for Afghans to decide.

At a recent news conference, U.N. special envoy Francesc Vendrell said, ''This meeting will be as representative as we can make it, given the very short notice.'' When asked about the participation of women, he said it was up to the invited groups to include women as part of their delegations—and not up to the United Nations ''to tell the Afghans who to invite.''

Today, U.N. spokesman Eric Falt told reporters, ''The women of Afghanistan . . . have a central role to play in the country's future.'' He said the Bonn meeting would demonstrate ''how much our encouragement to include women in the delegation has been listened to.''

Even if women are present at the Bonn meeting, no one expects the number to come close to representing their percentage of the Afghan population. Because of the large number of men killed in two decades of war, women make up about 60 percent of Afghanistan's 26 million people, according to most estimates.

''I think women should have more of a role than men,'' said Faizullah Jalal, a Kabul University professor who has pressed for the inclusion of academics at the conference. ''They have faced a lot of disasters in this country.''

Women have long been treated as second-class citizens in this conservative Muslim country, but the Taliban stripped women of the few rights they did have. After coming to power in 1996, the radical Islamic movement prohibited women from working, banned girls from attending school and made it illegal for women to be on the streets without a male relative and without being covered head-to-toe in the traditional long, flowing veil known as a burqa. Women caught violating the rules—even allowing an ankle to accidentally show—risked a public lashing by Taliban guardians of ''vice and virtue.''

Just before the Taliban took over, 70 percent of Afghanistan's teachers, half of its government workers and 40 percent of its physicians were women. There were female lawyers, doctors and journalists, and women helped staff the foreign relief agencies working here.

Jamila Mujahed, now 36, was among those caught up in the Taliban's reordering of society. A journalism graduate of Kabul University and a veteran broadcaster, she was abruptly told by the Taliban that she could no longer work because of her sex.

''We were used to being very free women,'' she said, describing how she and her colleagues in the pre-Taliban world would remain at the station until late at night working on big stories. ''How do you feel, changing to a world where you have no freedom? These five years caused a lot of psychiatric problems for me.''

She stayed at home. She wrote poetry. She said she sometimes took her anger out on her children, hitting them. When she sought professional help, she said, doctors told her ''the only medicine they could prescribe was going back to your job.''

after facing those hardships, women like Mjuahed say they deserve a place at the table in forming Afghanistan's next government.

Particularly upsetting, to the women and others, is that so many Afghan exiles will be attending the sessions while so many who stayed in Afghanistan and suffered under Taliban rule will be excluded.

''The presence of women from Afghanistan is necessary,'' said Parlika, the activist. ''Afghan women from Western countries can just tell tales about what a bullet can do. A woman from inside the country can express it with her eyes. She can express it with her body. She can express with her voice how the war has affected her.''

While it was left to the Afghani groups to decide on participation at the Bonn meeting, the U.N. agreed that the women of Afghanistan have a central role to play in putting that country back together. The future of women in Afghanistan, and ultimately the stability of any provisional settlement, will rest upon a foundation of inclusion, not exclusion.

Therefore, America, so often viewed as a beacon of freedom and human

rights throughout the world, must ensure that the rights and freedoms denied to Afghan women for so long are restored as soon as possible.

In my national address this past weekend on behalf of the Democratic Caucus, I pointed out that we must strongly support the funding for resettlement and humanitarian efforts to aid Afghan women. We are at a crossroads, Mr. Speaker, since we have reached a stage of military advantage that few of us expected to reach so quickly. We must find common ground to push ahead to support reconstruction at the same time that the military actions are being concluded.

The women Members of the House of Representatives are working with the U.N. women ambassadors and women's NGOs toward this purpose. We will continue to hold meetings and briefings to give public exposure to all of the concerns I mentioned above. Several of us, as I did on November 15, have introduced bills to authorize the provision of educational and health care assistance to women and children of Afghanistan. My bill, H.R. 3304, has been referred to the Committee on International Relations and awaits a full hearing.

Let me say emphatically, we cannot afford to exclude more than half of Afghanistan's population in helping to bring about an interim settlement and peaceful resolution to this troubled country. Afghan women must be assured of their basic human rights once more; to gain access to safe drinking water and sufficient food; to receive decent health and maternal care; and foremost, to again move freely in their society without being subjected to harassment and abuse. Above all, they must be allowed to practice their religious beliefs as Islamic women, veiled or unveiled, without retribution.

I urge all of us to help these women in Afghanistan regain the basic freedom and freedoms we so cherish as a people. I urge us as Members of the House to join together to forge a comprehensive package of assistance that can help achieve the important objectives being sought by Afghanis for goodwill everywhere.

Finally, Mr. Speaker, there is an old African saying that women hold up half of the sky. We must do our utmost, therefore, to ensure that the women of Afghanistan resume their part of this equation and help hold up half of the sky. To do less would imperil all of us in the pursuit of democratic governance and the well-being of a global community. Helping Afghan women to regain their rightful place of national life is one of the best ways I know to combat terrorism in Afghanistan, and on behalf of the American women and people of America, let us begin the rebuilding today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

(Mr. LATOURETTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PLIGHT OF AFGHANISTAN WOMEN AND CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, first, I would like to say to the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the co-chair of the Women's Caucus, let me thank her for her leadership and for her outstanding commitment, on behalf of the women, to the women of Afghanistan. I would like to associate myself with her remarks, in particular to acknowledge the Women's Caucus, and to make note of the gentlewoman from California (Ms. SOLIS) who I joined just about 2 weeks ago on a briefing on Afghanistan women and children. So I rise today to add to that discussion.

I will need to also assess the status of children of Afghanistan and to be able to lift up the women, so as we lift the women, we lift the children. We are finding that the children of Afghanistan are working at ages 7 and 8, providing for their families, making 50 cents a day building bricks. Those children do not have an opportunity to go to school, and obviously, under the Taliban regime, the girls were particularly discriminated against, but the boys and the girls found themselves building bricks every day to help support their family. The incomes of the families is so far below poverty of any kind that we would ever recognize. The Afghan children are put to work at a very early age, some 4 and 5, 6 and 7 and 8 years old.

I look forward in the future weeks to hold a briefing on the treatment of the children in Afghanistan. It is particularly important as we face a very troubling scenario on the border between Afghanistan and Pakistan; millions of refugees with no place to go; United Nations fighting to provide food and, as well, comfort to those families who are displaced.

It is now time, I believe, for the United States Government in its victory to now begin to establish an exit strategy, an exit strategy out of Afghanistan, but also a response to how we bring back to life this country that is so destroyed. How do we restore the rights of families, of women, of children? How do we restore the economy? How do we find a place for refugees who are now caught between two borders? How do we find relief and harmony between the governments or at least the to-be-established government of Afghanistan and as well Pakistan?

It is extremely important that as we look to rebuild that we look to the children and we look to the families. It is also extremely important that rather than look to Iraq as the next stop of our efforts, we should look to an exit strategy and peace.

As we relate to unfinished business, let me briefly say, Mr. Speaker, there is work that this Congress still needs to do. I participated, as many did, in the debate on the floor of the House today in the defense appropriations and the emergency supplemental bill, and I just want to again restate that, until we become proactive, we are not truly fighting terrorism at home.

I am very disappointed that the Obey amendment did not pass, and I emphasize two particular aspects of that, that is, our public health system. Shortly after the September 11 attack, I went home to Houston and met with our emergency responders, the first responders, but particularly our hospitals and public clinics and particularly our public hospital system, already, if you will, bending under the pressure. More importantly, a system that already needed funding; without funding, without funding to address any kind of mass attack that requires the health system to rise to the occasion. No funds were given to that system today.

Not enough funds were given to secure our border, the Canadian border, one of the largest borders, and the southern border. No funds were given to provide enough support for customs inspectors, more border patrol agents. An issue that I am particularly concerned about, the ability of individuals to come across the border with infectious diseases like smallpox, no sufficient number of health inspectors to assist us in that effort. Our work is not done.

Tomorrow, it is proposed that we will be dealing with or we were supposed to be dealing with the Anti-Terrorism Risk Act. Here we are looking again to help industry, and yet we still are not helping the unemployed. Unemployed individuals are growing in numbers. We are in a recession, and yet this Congress has refused to pass legislation to help those unemployed individuals.

Again, in my hometown we are fighting a very difficult and very challenging economic time, and that is, the situation occurring with Enron in the 18th Congressional District. There are many issues dealing with Enron I realize, and I hope that we can retain that company in our community, but the most important issue are the numbers of laid-off employees that we may be facing. We have got to address the unemployment and the recession as it impacts the unemployed in this Nation.

This Congress has unfinished business. It is time for us again to act. It is time for us now, if we want to use the terminology, let us bail out the working men and women of America. Let us finish our unfinished work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DEUTSCH) is recognized for 5 minutes.

(Mr. DEUTSCH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

(Mr. BENTSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC STIMULUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the 8 million unemployed in this country must be watching the debate on economic stimulus in this House and in the other body with amazement and sadness. They are hardworking families who have struggled to pay their bills, and they now find themselves without work. They have worked hard, played by the rules, trying to build a better future for themselves and their families, and then have been laid off, both before and after September 11.

□ 2230

They are 137,000 workers in the transportation industry, 136,000 in the hospitality industry, 57,000 in the communications industry, 226,000 in manufacturing, 14,000 in retail, 44,000 in the service sector, 30,000 people in my district at the Boeing company, and in finance and real estate, another 24,000.

The overall jobless rate in this country shot up from 4.9 percent in September to 5.4 percent in October. In Washington State, it went from 5.1 percent to 6.1 percent. That is a 20 percent increase in a month. Now, this does not reflect everything, because there are many families who are denied benefits because the rules have been changed over the last few years. And they, although they contributed, do not have access to these benefits, or they find it virtually impossible to find employment under the present economic conditions.

This week, with several of my colleagues, we introduced H.R. 3741, the Putting Americans First Act, which will at once provide a short-term enhanced safety net for those who lost their jobs. This bill empowers the States to expand unemployment coverage for 26 weeks, provide COBRA coverage, that is to cover premiums for health care and also to aid the State Medicaid benefit programs. It also addresses the needs of States whose welfare loads are increasing. Because every time we have a 1 percent increase in unemployment, the welfare load goes up between 5 and 15 percent.

I urge my colleagues to go home to their States, talk to their people, and they will find out that these are the problems that are bothering them. People in this country are hurting and they are mourning. They are having trouble paying their rent, they are having trouble paying their heating bills, they are having trouble putting clothes on their kids and paying for schools, and certainly they are not ready for a medical emergency.

Many States, however, are finding their own budgets in shambles because of the recession and because of tax bills that we passed in this House which took away some of their revenue. We have a situation, as described in The New York Times today, where 30 States are considering tax hikes or wide-spread cuts in benefits. Connecticut, this week, is $300 million in debt, and they are working in their legislature. Our legislature is working on a $1.2 billion cut. Infusing Federal money into these State programs through unemployment insurance and Medicaid will help the States continue some of the most important programs.

Now, if we look at it, some States, Illinois, New York, North Dakota, West Virginia, Texas, do not even have enough money for 6 months of unemployment benefits, not even in their local funds. If we do not put some money in from the Federal Government, they are going to have to cut lots of people off. There are an additional 17 States that have less than a year.

Now, crafting an economic stimulus package has been exceedingly difficult because it cuts to the heart of the difference between the Democrat and Republican core values. Here is the Republican argument: Corporations and entrepreneurs are the driving force in this country. They create the jobs. Tax incentives and cuts and rebates will directly help those groups, who will stimulate the economy.

However, the reason corporations are not investing right now to create more jobs is not because they do not have enough cash on hand. Let us not kid ourselves. Lots of large companies have cash. The reason they are not investing right now is because there is a lack of demand. If these companies manufacture products, not enough people buy them. The best way to create jobs is to provide unemployment insurance to laid-off workers so that they can buy the necessities of their life.

Why is it we are told by our colleagues on the other side of the aisle that we do not have the money for these benefits for people? They say, well, we are just out of luck. But when we passed the budget here and we passed a stimulus package out of the House of Representatives, we could find $25 billion to give back taxes to the major corporations of this country, who have been paying them since 1986. We had the money.

We should pass this bill and help these people at Christmas time. It is the American way.

COMMEMORATING THE LIVES OF HEROES OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. WATT) is recognized for half of the remaining time until midnight tonight as the designee of the minority leader, approximately 42 minutes.

GENERAL LEAVE

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject matter of this special order.

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

There was no objection.

Mr. WATT of North Carolina. Mr. Speaker, several weeks ago my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), who represents the Congressional District in North Carolina which adjoins my Congressional District, and I got together and decided to try to make an effort to commemorate some of the lives of some of the people who were lost in the events of September 11. This was out of a sense of our own grief and loss, and the feeling that we should try to do something to honor the memory of these heroes.

We have been trying to do 1-minute speeches on several occasions, but that did not work out too well. So we reserved this time this evening to do a more extended special order in memory of some of the heroes who died in the events of September 11.

I am delighted to share this idea and effort with my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), and I will now yield to her for her opening statement, and then we will go into it.

Mrs. MYRICK. Mr. Speaker, I appreciate the gentleman yielding to me.

Very simply, this is just a time for us to say that we appreciated these people. Some of them were heroes to their families, some were heroes to their country, and I have one gentleman in my district whose father was a victim in New York, and I wanted to say just a word about him.

His name was William Wren. My constituent's name is Christopher Wren. William grew up in Brooklyn and

served in the U.S. Army from 1958 to 1960. After the Army, he came back home and attended John Jay College of Criminal Justice in New York and earned a Bachelor of Science Degree in Fire Science. Following graduation, he worked for 1 year with the New York Fire Department before joining Ladder 166 in Coney Island. After 25 years of service, he retired in 1990. But 3 years later, William accepted the position of Resident Manager for Fire Safety at the World Trade Center.

On the morning of September 11, 2001, he called his wife of 32 years, Patricia, after the first plane hit the north tower, and he said, ''I'm okay.'' After the second plane hit, he called again and he said, ''I'm okay, but very busy.'' He also asked Patricia to call their neighbor to tell her that her husband Richard was also okay. And when the south tower of the World Trade Center collapsed at 10:29, both Richard and William left us.

Survivors say that William and some other men, among them fellow retired firefighters James Corrigan and Phil Hayes, both of whom also died, went to building 5 to rescue children from the day care center, then returned to tower 2, which was the first tower to collapse. William Wren is a real hero. He was saving others up until the very end without giving a second thought to his own safety or his own life.

William's son Christopher has shared a lot about his father with me, and it has been a real honor to talk to him and learn more about him. William is going to be missed by his family; his wife Patricia, sons William and Christopher, daughters-in-law Kathleen and Kathryn, granddaughter, Shannon, age 3, and a new grandson, William III, who was born yesterday to carry on the Wren tradition.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from North Carolina for yielding to me and for his leadership in organizing this tribute tonight to honor the lives of the men and women who lost their lives in the horrific terrorist attacks on September 11.

The world witnessed the bravery and humanity of hundreds of men and women, emergency services professionals, who rushed into the World Trade Center following the attacks and making the ultimate sacrifice to rescue individuals that were in grave danger. There is really nothing we could do to truly give these courageous men and women the honor and recognition they deserve.

Wanda Anita Green is but one of the many heroes who gave their lives to save the lives of hundreds, if not thousands, when United Airlines Flight 93 was hijacked on September 11.

Wanda's parents, Mr. and Mrs. Smith, my constituents, moved to Oakland from Oceanside, California within a year of Wanda's birth on August 22, 1952. Wanda, her identical twin sister Sandra, and a brother, Tommy, were raised in west and north Oakland, California. Wanda's sister, Sandra Jamerson, now lives in Antioch, California, and Wanda's parents and brother, Tommy Smith, still live in Oakland, California.

Wanda was loved and will be missed by her daughter, Jennifer Green, and her son, Joe Green of Linden, New Jersey, and by many other family and friends. Wanda's family deeply appreciates the expressions of love from the people of our Nation and the comforting words and support from President Bush, as he personally received the families at the White House very recently.

For 28 years, Wanda was living her childhood dream of earning her wings and working as a senior flight attendant for United Airlines. The family has received communications from passengers that flew with Wanda earlier this year, and they remember her as watching after them because she cared, not because it was her job. Wanda loved to travel. She enjoyed meeting new people, and she had a great affection for exploring different cultures.

In celebration of Wanda's life, the family has established the Wanda Anita Green Foundation to assist urban youth in reaching their dreams by providing scholarships to support their education and career goals. Wanda loved children and was very active in the lives of her own children. One of Wanda's most memorable volunteer jobs was when she served as president of her local PTA.

September 11 was a tragic day in the history of our Nation and of the world. Wanda, members of the crew, and passengers aboard United Airlines Flight 93 gave their lives to save others. For that, they are true American heroes and must be honored as such.

Mr. Speaker, on behalf of Wanda's family, her friends and colleagues, I honor the courage, the spirit, and the legacy of this great American hero, Wanda Anita Green, and all of those whose lives were suddenly and tragically lost during the unspeakable terrorist attacks of September 11.

Mr. WATT of North Carolina. Mr. Speaker, continuing in the bipartisan manner in which we are conducting this, I yield to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. I thank the gentleman for yielding to me, and I very much thank my colleague, the gentleman from North Carolina (Mr. WATT), and my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for putting together this special order.

I represent Bucks County in Pennsylvania, and we lost far more than our share of citizens on September 11. We lost at least 12, and I want to talk about a couple of them, if I have time.

It was a rain-soaked day not too long ago when we had a ceremony for those who were killed just from one little township in my area, in Lower Makefield Township. And as we sat out in a park, and all of the families of those who were lost sat and watched and listened to the speakers, and I was among them, a little girl, 4 or 5 years old, her name was Michaela Havlish, came off her chair in the front row. She had lost her daddy. But she stood and sort of danced around and spun around and looked up at the rain coming down. Family members were trying to get her to sit down, but to me she was a wonderful symbol of innocence and the hope that this country still holds.

Her father was Donald G. Havlish, Jr., and some of what I will refer to now came from the New York Times.

□ 2245

The day of September 11 was this little girl's first day in preschool, and it was going to be a big deal and she could not wait for her father to come home from work that night so she could tell him about it, but her father never came for.

Donald G. Havlish, Jr., 53, was a senior vice president of Aon Consulting, and he was among those killed in the World Trade Center. That first day, Fiona Havlish told Michaela that ''Daddy's building was in an accident, a big accident, and nobody knows where Daddy is.'' Later, she changed the explanation to he is up in heaven guarding us.

The couple was married in 1993 after a 5-year courtship. Don was a great stepdad to Fiona's two children, now 18 and 20. Yet at nearly 50, he never expected to have another shot at parenthood. He called Michaela, who will turn 4 on October 17, ''my little miracle.'' After Michaela was born, he made a point to ask business associates about their families, encouraging them to focus on what was important. Havlish stopped taking trips overnight.

He had a law degree from Duquesne University, but made his living as a broker of insurance, arranging corporate benefits packages. The commute from their home in Yardley, Pennsylvania, to the World Trade Center took up to 90 minutes each way. He made it a point to get home by 7 every night so he could have the evening with his family.

Since September 11, Fiona has not been back to her job as a visiting nurse. She holds her days together by making lists of everything that needs to be accomplished. Her loss drags at her like an undertow, yet she is determined to keep her husband's memory alive for her daughter and herself. She says, ''I was very lucky. I got to fall in love at first sight, and I got to stay in love the whole time.''

I also want to talk about William (Bill) Godshalk. His parents are friends of mine. I have known them for years. They are civic leaders in their community. James and Grace Godshalk had 5 children. The one that they lost was William. He was the wildest of them all. At 10 years of age, he played shortstop in Little League. Once he caught a

ball, but he dropped it when the base runner ran into his glove. Well, he attacked the other player. His father walked on the field and pulled his son back, and his father said, ''He needed me, and I needed him so much.''

James Godshalk taught his son sports, and in the process taught him how to calm himself. But Bill Godshalk kept his wild and adventurous heart even as a 35-years-old vice president at Keefe, Bruyette & Woods in the World Trade Center, said his fiancee. At the memorial service for his son, James Godshalk, was reminded of a verse by James Whitcomb Riley: ''Old man never had much to say 'ceptin to Bill, and Bill was the wildest boy he had, and the old man jes' wrapped up in him!''

That is Bill Godshalk, and he will be missed enormously.

I want to briefly talk about Louis Nacke. His first wedding anniversary would have been September 16. He was on Flight 93 on what would have been his first wedding anniversary, and he was feted with his favorite food and wine by the family he left behind. He would have wanted it this way, said his father-in-law, Robert Weisberg, and I spoke with Mr. Weisberg on the phone after September 11. ''It was very poignant, and we will always remember him.''

Nacke was 42. He lived in New Hope, Pennsylvania, and he was killed when United Airlines Flight 93 crashed in rural Pennsylvania. Nacke and his wife, Amy, had been living with Weisberg, Nacke's father-in-law, while they waited for their home to be built. He was a voracious weight lifter and a proactive guy who oversaw operations in K–B Toys warehouse in Clinton, New Jersey. He really did not want to go. He was not much of a flyer. Maybe 2 or 3 times a year he would fly. Timing was just unbelievable, said his father-in-law. Mr. Weisberg wishes he could turn back the clock.

Those who knew Louis Nacke knew, because he was such a physical go-getter, they have no doubt that he was among those who rushed the cabin and one of the real heroes of September 11.

I thank the gentleman from North Carolina for organizing this Special Order.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentleman for putting this Special Order together this evening, and I join my colleagues in rising to honor the brave men and women who perished on September 11.

Mr. Speaker, we know full well that on that fateful morning, which really was a beautiful morning here in this country, a very clear day, America was visited by evil unlike any time in the history of this country. The victims came from all walks of life and from every racial and national background. They simply were lost because they were doing their job on that morning. We saw a lot of heroes that day. People we sort of take for granted, firemen, police officers, emergency management people and EMS employees, a lot of folks that we see every day and we forget how much they contribute to our society.

But today I want to talk about the memory of one of those people who lost his life because he was doing the job that he was trained to do. He was among the men and women whom we lost on September 11, Lieutenant Commander Eric Cranford. He was a graduate and active alumnus of North Carolina State University, and was from my congressional district. He lost his life during the attack on the Pentagon.

He was a Navy rescue pilot. Lieutenant Commander Cranford knew danger. He knew sacrifice, and it is said that courage could have been his middle name. If Eric had not been in the Pentagon on that fateful morning, or if his side of the building had not been hit, you can bet he would have sacrificed his own safety and risked his own life to rescue others, because that is what he had done before. Why? Because that was his job.

I rise this evening to pay my respect to him and his wife, Emily, and to their entire family. Unfortunately, Lieutenant Commander Eric Cranford was not alone that evening. As we know, thousands of other American citizens perished when those four commercial planes were turned into missiles and aimed at buildings that define our Nation and symbolize our freedom and the values that all of us hold true and dear. These attacks result in the loss of life on a scale unparalleled in America since the Civil War. The victims of these senseless acts were our mothers and fathers, our sons and daughters, our brothers and sisters, our friends and yes, our neighbors and loved ones.

Mr. Speaker, I rise this evening with a heavy heart. We are at war, as we all know right now. A war Eric Cranford and those who lost their lives at the Pentagon would have been ready to fight if they had been called upon. Today we face one of the greatest challenges to our freedoms since World War II. The terrorists who committed these terrible acts on completely innocent men, women and children are not just criminals, they are mortal enemies of the United States of America and of freedom-loving people around the world.

But these cowards will not hide forever, and we will pursue them and the international community will bring them to justice so that those who perished on September 11 lives will not be in vain. We will show the world that any enemy who chooses to test our resolve and the allies of America will face a similar fate. We will win this war because we cannot afford to fail, and we will win this war for Eric Cranford and the thousands who lost their lives on September 11, and we will win it for Eric's wife, Emily, and for the countless thousands who were left behind to mourn. We will win it because we are a good and a just Nation, and because evil must not be allowed to flourish anywhere in the free world. We will show these cowards that their efforts to terrorize us will not succeed.

But as we turn our thoughts toward the conflict in Afghanistan and the global war against terrorism, let us never forget the casualties this war has already produced.

Mr. Speaker, let us honor the memory of Lieutenant Commander Eric Cranford and every victim of this senseless attack. I thank my colleagues for having this Special Order.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I thank my colleagues for having this Special Order.

When Jennifer Brennan was pregnant with her first child, her husband, Thomas M. Brennan, would play Grateful Dead tapes loudly, hoping the music would reach the ears of the unborn daughter. When the baby kicked, as she invariably did, Mr. Brennan was delighted. She, too, he would say, was a fan.

The last day he spent with his family, the Sunday before September 11, Mr. Brennan, age 32, played Grateful Dead in the car in Westchester.

Strapped to her car seat, Katherine, now 19 months, laughed and moved to the music, and that is how Mrs. Brennan would like to remember her husband, as the only person who could make their daughter giggle uncontrollably. With his wife pregnant with the couple's second child, a boy who was born last month, Mr. Brennan took on many of the child care duties. He often fed his daughter breakfast and carried her when she needed a hug.

Mr. Brennan, an investment banker with Sandler O'Neill, treasured the time with his family, in part because he traveled constantly for work. Tuesday, September 11, was the only day that week that he was scheduled to be in the office.

Mr. Speaker, I did not know the Brennans, and I do not know them, but in a way I think all of us in America knew the Brennans because this heinous crime, this terrorist attack, was so anonymous. It just struck out and hit innocent people who were living the American dream. I think we all are affected by it because we realize but for the grace of God, it could have been one of us. Just as randomly, just as anonymously, and just as heinously, it could have been us.

So indeed tonight I think we all feel that it was a part of us. That is why we are so sympathetic and grieve at the loss that these American families are enduring, especially during this season.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there may not be another Member of Congress who lost more constituents in the September 11 attack on the World Trade Center than I did. So I thank the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from North Carolina (Mr. WATT) for organizing this Special Order and ensuring that some of those who were lost can be remembered on the floor this evening of the people's House. I would like to mention a few people I will never forget.

David Alger, the chief executive officer of Fred Alger Management, was a brilliant investment professional whose ability to select successful growth stocks brought tremendous prosperity to his investors.

□ 2300

He was also a neighbor of mine. Our daughters grew up together. I know Christie misses her father enormously. And I cannot believe he is actually gone.

I will always remember Lindsey Herkness, a managing director at Morgan Stanley who died at his desk on the phone with clients. Many friends called him the day of the bombing to see if he was okay. His mailbox was full because he had hundreds of friends who he will never be able to call back. I feel privileged to have been one of them. I will never forget Lindsey's wonderful, vibrant spirit and great sense of humor.

Neil Levin, head of the Port Authority and former Insurance Commissioner of New York State, devoted his life to public service and lost his life helping other people. He was last seen assisting people in the evacuation effort. That says it all about Neil. He was always helping others.

Cat MacRae was the daughter of my good friends Cameron and Annie MacRae. She worked in the World Trade Center in her first job out of college. She had her whole life ahead of her and her future held tremendous problem. But like all the other people that were there that day, she was killed simply because she showed up for work.

The last person I will mention, and I could go on all night, was literally the very first person to call 911 on 9–11. Jerry Hanlon was at Windows on the World. He was there for a breakfast work meeting that morning. He was there to make a living. And I am so sorry for his family that he made history instead.

Mr. Speaker, for the last several weeks, we have been trying to prevent the administration from shamefully breaking its pledge of supplying the full $20 billion in disaster relief that is needed for New York City for the many unmet needs and unpaid bills that we confront. If they truly want to honor the victims we are talking about tonight, all they have to do is keep that promise.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I wish to thank the gentleman from North Carolina (Mr. WATT) and my classmate the gentlewoman from North Carolina (Mrs. MYRICK) for organizing this special order tonight and for getting us together to have an opportunity to talk about some real heroes in American history, some heroes that are the most recent heroes of American history. As chairman of the Subcommittee on International Terrorism and Homeland Security of the Permanent Select Committee on Intelligence, I have had the opportunity to take my subcommittee to New York City to visit Ground Zero. We were there about 2 weeks after September 11. Not only were we there to recognize and somewhat memorialize the individuals who lost their lives on September 11, but we were also there to recognize another set of heroes, those heroes who had been working for 2 weeks at that time and who have been working since that time 24 hours a day, 7 days a week, to dig into the rubble of the World Trade Center and the rubble of the other buildings around the World Trade Center to restore New York City once again to its prominence. It was a very emotional experience for me, because as a former firefighter with the city of Thomasville, Georgia, I have had some experience in fire fighting but nothing in any wise to compare with the experience that the brave and courageous firefighters of the New York City Fire Department faced on September 11.

But as I was there a couple of weeks after September 11, I had the occasion to visit with a number of firefighters, not just from New York City but volunteers who came from other parts of New York and other parts of the Northeast to assist those brave firefighters in New York City in going through that rubble. It was a very touching and very heartwarming experience to visit with those individual men and women about their experiences concerning their rescue efforts and the ongoing investigation as well as the removing of the rubble from the World Trade Center.

In addition to that, I am very pleased tonight to not only recognize those brave individuals who lost their lives and have been involved in that rescue and recovery effort but also particularly to rise tonight and to honor an individual from my district, Army Major Wallace Cole Hogan, Jr. who died on September 11, 2001, at the Pentagon here in Washington, D.C., after the plane struck the Pentagon.

Major Hogan grew up in Macon, Georgia, and graduated from Valdosta State University in Valdosta, Georgia. Shortly after graduation, he joined the Army National Guard as a rifle and mortar platoon leader.

Major Hogan was truly born to serve. His time with the National Guard included service with the 19th Special Forces Group Airborne; commander of the Colorado Army National Guard, 20th Special Forces Group Airborne; and Alabama Army National Guard as a detachment commander. On April 4, 1993, Major Hogan accepted an Army active duty appointment with the grade of captain. He fought in the Persian Gulf War with the 1st Special Forces Group Airborne, Fort Lewis, Washington, as a battalion operations officer and detachment commander. He also served as the commander, Special Forces Instructor Detachment, U.S. Army Jungle Operations Training Battalion, Fort Sherman, Panama, and was a member of the Green Berets.

Major Hogan arrived at the Pentagon and joined the office of the Deputy Chief of Staff for Operations and Plans in June of 1999. His work at the Pentagon included special operations staff officer in the Directorate of Operations, Readiness, and Mobilization and executive officer for the Assistant Deputy Chief of Staff for Operations and Plans. A committed serviceman, Major Hogan dedicated his entire professional life to the United States Army.

Major Hogan was married to Air Force Major Pat Hogan who still resides in Alexandria, Virginia. His parents are dear friends of mine, Mr. and Mrs. Wallace C. Hogan, Sr. of Macon, Georgia.

In a lifetime of service that spanned half the globe, Major Hogan served from Hawaii to Panama before coming to work at the Pentagon. His outstanding accomplishments have not gone unnoticed as evidenced by the numerous decorations and awards earned during his period of service. These recognitions include: The Meritorious Service Medal with two oak leaf clusters; Army Commendation Medal with oak leaf cluster; Army Achievement Medal with five oak leaf clusters; Army Reserve Components Achievement Medal with two oak leaf clusters; Armed Forces Reserve Medal; Army Service Ribbon; Special Forces Tab; Ranger Tab; Scuba Diver Badge; Senior Parachutist Badge; and Pathfinder Badge.

Major Hogan and all other individuals who were at the Pentagon that day are real heroes. They are heroes not just because they were there serving their country but they were there doing their duty. They were there making sure that those of us who survived them continue to live under that great flag of freedom and democracy that all of us have been privileged to live under. It is my privilege and my pleasure to rise tonight to salute, to commemorate and to memorialize Wallace Cole Hogan, Jr. who served his country well.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) and the gentlewoman from North Carolina (Mrs. MYRICK) for the thoughtful approach to this evening and to those individuals who sacrificed their lives on September 11. I have personally noted in the last 10 weeks that

September 11 has become a date that was an event. It will never be forgotten by any American nor any citizen of the world that was alive on that day or that will live in the future.

□ 2310

But the gentleman from North Carolina (Mr. WATT) and the gentlewoman from North Carolina (Mrs. MYRICK) have done something very important: They have given us an opportunity to also not forget the individual faces and the individual lives of those who were tragically taken on the 11th. One such person was a resident of my district, Michael Gann, 41 years old, born in Smyrna, Georgia, and, upon his tragic death, residing with his wife, Robin, in Roswell, Georgia.

On the morning of September 11, Michael and 82 other delegates to a financial technology conference were on the 106th floor of the first tower that was struck. Now, ten weeks later, none of those 83 have been accounted for, nor will they ever be physically accounted for, because of the horrible tragedy, which makes it all the more important that we memorialize the names and the lives of these individuals.

You see, Michael Gann was just like a lot of other Americans. He and Robin had been married for less than two months. They were just starting their life together in the promise of America. A graduate of Georgia Tech, a dedicated husband, only in the shortness of their marriage, Robin summed up better than I certainly could ever what Michael was really all about. When asked shortly after his tragic loss, Robin said, ''Michael was the most genuine person I have ever known and ever met. And that's rare. He was definitely a prize.''

Mr. Speaker, the men and women from America and those from 60 other countries who perished on September 11 were unwitting and unwilling heroes. Hopefully the loss of those lives will touch us all to see to it that we strive for such an event to never happen again.

It should not pass on us without notice that yesterday a United States flag that flew over the World Trade Center during the recovery period was flown to the United States Marines who landed near Kandahar in Afghanistan. The significance of that event to Robin Gann in remembering her husband should be the memory for all of us of all of those individuals, for it is they for whom we fight today in Afghanistan, and it is for their children and their memories that the United States of America should win forever this battle against terrorism.

I thank the gentleman from North Carolina and the gentlewoman from North Carolina, for they have helped us to remember that this great tragedy for our country was a tragedy of individual and immense proportion to men, women and children all over the United States of America, whose names and memory should be memorialized and never forgotten.

Mr. WATT of North Carolina. Mr. Speaker, I believe my half of the special order time has expired, so I yield back so that the Chair can recognize the gentlewoman from North Carolina (Mrs. MYRICK) to control the balance of the time.

REMEMBERING THE VICTIMS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for the balance of the time, until midnight, as the designee of the majority leader.

Mrs. MYRICK. Mr. Speaker, I yield to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I would like to thank the gentlewoman and the gentleman from North Carolina for their leadership and their compassion in orchestrating these special orders this evening as we memorialize the names of so many brave Americans who did so many brave things that day, when all they really wanted to do was get up and go to work, hug their children, see them again that evening, to love their spouses and their families and to be home with them, but ended up becoming American heroes, heroes that they chose not to be, and the stories that we have been hearing about the bravery of New York's new twin towers, the human twin towers, New York's finest and New York's bravest, New York's Police Department and New York's Fire Department.

Mr. Speaker, I rise today to honor one of the many heroes who lost their lives in the attack on our Nation on the World Trade Center on September 11, New York City Police Detective Joseph Vigiano of Medford, within my Congressional District on Long Island.

The loss of Detective Vigiano was only half of the tragedy of that day for the Vigiano family. John Vigiano, Joseph's brother, was a member of New York City's Fire Department Ladder Company 132 in Bedford-Stuyvesant, who ran into those buildings that morning and has been missing ever since.

While the attack on our Nation that day was shocking, there was nothing surprising about the response of the Vigiano brothers. Coming from a long line of city firefighters, doing anything other than rushing into those dangerous buildings at risk to their own life would have been out of character.

These two men were the sons of Captain John Vigiano, a retired city firefighter, who is considered a living legend within the department, and the grandson of a city firefighter as well.

By the age of 34, Detective Vigiano had also distinguished himself as a police officer. Recipient of numerous awards and citations, he was one of the first and only detectives to serve with New York City's Emergency Services Unit. At his funeral, which I attended on October 30, New York City Police Commissioner Bernard Kerrick spoke about his personal friendship and working relationship with Detective Vigiano. He detailed Joseph Vigiano's commitment to serving others and his willingness to risk his life to help others, having been wounded twice in the line of duty in the streets.

His brother, John, was the same way, and both shared a special relationship with each other. As boys, when Joe was about to become an eagle scout, John said, ''Wait for me. We will do it together.'' And they did, a few months later.

These two men epitomize everything that our Nation stands for and the bravery and the courage of our firefighters, police officers and other uniformed services. In the midst of chaos, carnage and danger, these two brothers stood tall and stood together with their fellow firefighters and police officers and did not think twice about entering the North Tower, while thousands of others ran in terror looking for safety.

It is something that the Vigianos have done for generations. His wife, Kathleen, who was also a New York City Police Officer; three sons, Joseph, James and John; and his parents, John and Jeanette, survived Detective Vigiano. His brother, John, is married to Colette, and has two daughters, Colette and Ariana.

Mr. Speaker, the thoughts and prayers of myself, my family and my colleagues here in the House of Representatives go out to the Vigiano family, and all of the families affected by the attack and the tragic events of September 11. May God bless them and keep them, and may God bless their families, and may God bless and keep the United States of America.

Mrs. MYRICK. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, to my colleague the gentlewoman from North Carolina (Mrs. MYRICK), I want to first express my sincere thanks to her for helping to organize this and for coming up with the idea and supporting this effort.

I was listening to the tributes that have already been done this evening, and I thought about a book, and I could not think of the name of it. I thought it was Three Degrees of Separation. I was later told by the Parliamentarian that it was Six Degrees of Separation.

As I recall the theory that is advanced in that book, if you go six people out from yourself, you will always find someone who has a relationship to you. Now, I may not be expressing it exactly right. The Parliamentarian probably knows the theory better than I do.

□ 2320

But certainly, the statements that have been made this evening suggest to me that somewhere within several degrees, perhaps no more than 6 degrees,

we are all related to each other in some special way. The people who were killed as a result of the terrorist acts of September 11 are related to all of us now because they have become our special heroes. I did not know any of these people personally, but every time I turn around, I run into somebody who knew one of these people personally and I know that person, so we are 2 degrees separated from a person who died on September 11.

So what I would like to do is give some examples of that from my own experience. Again, these are not people that I know, but they have a strong connection to me now in some special way. Mr. James Debeuneure, a fifth grade teacher, who happens to have attended and graduated from the Johnson C. Smith University in Charlotte, North Carolina. Prior to his death, he lived in suburban Washington, a 58-year-old elementary school teacher, and died while making the kind of effort to which he dedicated much of his adult life, helping children learn. On Tuesday, the jet carrying Debeuneure and dozens of other passengers on a flight from Dulles Airport outside Washington to Los Angeles was hijacked by terrorists and crashed into the Pentagon. His family says that he was headed to California to attend a National Geographic program designed to help teachers in presenting geography and science issues.

''He was going to learn as much as he could about rivers and ocean sides so he could bring it back for his kids,'' his son, Jacques Debeuneure, said. Speaking from his family's home in Upper Marlboro, Maryland, Jacques recalled the extra efforts that his father always made for his fifth grade students at the Ketcham Elementary School in Southeast Washington.

''My dad was a good man who loved to teach kids,'' his son said, his voice cresting with emotion. ''He would give his own lunch to those kids in his class when they would forget their lunch. He was a very compassionate man whose focus was educating youngsters. He wanted to make a difference in their lives.'' Three degrees of separation from a gentleman who attended college in my congressional district.

The story of Sandra Bradshaw, who grew up on a 90-acre farm in Climax, North Carolina. Sandy Bradshaw dreamed of being a flight attendant, but the reality was that she and her 4 siblings had to tend to more than 30,000 chickens being raised for a poultry producer. But Pat and John Waugh did not hold their children back. At age 16, they were allowed to find another job other than tending chickens. Ultimately, Sandy Bradshaw kept her eyes on the goal of being a flight attendant, and in 1990 joined US Airways as a flight attendant. Five months later she was laid off during cutbacks, but beginning in October when she married U.S. Airways pilot Phil Bradshaw, her luck changed. By December of that year, she was working for United Airlines.

While family vacations in North Carolina had rarely ventured beyond the State's borders, the Bradshaws saw the world: Australia, New Zealand, Hawaii, the Caribbean, and most of the United States. ''Every place we went we had a blast,'' Phil Bradshaw said. ''My wife loved to travel. That is why we waited so long to have kids. Alexandria was born in 1998, Nathan last year, and Sandy cut her flights to the bare minimum, 2 day-trips a month from Newark to San Francisco, or to Los Angeles. She always wanted to be here for the kids,'' her husband said. Yet, she loved the days she had between return flights since it gave her a chance to relax, do her nails and catch up on magazine reading before returning home to Greensboro, North Carolina and her husband, children, and her flower garden. Sandy Bradshaw died in the crash in Pennsylvania.

A third connection to people that I know that are connected to me, Johnson C. Smith must have suffered a severe impact from these events, because Leon Smith was the parent of 2 young people who are now students at Johnson C. Smith University, again, in my congressional district. Leon Smith was many things to many people in his New York community. Generous, affable, and a hero. A New York firefighter who was killed when the World Trade Center collapsed after a terrorist attack on September 11, Leon Smith was a community anchor in the Brooklyn Heights community his daughter, Yolanda, said Tuesday at Johnson Smith University where she is a freshman with her twin sister, Tiffany. ''He had a sense of humor, and I did not realize how much he affected everybody in the community that he worked in,'' his daughter said. ''It is like I go down there and everybody knows him as a gentle giant. He was 6-feet-4, had a heart of a Teddy bear, a little baby. He was the most sensitive guy you would ever meet. He was handsome and strong and he is my hero. While people were running out of the World Trade Center, he was running in trying to save people.''

One of Leon Smith's goals was to see that his daughters graduated from Johnson C. Smith University, and they will, with the help of a scholarship fund established for children of victims of the terrorist attacks in New York, Washington, and Pennsylvania. The United Negro College Fund is providing full scholarships to its 39 member schools for students who lost parents in the attacks. The Smith sisters and Vernessa Richard, another Johnson C. Smith senior, were the first to receive scholarships, something Yolanda Smith said her dad, who did not get to finish college, would have really approved of.

''I could just see him smiling and saying, 'you go, girl' or something of that nature, and just being really proud like when he found out we were going to school. He was just so proud. He worked so hard for both my sister and I, and our sister back home in New York, to continue his dream and have us finish college.'' Another degree of separation.

Well, it is even closer than that almost for me. My son lives in Brooklyn, New York, taught 4-year-olds in the Brooklyn public schools, New York public schools, and played basketball with Kenny Caldwell. Kenny Caldwell. We know how most people have to bend down to scratch their knee. Kenny Caldwell did not have to do that, because his hands were the size of baseball mitts and arms that went on forever.

□ 2330

''He was a little slim Jimmy,'' said his mother Elsie Caldwell from her hometown in Philadelphia, ''with big hands and a big, big heart. I called him my little chocolate drop.''

Mr. Caldwell, Kenny, 30 when he was killed, liked being a technology salesman for Alliance Consulting Group on the 102nd floor of 1 World Trade Center, but what he loved was figuring out ways to get people together.

''I used to call him the CEO, chief entertainment officer,'' said his older brother, Leon Caldwell. He even invented an annual event, the International Kicknic Contest, held every August in Prospect Park in Brooklyn for an ever-expanding circle of friends and family to play kickball and catch up.

''My neighbors used to tease me about him while he was growing up,'' his mother said. ''They would say, 'Other kids collect stray cats and dogs, but your Kenny collects stray people.'''' He was a good friend and basketball companion of my son, who lives in Brooklyn, New York.

Within that 6 degrees of separation, we find people who were killed in this tragic event, and it reminds us more and more, as I yield back to my good friend and colleague, the gentlewoman from North Carolina, that what we give out comes back, and we should be giving out good all the time. These heroes did that, and for that, we are proud to honor them this evening. I thank my colleague for joining in this special order tribute.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman. There were some nice reminders and hometown ties there that are important to a lot of people.

It is really true, because as we look back on this tragic episode, it seems like everywhere one went in the weeks following, people were saying, golly, I know somebody. There were ties to somebody, this person knew this person who knew that person, and it touched all of us so dramatically all around this country, literally.

I know that people around the world were touched because there were people in those towers from 60 different countries, and a lot of people today are still, I know, wondering why.

There are a couple of people I wanted to just say a word about. Again, I did

not know them, but Mary Lou Hague had North Carolina ties. She was a graduate of the University of North Carolina in 1996, and she was a Tri Delt there.

She was really from West Virginia, and was the kind of girl who went to New York and just loved every minute she was there during the 3 years; everything she did, she loved. Her friends and her family remember that when she loved something, she just loved it very big. She loved Michael Jackson so much that she spent $1,500 to see him the last weekend of her life.

A lot of people would say, wow, $1,500 is a lot of money to do that, but it was something that was important to her. She loved 1980s music and Twizzlers, which she gave up for Lent; carried them in a bag with her to church that last Sunday so as soon as she was out of church, she could eat some Twizzlers.

Anyway, her friends say she just had a Miss America smile, and she was one of those people that definitely got people's attention, and her share of attention all the time.

She had decided, even though she lived in New York and loved it, that she probably would like to move back and meet a southern guy back home in Parkersburg, West Virginia, and have a dog. She was one of the people that was on the 89th floor of the second tower to be hit, and her entire floor, according to her mother, Liza Adams, was wiped out.

But everybody that knew her says they want to remember her as what she was. She was recalled doing her ''happy dance,'' where she would wave her arms in the air and go out onto the dance floor hollering, ''Woo-hooo.'' She was just one of those people that energized everybody around her.

There was another gentleman named Frank Schott. His wife, Dina, said she could set her watch by his habits. He was up every morning at 5:20, he got the train at 6:09, and every evening at 7 o'clock the door opened and he came into the house, and immediately changed his clothes and went out into the garden to pick his vegetables. She said he never stopped.

Then while his wife got the children ready for bed and bathed them, he would cook dinner. Of course, she said that was wonderful, because what woman would not get used to her husband cooking dinner every night?

Then on weekends he would jog and ride the bike and play with the kids, and a lot of times he took them into work with him on Saturdays, because they loved to ride the train.

But I thought this was what was so interesting about his wife's comments. She said, ''If he had survived what happened and knew of the hate that I have for what these people did, he would say, 'Ah, don't be so hard on them.' '' She said he would always say, ''You can't judge a whole group of people for the actions of a couple of bad apples. I just know that is what he would say.''

I think that is a good lesson for a lot of us for whom it is hard when something like this happens not to harbor hard feelings, and especially as we go into this holiday season, where so many of us are fortunate to have our families around us and with us; and there is nothing more difficult than having to go into a holiday when you have lost a loved one, and especially when you have lost a loved one in a senseless, tragic situation like the people in New York and Washington did.

So I hope that all of us, as we look toward the holidays and the joy that we will have, will remember these people and just say a little prayer for the fact that God will give them grace to get through this difficult time that is coming upon us.

Mr. LEWIS of California. Mr. Speaker, when Melissa Rose Barnes was killed in the terrible attack on the Pentagon September 11, a mother in my district lost a daughter who put her career on hold for a year to care for an ailing sister. A family in my district lost the woman who could light up a room with her smile. And we all lost one of the young people who have devoted their lives to defend our Nation.

Yeoman Third Class Melissa Rose Barnes was at her post in the Naval Command Center on the morning of September 11, no doubt making those around her smile with her optimism and sunny California spirit. Navy friends say the office was always a happier place with Melissa on duty.

Melissa joined the Navy in 1992 after she graduated from Redlands High School. She served as a medical aide at Navy hospitals in Maryland and Virginia until 1998, when she took off time to care for her sister, Jennifer Mennie. For a year she watched over Jennifer until she died from lupus. Her mother, Linda Sheppard, remembers Melissa putting on a disco outfit and dancing around the room to make her sister smile.

She came back to the Navy in 1999 and went to communications school. When she completed the course, she was assigned to the Pentagon. There she served her Nation in the command center, helping maintaining contact with our naval forces around the world. She was just 27 years old and a month away from an exciting new assignment on the U.S.S. *Nimitz,* her first sea-going duty when the jetliner smashed into the Pentagon on September 11.

Mr. Speaker, there is no way to describe the sadness and feelings of loss we all have experienced as we realize the wonderful lives that were ended by those senseless attacks. Forty-two people who had devoted themselves to defend our Nation died in that attack, along with the 142 passengers and crew of the hijacked airliner. We feel the loss, and the anger at the attacks. But we must also feel the pride that mother Linda Sheppard feels, that Melissa's father Alan Mennie feels, when they know that their daughter served her country to the end. We will all miss Melissa—let us all cherish her memory and her dedication.

Mr. RAHALL. Mr. Speaker, the Scriptures tell us, ''Blessed are the pure in heart, for they shall see God.'' Paul Ambrose surely looks upon His face today.

Paul Ambrose possessed a clerical passion for public health. After graduating from the Marshall University School of Medicine, he completed his residency in family medicine at Dartmouth. He then earned a master's degree in public health from Harvard. Paul used his ample political skills to influence health policy as the Legislative Affairs Director for the American Medical Student Association and as a fellow with the U.S. Department of Health and Human Services. Most recently, he worked as a family physician in Arlington, VA, helping mostly poor Salvadoran immigrants. C. Everett Coop said that Paul Ambrose would have made a great U.S. Surgeon General.

Paul's heart found joy in helping improve the lives of others. His influence spread far beyond his medical practice. Visitors to the American Medical Student Association website are invited to share their thoughts and remembrances of him. The single-spaced entries fill 12 printed pages. The words of those who knew him well describe the vibrant human being inside the talented physician.

''The most amazing thing about Paul was his ability to inspire hero-worship, even among the skeptical.

''Paul listened to cool music, read odd books, and watched obscure movies. He marched to this own beat and made us all feel cool by association . . . he danced at my wedding.''

''My memories of Paul always included his most popular question, 'How can I help?' ''

''I knew that he was going to be fun to work with when he arrived at AMSA with the cappuccino machine for his office . . . He's the only person I know who could wear steel-toed boots with a suit and pull it off.''

''It wasn't unusual to see people hanging out at his office door, taking in the ambience, talking about everything, getting inspired, enjoying Paul's wit and wisdom.''

''I hope that I am able to raise my son to feel as passionate and committed to causes that make as large a difference as that for which Paul tirelessly worked.''

''I try not to think of what it was like on those four doomed airplanes. And yet, I can picture Paul being a comfort to others. Listening to someone who needed to talk, saying some reassuring words. Or maybe, and perhaps, just as likely, saying something so off-the wall that the other person would be able to temporarily forget their surroundings and situation and think to themselves, 'what is that guy talking about?' ''

He was only 32. He and his fiancee were planning a wedding and a life together. He boarded a plane that awful morning for California and a meeting about his professional passion, public health. In 6 quick years, Paul rose from a medical student to a confidant of the U.S. Surgeon General. His work lengthened people's lives. His talents could not have been more nobly used.

Dr. Paul Wesley Ambrose should not have been taken from us on September 11. We must maintain a firm resolve to bring to justice the agents of global terror who killed him, and will gladly kill again if given the chance. We must do justice for Paul. Justice for his family Justice for liberty.

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

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 Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. CONYERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:

Mr. ROHRABACHER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, December 3, 4 and 5.

Mr. PENCE, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. LATOURETTE, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. MCDERMOTT, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1684. An act to provide a 1-year extension of the date for compliance by certain covered entities with the administrative simplification standards for electronic transactions and code sets issued in accordance with the Health Insurance Portability and Accountability Act of 1996; to the Committee on Energy and Commerce, 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, November 29, 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:

4638. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Transport Airplane Fuel Tank System Design Review, Flammability Reduction, and Maintenance and Inspection Requirements [Docket No. FAA–1999–6411; Amendment Nos. 21–78, 25–102, 91–266, 121–282, 125–36, 129–30] (RIN: 2120–AG62) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4639. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D–7R4 Series Turbofan Engines [Docket No. 2000–NE–35–AD; Amendment 39–12421; AD 2001–17–30] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4640. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PT6A–25C and –114A Series Turboprop Engines [Docket No. 2000–NE–26–AD; Amendment 39–12447; AD 2001–20–01] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4641. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000–NE–49–AD; Amendment 39–12461; AD 2001–20–13] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4642. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 99–NM–220–AD; Amendment 39–12456; AD 2001–20–08] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2001–NM–23–AD; Amendment 39–12428; AD 2001–18–02] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4644. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2001–NM–24–AD; Amendment 39–12429; AD 2001–18–03] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4645. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–300 Series Airplanes Modified by Supplemental Type Certificate SA7019NM–D [Docket No. 2000–NM–239–AD; Amendment 39–12434; AD 2001–18–08] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4646. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes [Docket No. 2001–NM–310–AD; Amendment 39–12474; AD 2001–21–51] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4647. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001–NM–281–AD; Amendment 39–12491; AD 2001–22–12] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4648. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 2000–NM–361–AD; Amendment 39–12459; AD 2001–20–11] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4649. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2000–NM–18–AD; Amendment 39–12457; AD 2001–20–09] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4650. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2000–NM–334–AD; Amendment 39–12435; AD 2001–18–09] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Pollutant Discharge Elimination System-Regulations Addressing Cooling Water Intake Structures for New Facilities [FRL–7105–4] (RIN: 2040–AC34) received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. SESSIONS: Committee on Rules. House Resolution 297. Resolution providing for consideration of the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism (Rept. 107–304). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ARMEY (for himself, Mr. OXLEY, Mr. SENSENBRENNER, Mr. NUSSLE, and Mr. THOMAS):

H.R. 3357. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mrs. EMERSON, Mr. WELDON of Pennsylvania, Mr. SKELTON, Mr. GRUCCI, Ms. ESHOO, Mr. BACA, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. BRADY of Pennsylvania, Mr. TOWNS, Ms. KILPATRICK,

Mr. KING, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, Mr. PALLONE, Mr. HINCHEY, Mr. SHIMKUS, Mrs. CUBIN, Mr. MEEHAN, Mr. FOLEY, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. DAVIS of Illinois, Mr. SOUDER, Mr. MENENDEZ, Mr. GILMAN, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. WU, Mr. SANDERS, Mr. PAYNE, Mr. HILL, Mr. HOLDEN, Mr. STUPAK, Mr. BALDACCI, Mr. BORSKI, Mr. KANJORSKI, Mr. DOYLE, and Mr. ANDREWS):

H.R. 3358. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. BENTSEN (for himself and Ms. ESHOO):

H.R. 3359. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Ways and Means.

By Mr. DEAL of Georgia:

H.R. 3360. A bill to delay until at least January 1, 2003, any changes in Medicaid regulations that modify the Medicaid upper payment limit for non-State Government-owned or operated hospitals; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3361. A bill to amend the Internal Revenue Code of 1986 to provide for employee benefits for work site employees of certain corporations operating on a cooperative basis; to the Committee on Ways and Means.

By Mr. CONDIT (for himself, Mr. MATSUI, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. FILNER, Mr. PETERSON of Minnesota, and Mr. RADANOVICH):

H.R. 3362. A bill to amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRANE (for himself and Mr. POMEROY):

H.R. 3363. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3364. A bill to provide for premium assistance for COBRA continuation coverage for certain individuals and to permit States to provide temporary Medicaid coverage for certain uninsured employees; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and 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 Mrs. MINK of Hawaii:

H.R. 3365. A bill to amend the Internal Revenue Code of 1986 to allow withdrawals from individual retirement plans without penalty for certain individuals significantly affected by the September 11, 2001, terrorist attacks; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Ms. NORTON, and Mr. WYNN):

H.R. 3366. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Ms. HARMAN, Mr. LOBIONDO, and Mr. ANDREWS):

H.R. 3367. A bill to amend title 10, United States Code, to require certain contractors with the Department of Defense to perform background investigations, psychological assessments, and behavioral observations, and provide fingerprint cards, with respect to individuals who perform work on military installations or facilities; to the Committee on Armed Services.

By Ms. SCHAKOWSKY (for herself, Mr. BACHUS, Mr. GRAHAM, and Mr. WATT of North Carolina):

H.R. 3368. A bill to amend the Fair Credit Reporting Act with respect to statute of limitations on actions; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. SHADEGG:

H.R. 3369. A bill to amend the Fair Credit Reporting Act to provide that the statute of limitations begins to run when a violation is first discovered by a consumer; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. STUPAK (for himself and Mr. CAMP):

H.R. 3370. A bill to amend the Coast Guard Authorization Act of 1996 to modify the reversionary interest of the United States in a parcel of property conveyed to the Traverse City Area School District in Traverse City, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. OWENS, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. DOGGETT, Mr. POMEROY, and Mr. BECERRA):

H.R. 3371. A bill to amend the Federal Advisory Committee Act to establish public disclosure requirements for working groups of advisory committees; to the Committee on Government Reform.

ADDITIONAL SPONSORS

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

H.R. 68: Mr. DAN MILLER of Florida.
H.R. 123: Mr. GANSKE.
H.R. 162: Mr. GRUCCI, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. KANJORSKI, Mr. MEEKS of New York, and Mr. SCHIFF.
H.R. 218: Mr. CONDIT and Mr. KENNEDY of Rhode Island.
H.R. 224: Mr. STUPAK.
H.R. 356: Mr. TIAHRT.
H.R. 440: Mr. OLVER.
H.R. 510: Mr. MATSUI.
H.R. 572: Mr. RODRIGUEZ, Mr. POMEROY, Mr. LAHOOD, and Mr. DOYLE.
H.R. 647: Mrs. MYRICK.
H.R. 701: Mr. SHUSTER.
H.R. 817: Mr. HOSTETTLER.
H.R. 831: Mr. ROGERS of Kentucky and Mr. MATSUI.
H.R. 839: Mr. BENTSEN.
H.R. 840: Mrs. BIGGERT and Mr. RODRIGUEZ.
H.R. 938: Mr. BLUMENAUER, Mr. WATT of North Carolina, and Ms. WATERS.
H.R. 975: Ms. DELAURO and Mr. PHELPS.
H.R. 1170: Mr. CLEMENT.
H.R. 1187: Mr. TOM DAVIS of Virginia, Mr. WAXMAN, and Mr. GRUCCI.
H.R. 1289: Ms. CARSON of Indiana.
H.R. 1296: Mr. GOODLATTE and Mr. SIMMONS.
H.R. 1360: Ms. LOFGREN, Mr. LYNCH, and Ms. PELOSI.
H.R. 1421: Mr. SCHIFF, Ms. MCCOLLUM, and Mr. HONDA.
H.R. 1556: Mr. MANZULLO and Mr. HONDA.
H.R. 1594: Mr. BARRETT.
H.R. 1629: Mr. BERRY.
H.R. 1734: Mr. ISRAEL.
H.R. 1760: Mr. BROWN of Ohio.
H.R. 1808: Ms. MCCOLLUM, Mr. FALEOMAVAEGA, and Mr. KILDEE.
H.R. 1810: Mr. QUINN, Ms. WATERS, and Mr. MEEHAN.
H.R. 1822: Mr. BLUMENAUER.
H.R. 1891: Mr. ROSS and Mr. ALLEN.
H.R. 1918: Mr. LANTOS.
H.R. 1984: Mr. ROGERS of Kentucky, Mr. BARTLETT of Maryland, Mr. TANCREDO, and Mr. LIPINSKI.
H.R. 1997: Mr. TURNER.
H.R. 2008: Mr. FRANK, Mr. CAPUANO, Mr. FORBES, Mr. HINCHEY, Mr. CONDIT, and Mr. HOUGHTON.
H.R. 2014: Mr. STUPAK.
H.R. 2088: Mr. AKIN.
H.R. 2109: Ms. ROS-LEHTINEN.
H.R. 2117: Mrs. MCCARTHY of New York.
H.R. 2157: Mr. DOOLEY of California.
H.R. 2171: Mr. MANZULLO.
H.R. 2173: Mr. LEACH.
H.R. 2180: Mr. MOLLOHAN.
H.R. 2233: Mr. KING and Mr. MOORE.
H.R. 2341: Mr. WICKER and Ms. HART.
H.R. 2345: Mr. PALLONE, Mr. ABERCROMBIE, Mr. FORBES, and Mr. DELAHUNT.
H.R. 2457: Mr. ROGERS of Kentucky.
H.R. 2466: Mr. SKELTON.
H.R. 2549: Mr. HASTINGS of Washington.
H.R. 2598: Mr. PAYNE.
H.R. 2610: Ms. SOLIS, Mr. WEINER, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. SCOTT, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Mrs. EMERSON, Mr. COSTELLO, Mr. BALDACCI, and Mr. CRAMER.
H.R. 2623: Mr. BRYANT, Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, and Mr. BONIOR.
H.R. 2643: Mr. BLUMENAUER, Mr. INSLEE, Mr. HILL, Mr. BEREUTER, and Ms. HOOLEY of Oregon.
H.R. 2670: Mr. ROTHMAN.
H.R. 2709: Mr. SHADEGG.
H.R. 2723: Mr. PORTMAN, Mr. BROWN of Ohio, and Mr. BALDACCI.
H.R. 2739: Mr. SMITH of Michigan, Mr. PAYNE, and Mr. CLAY.
H.R. 2751: Mr. DICKS, Mr. RANGEL, Mr. FROST, Mr. LARSEN of Washington, Mr. MATHESON, Mr. ORTIZ, Mr. EVANS, Mr. HINOJOSA, Mr. BACA, Mr. TURNER, Mr. TAYLOR of North Carolina, Mr. ROGERS of Kentucky, Mr. SKELTON, and Mr. REYES.
H.R. 2787: Mr. SANDERS.
H.R. 2908: Mr. HORN.
H.R. 2980: Mrs. MCCARTHY of New York and Mr. KING.
H.R. 2989: Ms. SCHAKOWSKY, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. KAPTUR, MR. LEWIS of Georgia, Mr. HOEFFEL, and Mr. LAHOOD.
H.R. 3037: Mr. FILNER, Mr. CLAY, Ms. ESHOO, and Mrs. NAPOLITANO.
H.R. 3046: Mr. SCHROCK.
H.R. 3054: Mr. POMEROY, Mr. PLATTS, and Mr. SOUDER.
H.R. 3066: Mr. FALEOMAVAEGA.
H.R. 3074: Mr. HOSTETTLER.
H.R. 3087: Mr. KILDEE.
H.R. 3109: Mr. QUINN.
H.R. 3163: Mr. FATTAH.
H.R. 3178: Mr. BORSKI and Mr. ENGLISH.
H.R. 3183: Ms. MCKINNEY.
H.R. 3185: Mr. DICKS and Mr. MCNULTY.
H.R. 3215: Mr. STENHOLM, Mr. SHAW, Mr. DEMINT, Mr. BEREUTER, Mr. SESSIONS, Mr.

LARGENT, Mr. RAMSTAD, Mr. MCCRERY Mr. DAN MILLER of Florida, Mr. TAYLOR of North Carolina, Mrs. EMERSON, and Mr. FRELINGHUYSEN.

H.R. 3230: Mr. ISRAEL and Mrs. LOWEY.

H.R. 3239: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mrs. MEEK of Florida, Mr. WEXLER, Mr. GONZALEZ, and Mrs. THURMAN.

H.R. 3273: Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. ROEMER, and Mr. CANTOR.

H.R. 3288: Mr. MATHESON.

H.R. 3294: Mr. PASCRELL.

H.R. 3295: Mrs. BIGGERT, Mr. BURR of North Carolina, Mr. FERGUSON, Mr. GIBBONS, Mr. GILMAN, Mr. HOBSON, Mr. ISAKSON, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. MCHUGH, Mr. RAMSTAD, Mr. WALSH, Mr. WELLER, Mr. WICKER, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. BENTSEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. BORSKI Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. CLAY, Mr. CLYBURN, Ms. DEGETTE, Mr. DEUTSCH, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Ms. ESHOO, Mr. FORD, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MASCARA, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. PASTOR, Mr. ROTHMAN, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. STENHOLM, Mr. THOMPSON of California, Mr. TOWNS, and Mr. WEXLER.

H.R. 3316: Mr. BACA.

H.R. 3317: Mr. STARK, Mr. BLUMENAUER, Mr. LANGEVIN, and Mrs. THURMAN.

H.R. 3324: Mr. CASTLE.

H.R. 3330: Mrs. MYRICK, Mrs. CAPPS, Mrs. MCCARTHY of New York, Ms. GRANGER, Ms. WATSON, Ms. CARSON of Indiana, Mrs. LOWEY, Ms. PELOSI, Ms. KAPTUR, Ms. ESHOO, and Ms. DELAURO.

H.R. 3341: Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. TIERNEY, Ms. KILPATRICK, Ms. DELAURO, Mr. RUSH, Mr. FROST, Mr. CROWLEY, Mr. MATSUI, Mr. MCGOVERN, Mr. FILNER, Mr. ABERCROMBIE, Mr. BARRETT, and Mr. FARR of California.

H.J. Res. 6: Mr. SMITH of New Jersey.

H.J. Res. 15: Mr. STARK and Mr. BOEHLERT.

H.J. Res. 23: Mr. HALL of Texas and Mr. BLUNT.

H. Con. Res. 173: Ms. ESHOO.

H. Con. Res. 181: Mr. STUPAK, Mr. GRUCCI, and Mr. ROSS.

H. Con. Res. 249: Mr. FORD.

H. Con. Res. 253: Mr. PAYNE and Mr. CLEMENT.

H. Con. Res. 267: Mr. SANDERS.

H. Con. Res. 279: Ms. BROWN of Florida.

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. 3323: Mr. MCDERMOTT.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Generous God, we praise You that it is Your desire to give good gifts to those who ask You. Forgive us when we are stingy receivers. You give strength to the tense and tired, courage and boldness to those who are fearful, guidance to the humble who ask You to guide their decisions. We say with the psalmist, ''The Lord is my strength and my shield; my heart trusted in Him, and I am helped; therefore my heart greatly rejoices.''—Psalm 28:7 KJV.

Bless the Senators today. Astound them with new insight and fresh vision they could not conceive without Your blessing. May they truly seek You and really desire Your will in their responsibilities and relationships today. You are waiting to infuse their minds and hearts with wisdom and guidance. Help them to trust You to guide and provide. Fill each Senator with Your inspiration and this Chamber with Your presence and power. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. REID. This morning, the Senate will resume consideration of the motion to proceed to H.R. 10. Cloture was filed on the motion to proceed. The Senate will therefore vote on cloture on the motion to proceed tomorrow morning. The Senate will be in recess today, by virtue of a unanimous consent agreement previously entered, from 12:30 to 2:15 p.m.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 10, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 10) to provide for pension reform, and for other purposes.

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

MEASURE PLACED ON CALENDAR—S. 1732

Mr. REID. Madam President, I understand that S. 1732 is at the desk and is now due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

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Mr. REID. I ask that S. 1732 be read for the second time, and when that reading takes place, I will object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1732) to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

UNANIMOUS CONSENT REQUEST—S. 1214

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to consideration of Calendar No. 161, S. 1214, the Port, Maritime, and Rail Security Act; that when the measure is considered, it be under the following limitations:

That a managers' substitute amendment be in order; that the substitute amendment be considered and agreed to and the motion to reconsider be laid upon the table; that the bill, as thus amended, be considered as original text for the purpose of further amendment, with no points of order waived by this agreement; that all first-degree amendments must be transportation-related; that the second-degree amendments must be relevant to the first-degree amendment to which it is offered; that upon the disposition of all amendments, the bill be read the third time, and the Senate vote on passage of the bill, with this action occurring with no further intervening action or debate.

Mr. REID. Madam President, reserving the right to object, will the Senator explain the purpose of this legislation?

Mr. HOLLINGS. The purpose of this legislation, as we have now provided for airport and airline security, is to provide for port security and rail security. I want to make some comments about it. If that is permitted, we will go into debate, and if the Chair will recognize me, if they will allow it, I will explain in detail. This is what I want to do.

Mr. REID. I withdraw any reservation.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THOMAS. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. HOLLINGS. Madam President, as requested by our leader, this matter of port security is really a very serious concern. Very few people realize this. The Financial Times and the Times of London, reported back in early October, almost 2 months ago, and I quote:

Intelligence actions across the world are examining Osama bin Laden's multimillion dollar shipping interests. He maintains a secret fleet, under a variety of flags of convenience, allowing him to hide his ownership and transport goods, arms, drugs, and recruits with little official scrutiny.

Three years ago, nobody paid much attention to a crew unloading cargo from a rusting freighter tied up on the quayside in Mombasa, Kenya. The freighter was part of Osama bin Laden's merchant fleet and the crew were delivering supplies for the team of suicide bombers who weeks later would blow up the United States embassies in Kenya and Tanzania. Bin Laden's covert shipping interests were revealed at the trial of the bombers, but until now security services have been slow to track down how many vessels he operates.

Going further, Madam President, we heard that a suspected member of the al-Qaida terrorist network in October tried to stow away in a shipping container heading to Toronto, Canada. The container was furnished with a bed, a toilet, its own power source to operate the heater and recharge batteries.

According to the Toronto Sun, the man also had a global satellite telephone, a regular cell phone, a laptop computer, cameras, identity documents, airport maps, security passes for airports in Canada, Thailand, and Egypt, and he also had an airline mechanic's certificate. He is being held now as a suspected member of the al-Qaida group and bin Laden's movement.

The threat is real, there is not any question about it. Let me emphasize, when the FBI said there was no threat to the Golden Gate Bridge, that was nonsense. It has been reported in the news that four of these so-called martyrs can operate an oil tanker and run it right into the bridge. So we have to be on the lookout for terrorist attacks with respect to the ports of the United States.

Fortunately, my distinguished colleague from Florida, Senator GRAHAM, has led the fight to institute seaport security. In 1999, Senator GRAHAM got President Clinton to appoint a commission, and they did a study on this issue.

At the local level, this bill will mandate that all ports and waterfront facilities promulgate a comprehensive security plan approved by the Secretary of Transportation.

That is going to be a difficult task. There is not any question we have some 361 entities rated as ports. Some are privately operated, some are semi-privately operated and leased like in New York. Other ports are operated entirely by the State like in my own hometown of Charleston, SC. None of them has any security plan. Fifty of these three hundred and sixty-one ports account for 90 percent of all tonnage going to and from the United States.

The bill requires that the Customs Service, the port authorities, the Coast Guard, the controllers of ports, whether it be a private lessee or publicly run by the State or otherwise, get together and start coordinating and promulgating a security plan approved by the Secretary of Transportation.

The bill for the first time will require that we know more in advance about the cargo and crew members coming into the United States. The more we know about a ship's cargo and where it originated, the better our Customs agents and other law enforcement officers can target suspicious containers and passengers.

In fact, I heard from one port official that these measures would cause a delay. No, it is going to be delayed at the port if they do not know ahead of time what to look for. It is going to take more time.

The bill requires that ships electronically send their cargo manifest to the port before gaining clearance to enter. Since it is going to take money to enforce the provisions of this bill, the bill provides $390 million for grants to upgrade security infrastructure, another $166 million to back the issuing of $3.3 billion in loans and loan guarantees over 4 years for port security and infrastructure upgrades, another $168 million to purchase nonintrusive screening and detection equipment for the U.S. Customs Service, $145 million to increase the number of Customs personnel screening the cargo and to update the Customs computer systems, and $75 million to develop weapons screening technologies for use at the seaports.

Talk about money; we spend billions and billions for an anti-ballistic missile defense system, and a cargo container can be delivered anywhere in the United States for $5,000. The enemies of the United States can easily afford $5,000 to import a container which could contain up to 60,000 pounds, 30 tons of materials. They could bring in a container of that size uninspected at Bayonne, NJ, full of anthrax, take it on up to Times Square, and blow it there. We talk about the thousands who were lost at Ground Zero in New York. The number will go into the millions with an attack like this.

At Tijuana, agents will actually tear apart car seats searching for drugs and other items, but thousands of truck-size cargo containers are being dumped on to the docks of the United States without any inspection whatsoever.

We are not playing games. The threat is serious, and it has to be paid for.

I particularly thank Senator GRAHAM for his leadership in this regard. It was the year before last that we introduced a bill. We had hearings last October. Following the hearings last October, we reintroduced the bill. It is a bipartisan bill.

I thank my ranking member, Senator MCCAIN, and particularly Rob Freeman of Senator MCCAIN's staff who worked very hard on this legislation.

I think the bill is in very good shape. We have coordinated time and again with the White House on this measure. They know the contents of it. I do not know their disposition at the present time, but I do not think we ought to adjourn this year without passing this well-considered bill, which has been developed over the past 3 years. We ought to get moving on this bill.

I again thank Senator MCCAIN and Senator GRAHAM. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Madam President, we are on the railroad retirement bill; is that correct?

The ACTING PRESIDENT pro tempore. We are on the motion to proceed.

Mr. BURNS. Madam President, I ask unanimous consent that I may proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

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

Mr. BURNS. To proceed as in morning business for 10 minutes.

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

ENERGY POLICY

Mr. BURNS. Madam President, we are in the closing weeks of the 1st session of the 107th Congress. We are in a defined recession and at war, and we seem to be talking about everything except those two items, and we are not doing anything about them.

As we talk about the security of the country, we have to consider how energy and energy security play a role in the survival of this country, especially in rebuilding the economy.

On Wednesday, November 14, the Energy Information Administration, which is a part of the Department of Energy, released a report that concludes that our dependence on foreign sources of energy is going to increase dramatically by the year 2020 because energy consumption will increase more rapidly than increased domestic production. So our need for new sources of energy continues.

Energy should be one of the highest priorities in the Senate. In terms of energy, there are two major reasons why the Senate should act this year on an energy bill as part of a stimulus package, if it is to be. First of all, for national security. Second, the economy needs the help right now. Energy costs hurt economic recovery as much as any other segment of our economy.

I see the Senator from Florida. I had the opportunity to spend some of the Thanksgiving break in his State. One would never think we were in an energy crisis with the price of gasoline up and down the road now, but nonetheless I think that is a short-lived situation.

I have a couple of examples on what we should be doing and why we should be doing it. Long before the terrorist attacks of September 11, President Bush recognized the vital role that energy plays in the economy and, of course, our national security. Shortly after taking office, he established a national energy policy development group under Vice President DICK CHENEY to take on the task of examining America's needs for developing a balanced and comprehensive energy policy to assure reliable, affordable, efficient, and environmentally sound energy for the future. This does not pertain to our fuels of transportation. It does not deal with the transportation fuels such as gasoline or, in some cases, natural gas.

It deals with what we are going to do with electrical power in rural areas and how we restructure the power industry to address those needs of industry and, of course, our quality of life.

On May 17 of this year, Vice President CHENEY's task force announced their comprehensive plan for energy, dealing not only with the cost of energy but also a sustainable supply. On August 2, a bipartisan coalition of Democrats and Republicans in the House of Representatives passed the Securing America's Future Energy Act, the SAFE Act, of 2001, which is basically H.R. 4, a comprehensive energy bill that incorporates many of the President's proposals.

In the Senate, led by Senator MURKOWSKI of Alaska, this side of the aisle has put forth numerous plans but they have all refused even to let us debate our plans. They are comprehensive. They are bipartisan. In fact, the major portions of organized labor, including Teamsters, back what Senator MURKOWSKI has proposed.

We are asking: Where do we go from here? Are we being remiss if we do not seize the moment of bipartisanship and pass a comprehensive energy bill?

Despite such timely steps to help lessen U.S. dependence on foreign oil and promote energy development and production, progress has stalled. We began hearings on this legislation last March but have failed to act. In fact, Majority Leader DASCHLE specifically instructed the Energy Committee to stop action for the rest of the year.

In a time of crisis, and it could be a time of crisis and we are in this crisis of war, we should be trying to find some sort of answers to these situations. So I am asking today that we reconsider our agenda and look at security, both economic and energy security, for this country.

THE CIVIL AIR PATROL

Mr. BURNS. Madam President, today I recognize the Civil Air Patrol as they celebrate their 60th anniversary this year.

I rise to commend the many men and women serving in our armed forces. These brave souls are stationed around the world and on the front lines, defending freedom, liberty and our way of life. Today, I specifically want to acknowledge the individuals of the Civil Air Patrol, CAP, and celebrate their service to our nation because of the upcoming 60th anniversary of their fellowship and support as defenders of security for our country.

The Civil Air Patrol was founded December 1, 1941, one week before the Japanese attack on Pearl Harbor, by over 150,000 citizens concerned about the defense of America. Flying under the jurisdiction of the Army Air Forces, CAP pilots flew over one-half million hours, were credited with sinking 2 enemy submarines, and rescued hundreds of crash survivors during WWII. On July 1, 1946, President Truman established the Civil Air Patrol as a federally chartered benevolent civilian corporation. Congress passed Public Law 557 on May 26, 1948, which made the Civil Air Patrol the auxiliary of the new United States Air Force. The Civil Air Patrol was charged with three primary missions: Cadet Programs, Aerospace Education and Emergency Services.

Today there are almost 1800 units of the Civil Air Patrol nationwide, with approximately 60,000 members. All of these members are volunteers. Each year they provide countless acts of community service in the form of educational workshops, cadet training, and emergency support that in my opinion are the highest level of good citizenship.

When I learned of the 60th anniversary of the inception of the Civil Air Patrol, I thought it necessary to speak on their behalf. This group, formed during another time when America felt the need for homeland defense measures, has grown, flourished, and now is a vital service group during the resurgence of a need for the citizenry to become involved in the fight to protect what is the lifeblood of America. All of the men and women serving in the Armed Forces deserve our praise. Whether active duty, guard, or reserve, this is one Senator who sincerely appreciates the sacrifices these men and women make daily to defend this great nation. They are truly patriots.

I can't say enough about how community involvement, whether it be as simple as providing educational tools or as critical as giving manpower in an environmental crisis, works to harness the fiber of a society. In wartime, this fiber is tested, and the work of these individuals goes a long way to ensure that it remains strong.

Montana has over 400 members of the Civil Air Patrol, and I thank them for their efforts in helping Montana communities. Examples of their work can be seen in many areas. The Montana branch of the Civil Air Patrol is active in searching for lost persons. During times of flood, or other disasters, the Montana Wing can transmit aerial real-time photographs to disaster services personnel to help them evaluate the situation. The Montana Wing was involved a great deal during the fires of 2000, flying over areas to be evacuated, taking aerial photographs, to help Disaster Emergency Services personnel create evacuation routes. In addition, The Montana Wing holds regular Search and Rescue Exercises throughout the state to enable members to prepare for an actual search and familiarize themselves with the variety of topography the state has.

The Montana Wing has an active cadet program teaching youth leadership skills, moral ethics, military discipline, aerospace education and disaster relief skills. This year, Montana sent one of 8 teams, representing the

Civil Air Patrol's 8 national regions, to the National Color Guard Competition at the Air Force Academy.

As you can see, this group is deserving of acknowledgment for its efforts to produce good citizens and to aid in the community when there is need. I applaud their 60 years of hard work, and I hope that we'll see them continue in their service for another 60 years.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. GRAHAM. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed on H.R. 10.

Mr. GRAHAM. I ask unanimous consent that I be granted 10 minutes as in morning business.

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

PORT, MARITIME, AND RAIL SECURITY ACT

Mr. GRAHAM. Mr. President, I commend my friend and colleague Senator HOLLINGS for the effort he made a few moments ago to secure the unanimous consent agreement to take up the legislation which passed out of his Commerce Committee, which he, as well as the ranking member, Senator MCCAIN, and a number of other Members of the Senate, have cosponsored to strengthen the security in and around affected communities of our seaports.

The question to me, with the denial of that motion for unanimous consent to take up this very critical legislation for Senate consideration, is: Are we committed to the proposition that the only time we will provide for security for the people of America is after we have been attacked? Will we wait until another equivalent of the use of hijacked airplanes to strike major icons of American commerce and security such as the World Trade Center and the Pentagon? Will we wait until the equivalent of using the mail as a means of distributing anthrax? Will we wait until we are attacked on our railways, in our seaports, through the containers that cover virtually every community in America, before we respond to enhanced security of those areas? It would be a sad commentary if we were so brain dead we had to wait until we had the alarm of an actual use of one of those techniques before we began to be concerned about enhancing our security.

I commend Senator HOLLINGS for bringing this matter so forcefully before us, and I ask whoever it might have been who objected to bringing this matter up to reconsider. This is not controversial legislation as, for instance, the legislation that was discussed by our colleague from Montana. This is legislation which has the broadest bipartisan support—support in the executive branch as well as in the Congress—and it increases the understanding of the American people.

In recent discussions concerning our security vulnerabilities, almost every discussion now includes seaports as one of those areas to which we need to be giving priority attention. I hope there will be some sober reconsideration of whether those who have objected wish to assume the responsibility that when we have a terrorist use of our seaports, or one of the many containers that come into our seaports every day, as the means of assaulting the people of America, they are prepared to accept the responsibility that they decided there was something politically or otherwise of higher priority than providing this preventive form of security for the American people.

Let me supplement the very able remarks of my colleague from South Carolina with two observations about why this issue is so important and timely. First, unlike airports, which are a product of the 20th century, where there was a strong Federal Government involvement from the very beginning, seaports are a colonial institution. They grew up as a highly localized institution. The city of New York developed its port; the city of Boston, its port; the city of Charleston, its port, largely independent of each other. That tradition of a high degree of localism persists today. There are many benefits in ports being able to accommodate the particular economic and social circumstances of the community in which they happen to reside, but they have also created a major vulnerability.

There are 361 seaports in the United States. The tendency for those who are involved in the illicit use of seaports is to find the seaport that has the weakest security and then use that as the basis of their operation.

In my State of Florida we have 14 deepwater seaports. We have had a long and unfortunate history of persons who want to use seaports as the means of carrying out their criminal deeds by determining which of those 14 has the most lax security and then using that seaport for their evil deeds.

I suggest the same thing is likely to happen with terrorists. While we respect the tradition of localism in our seaports, we also need to have a strengthened Federal role, as the Senator from South Carolina has described, including consistency in security standards port to port so we will not be creating these pockets of soft vulnerability for criminal and terrorist activity.

Second, some of our colleagues from the interior of the country might think this is an issue that does not affect them: If I don't have a seaport in my State—unlike the Presiding Officer who comes from a coastal State with a major seaport in Savannah—if I am not from such a State as Georgia or South Carolina or Florida, this does not affect me and I will not get particularly exercised about strengthening seaports. Mr. President, it is not the seaport that is the principal threat. It is those 16,000 containers every day, every 24 hours, which are delivered to an American seaport and then placed on a truck or railroad car and moved to virtually every community in America as a critical part of our national commerce. The 16,000 containers are the containers that come from noncontiguous nations. They do not come from Canada, they do not come from Mexico, but they come from everyplace else in the world and arrive at one of our 361 seaports in America.

Less than 3 percent of those 16,000 are inspected. Therefore, 97 percent plus are released into America without any determination of what is inside that container. With the creativity terrorists have shown, the use of one of those containers from a port far away, with very little prospect that it will be inspected and interdicted before it arrives at its ultimate destination, is an attractive means of mass destruction for terrorists, as it has been in the past a very attractive means of more traditional criminal activity.

One of the most important provisions of this legislation is going to be to rapidly accelerate the technology of x-raying and other scanning of containers so we will get that percentage above 3 percent and have a greater assurance that containers are not used as weapons of mass destruction. That, in conjunction with increased intelligence which will identify from what ports and with what bills of lading what containers are likely to be arriving in the United States that would be used for terrorists or other illegal activities in conjunction with increased technology, will give us a greater chance to secure the American people from the illicit use of the containers which emanate from our seaports.

I urge Members who have objected to taking up this bill, which I suggest will pass this Senate by close to a unanimous vote, where there is strong support, to remove their objection. This legislation is largely based, as Senator HOLLINGS has already noted, on work of a commission established over 2 years ago. It was headed by the then-head of U.S. Customs, Ray Kelly, who now happens to be the new chief of police of New York City, the admiral in charge of the U.S. Coast Guard, Admiral Lloyd, and other Federal executive officials with responsibilities for seaports. It was a solid, well-developed report which has been implemented to the extent possible through administrative actions. Now the burden is on us to provide the resources and the law changes necessary to fully implement this report. It is an urgent matter, a matter which we should take pride in the opportunity to act preventively, preemptively, before the American people are attacked at a seaport or through a container which emanated from a seaport.

I urge reconsideration of denial of the motion for unanimous consent, bring this matter up, have a debate, which I suggest will likely be short and very one-sided in terms of the support this legislation will receive. We should pass this legislation, send it to our colleagues in the House, and hope they

will act expeditiously so we can provide this protection to the people of America.

I thank my colleague, Senator HOLLINGS.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

NATIONAL SECURITY

Mr. DORGAN. Mr. President, I will comment on a couple of issues, one of which was raised yesterday by the majority leader and commented upon this morning by our colleague from Montana—the issue of energy policy.

Yesterday, the majority leader came to the floor and said we would be taking up a comprehensive energy bill in the Senate, the first work period after we reconvene in January. I appreciated that. I think it is the right thing to do. Energy policy is much more than just finding energy or conserving energy. It is also a matter of national security and energy security. It is the right thing to do.

We are trying to form an energy policy for this country that is balanced. Some believe this country's future energy needs are simply going to be satisfied by digging and drilling. That will not be the case. We should produce more—yes, oil, gas, and coal—and do so in an environmentally sensitive way. There is no question about that. I support that.

However, if that is our only policy—digging and drilling—our energy policy is consigned to be ''yesterday forever.'' That is not what I want for an energy policy.

I discussed this with the energy policy experts at a hearing. We talked about Social Security 50 years from now. I asked: Do you have a notion of what we want for an energy policy 25 and 50 years from now, and if so, can you state what it is? The answer they gave me was: We will have to get back to you.

I think as a country, we ought to have a policy that, 50 years from now, aspires to do certain things. Let me describe why.

My first car was a 1924 Model T Ford. I bought it as an antique and restored it. As a young 14-year-old boy, I spent a lot of time with that old Model T Ford. A man named Tony owned it. I come from a town of 300 people, and Tony had it in the 1920s. A Model T Ford, for those who don't know, is like a little red wagon. When you turn the wheels too sharply on one of the red wagons, the front tips over because the wheel turns too far. The Model T Ford used to do that. It would jackknife if you turned too quickly.

This Model T was driven home from the bar one evening, I am told, and the driver apparently had a lot to drink. He thought he saw a group of chickens in the road. So he took the wheel of the Model T, turned it all the way over, and jackknifed the front wheels. He was pinned underneath the car, and hot water from the radiator dripped on his ear. He lost part of the ear. After the Model T was fixed, he drove it home, put it in a granary, and there it sat for four decades. He never drove it again and never intended to drive again, all because of the phantom chickens.

My dad said I ought to write this fellow, who lived in Wisconsin. I was 14; I wrote to him and asked if he wanted to sell the Model T. Rats had taken the wires and the seat cushion, but there was the frame. He sent a letter back and he said: Not only will I sell it, but here is the key and the owner's manual. I want $25.

So I bought a Model T Ford for $25, and I restored it. It was a labor of love.

But the interesting thing about that 1920 Model T Ford is that you put gas in it the same way that you put gas in a car today. Mr. President, 75, 80 years later, automobiles are fueled exactly the same way: Go up to a gas pump, pull out a hose, stick it in, and fill it with gas. Nothing has changed. Everything else about our lives has changed, but nothing has changed about how we fuel our automobiles.

If you look at energy usage in this country, the most significant increase is in transportation. When we look forward 50 years, let's aspire to do things differently. What kind of energy use do we want? What do we aspire to do in conservation? What do we aspire to do in production? Do we believe we can have fuel cells? I drove a fuel cell car on the grounds of the Capitol awhile back. Can an automobile using a fuel cell be part of our future? If so, how much? How about ethanol? How about taking a drop of alcohol from a kernel of corn, with the protein feed stock left over, and using that drop of alcohol to extend our country's energy supply?

We are trying to write an energy bill that makes sense. The majority leader said, I commit, we are going to bring it to the floor during the first two months of the year—the first work period of the year, following our return in January. That energy bill is going to be about production—yes, environmentally sensible production with certain safeguards—conservation, which is important; efficiencies, which are also important; and in addition to that, we are going to talk about limitless, renewable energy sources, which can also contribute a great deal to our country's energy future, both with respect to petroleum and also with respect to electricity and the production of electricity.

So what the majority leader has said makes good sense. He understands that energy is a matter of national security. He is committed to bringing an energy bill to the floor. It is going to be an energy bill that is much more balanced than that which came out of the House, and it is not going to be ''yesterday forever,'' it is going to be a forward-looking, balanced plan. That is the way it ought to be. That is what this Congress owes to the people in this country.

Let me turn to the issue of aviation just for a moment.

Yesterday, the Secretary of Transportation said he cannot meet the 60-day requirement of baggage screening that was in the legislation we just passed to try to promote safety with respect to air travel. I regret that. I am really not very interested in hearing a Secretary or anyone else telling us what they can't do. I am much more interested in finding out what they are doing to try to meet these goals.

We put in this legislation, which was coauthored by my colleague, Senator HOLLINGS, and Senator MCCAIN, and the chairman and ranking member of the Commerce Committee—we put in four alternatives how they might meet their obligations in the first 60 days. There are four different approaches that can be used.

I was mightily disappointed yesterday to hear the Secretary say we cannot meet those time deadlines. I am just not interested in hearing what cannot be done. We are at war at this point. We are told almost weekly that there are credible threats of additional terrorist acts in this country. We have soldiers in the field abroad, and we have, supposedly, terrorist threats here at home. The issue of this aviation security is a matter of homeland security and homeland defense. We cannot be talking about what can't be done. We have to talk about what we are aspiring to achieve and how we are going to try to meet deadlines.

That is very important. I hope the Secretary and others will understand our impatience with that kind of talk. I understand none of this is easy. It is not easy for anybody. Those young marines landing in Afghanistan, it is not easy for them or their families. None of this is easy for anybody. But we passed an aviation security bill because we must address this issue of safety in the air. God forbid that there be an explosion that will bring down an airliner in the coming weeks; God forbid that would happen. We must do everything we can, all of us, together, to assure safety in this country in a range of areas and especially safety with respect to airport security and aviation safety.

Finally, I wish to comment about a bill that is going to be brought to the floor, we hope, tomorrow, and that is the farm bill. I have talked to some of my colleagues who have hinted in recent weeks that they may hold up that farm bill, that they may block the motion to proceed. I encourage them not to do that. We have a farm law called the Freedom to Farm law that doesn't work at all. It is a terrible piece of legislation. Its premise was, let's not have a farm program and let's wean ourselves off it over 7 years, declining price supports over 7 years. During that period of time, what has happened is commodity prices have collapsed, family farmers are hanging on by their

financial fingertips, and we must, it seems to me, write a better farm bill.

The House of Representatives has done that. The Senate Agriculture Committee has done that. Now we have an opportunity to get it to the floor of the Senate late this week, perhaps tomorrow, and then pass the farm bill, get it into conference. I do not think it will be too hard to conference because it is not too different from the House of Representatives' bill. Different but not radically different. They are both a U-turn from the present Freedom to Farm law; they both recognize the need for countercyclical help for family farmers. It is very important to put a bill on the President's desk for signature to improve the farm law in this country and give family farmers a chance to make a living. It is very important that we have cooperation.

I am not here to point fingers or say anything bad about anything or anybody. I am just asking everyone in the Senate to work with us. Let's not filibuster this. Let's not take ourselves down a blind alley with amendments that have nothing to do with it. Join us to stand up for family farmers. Join us to stand up for those farm families who have struggled so hard in this country to make it.

When talking about security, food security is also part of our country's needs—the need for a secure food supply. Europe has understood that, and as a result of that they decided they would have a network of family producers across the land in Europe. They would stimulate the ability to retain family farms in Europe. That is good public policy. That promotes food security. We ought to embrace the same, in my judgment.

My fervent hope is that by the end of this week we will have enlisted the cooperation of all of our colleagues so we can debate a farm bill, put it into conference, and next week we can have a conference with the House and hopefully put a bill on the President's desk for signing as soon as possible.

I wanted to comment about those three items. All are timely and very important—energy, agriculture, and a farm bill. My hope is we will make progress on all of them in the times we have discussed, and I appreciate the cooperation of my colleagues as we begin to turn to this farm legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I guess I will be in morning business because I wish to talk about a number of different items, if I may, for 10 minutes.

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

LEGISLATIVE PRIORITIES

Mr. THOMAS. Mr. President, what my friend from North Dakota just talked about describes where we are. We are down to the end of this year's activities. We are down to the end of this session. Yet we do not seem to have established for ourselves the priorities collectively that we should handle before we leave. I understand everyone has a little different point of view. Everyone has interests of their own. Everyone has things they have pursued and find most interesting. But the fact is, we have some things that have to be done. We have some things that I think most people would agree are priorities. But we have seemingly not been able to establish how we are going to spend our time.

For example, now on the floor is this railroad retirement bill. It is a bill most people would be happy to talk about. It should be talked about. But it doesn't need to be talked about now.

There are many items. Senators were already talking about, of course, the security of ships and docks, and so on. It is very important stuff. Is that where we are at the moment?

There is no doubt these issues are important, but there are lots of things we need to talk about. We have not finished our appropriations, which should have been done in August. They are still not done. We are having great debates over Defense appropriations, which of course is highly important. We ought to be doing that. We have some conference committee reports now that are available. We are not talking about those. So I have to suggest some of the things that have been brought up here are totally political and have to do more with posturing than they do with doing what we need to do.

We need to do appropriations.

I don't think anybody resists the idea that we need to do a stimulus bill. We don't have one we can agree on because we haven't been able to get together to do that. We ought to be able to do that.

I happen to think we need an energy bill. Again, it is not only a part of the economy but it is also certainly a part of our war on terrorism. As we get involved in the Middle East, we certainly have to take a look at what we do about energy.

It seems to me that one of the things we ought to do among ourselves is determine what our priorities are, and go about getting those things finished.

The longer we are here, of course, all of these ideas come up for spending. We ought to take a good look at where we are.

I happen to be on the Agriculture Committee, as does the Presiding Officer. I would look forward to an Agriculture bill. We don't even know what it costs. It has not been scored. It is a little unusual to be bringing something up that probably costs $90 billion over 10 years and not having it scored to know what it costs when you bring it to the floor.

The current farm bill continues until August of 2002. If we did it in January, it probably wouldn't make a great deal of difference to the agricultural community then.

I think those are some of the issues which need to be talked about. We spent $20 billion immediately after September 11. We spent an additional $10 billion shortly thereafter. We spent an additional $15 billion, $10 billion of which was guaranteed loans for airport stability. We had a budget that we agreed upon of $6.6 trillion for this year. That now has been increased to $6.86, about a $25 billion expansion of the budget which was requested. We have done that.

We have additional spending in line for defense of $18 billion. Education will be up soon, I am sure, with another $4 billion to $5 billion increase. We have to take a look at that.

One of the things that is holding up the current bill is the idea of putting on $15 billion more for internal security. The President said we have the money now, and he will let us know when we need more out of this original allocation. I hope we can come to grips with this idea of where we go and make some adjustments.

The railroad workers bill is an interesting one. Certainly everybody, including myself, supports railroad workers. This is an interesting one. I also happen to be on the Finance Committee. The Finance Committee has had no hearings on this bill. It is a bill that is interesting. It combines Social Security with private retirement funds. It has to do with moving that money out of the Government. The Government is responsible for this now under the Railroad Retirement Act. There is some great concern that if it moves, as has been suggested—and I don't think anyone knows exactly what the answer is going to be if the benefits are increased and the contributions are reduced over a period of time—railroad workers are in a situation where you have three people drawing retirement for everyone who is working. I think there has to be some assurance that if we do this and let this retirement program change, the taxpayers aren't going to pick up the tab.

I would very much like to see this be a private opportunity for the railroads and the workers to do whatever they would like to agree to but not ending up with the taxpayers picking up the tab. This bill adds benefits and reduces contributions.

Those are the kinds of questions we have to resolve, at least in my mind. Certainly, all of us are for doing all we can for railroad workers' retirement. But I think there are some real questions that have to be resolved.

In terms of the economic stimulus package, we have worked with that for a good long time now. Again, it has come out of the Finance Committee. There are different views as to what a stimulus is. We have talked to many

famous economists in the United States, and they are not sure exactly what is the best route.

Obviously, we have to do something to help people who are unemployed. I think there is a willingness to do that. On the other hand, what we are seeking to do is provide people with jobs. We do that by assisting business. We do that by accelerated depreciation. I believe we can come up with an answer to that and get that job done in a fairly short time. However, each side puts on conditions. So we have not done that.

I urge that we take the responsibility of determining what it is we need to do before we leave in this session and then decide what our second priorities are and put a definite time for next year and move forward with those. But we do not seem to yet be able to set that level of priority.

I urge we do that and be sure we give ourselves time to take a look at these bills—whether they be farm bills, whether they be retirement bills—and make sure we understand that they meet the vision of where we want to go.

We ought to think through agriculture. Where do we want to be on agriculture in 10 years? What kinds of things can we do in terms of conservation, research, and marketability, and in terms of having some kind of support mechanism for agriculture to keep it healthy and yet let it respond to the market.

Those are the things I think we want to accomplish over time. I think we have a great challenge and a short time to do it. I look forward to being a part of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Wyoming, that, first of all, we are not wasting time because of anything we are doing. My friend referred to conference reports. We could do conference reports in a second if they were completed. The conferences have not been completed. There are four appropriations bills in conference—DC, foreign operations, Transportation, and Labor-HHS—which are simply not completed. We would take them up an hour after we got them if we could. We are not wasting time by not doing conference reports because there are no conference reports to do.

Also, we are not causing the delay. We have 74 cosponsors of the legislation that is now before the Senate. It is not something we dreamed up to take up a lot of time. You would think that 74 Senators would be an ample number to have a bill brought before the Senate and start talking about it a little bit. We think this bill should be passed very quickly. It is a very simple piece of legislation. All it says is that the widows of railroad retirees can invest money in the stock market. It seems to me that is what Members have been saying should be done with Social Security benefits. Why should widows be any different? I hope we will work together to try to resolve this issue.

I also say to my friend from Wyoming that Senator DASCHLE announced this morning that Senator BYRD decided to withdraw his homeland security amendment and work with it on the Defense appropriations bill. Senator BYRD and I held the first press conference on his piece of legislation. I am an avid supporter of what Senator BYRD is going to accomplish—not trying to accomplish. He is going to accomplish it one way or the other. I am an avid supporter of that. But for all the Members who are saying we would be happy to sit down and negotiate on homeland security, we are rid of that. Senator BYRD is going to take care of that in the Defense appropriations bill.

It is going to take care of issues that are so important to this country—issues that I think are long overdue. It deals with protecting against bioterrorism and law enforcement and border security. For example, $2 billion will go to help State and local law enforcement departments across the Nation to prevent terrorist attacks. There is money for FEMA to give grants to States and local communities to strengthen their firefighting capabilities and capacities. There is money for funding the FBI, Customs Service, Coast Guard, FAA, and other Federal law enforcement agencies to support antiterrorism activities. There is money to strengthen and secure our Nation's borders, and to beef up the Immigration and Naturalization Service, and the Customs Service.

We know terrorists can come over the Canadian border. We need to give our Border Patrol more help.

In our bill, Senator BYRD and I are talking about the ''outlandish'' proposal to have a database to monitor foreign student visas. That does not seem too out of line to me. We are going to do that. We should do it in the economic stimulus package, but that is OK. We believe the economic stimulus package is so important that Senator BYRD has agreed to take it off of it. I repeat, his legislation—which will become reality—will be put in the Defense bill.

We are going to help airports increase law enforcement protection. We are going to fund the FAA research on improved security equipment. We are going to fund closed-circuit television systems and surveillance, which is so important, especially in our transit systems. We are going to improve surveillance. And we are going to take care of safety vulnerabilities at Amtrak stations.

We are going to have security for our Nation's ports, railroads, and ferries. Senator HOLLINGS and Senator GRAHAM were in the Chamber today talking about how important this is. It is important. We are going to take care of part of that in the Defense bill because it is part of the defense of this country. We are also going to make sure the mail, Federal computer systems, and other security systems are protected.

I say this because the time has passed. If we are going to do something that is going to stimulate the economy, we need to do it now. One way that we can certainly stimulate the economy is to make sure the people who were displaced because of the September 11 tragedy—there are people there who have not qualified for unemployment benefits. When I say ''there,'' I don't just mean in New York. For example, we have a great welfare-to-work program in Nevada. Most programs work great when times are good, but when times are not so good, they do not work very well. We have people who have gone from welfare to work who do not qualify for unemployment benefits. We want them to become part of the workforce. We want them to qualify for unemployment insurance.

That is what our legislation does in our economic stimulus. We want to make sure these people are part of the workforce of America. There is no better way of doing that than making them feel part of it.

We also believe we should do the same thing President Bush's father did on four separate occasions, which is to extend unemployment benefits for 13 additional weeks. President Bush, Sr., did that. We believe this would stimulate the economy.

Workers need assistance now. The economy needs stimulus now. The best way to accomplish both of these goals is to give relief to workers who need it the most. People who are out of work need it the most.

Economists across the country agree that providing relief to low- and moderate-income families is one of the most effective ways to stimulate the economy. We believe in stimulating the economy right away by putting money in the hands of the people who most likely will spend it: dislocated workers and their families.

Studies have shown that for every dollar invested in unemployment insurance, we generate $2.15 in gross domestic product. This comes from the Department of Labor study that was conducted less than 2 years ago.

A 1990 study by the Department of Labor estimated that unemployment insurance mitigated the real loss in GDP by 15 percent in the last 5 recessions, and the average peak number of jobs saved was 131,000.

Joseph Stiglitz, Nobel Prize winner in economics, has stated:

> We should extend the duration and magnitude of the benefits we provide to our unemployed. This is not only the fairest proposal but also the most effective. People who become unemployed cut back on their expenditures. Giving them more money will directly increase expenditures.

This isn't a statement from some radical. It is from Joseph Stiglitz, Nobel Prize winner in economics, who said the best way to help the slow economy is to give people who are out of work money.

The Congressional Research Service concurs with Stiglitz. They say:

Extending unemployment compensation is in fact likely to be more successful for stimulating aggregate demand than any other tax or transfer charges.

America's working families must not be left behind when Congress acts on an economic recovery package. Providing unemployment benefits is the best way to provide relief to workers and to stimulate the economy.

In August of this year, more than 800,000 workers had exhausted their unemployment benefits yet remained unemployed. And it has only gotten worse. The current unemployment insurance program must be supplemented to help dislocated workers and their families through these difficult times.

Currently, States provide up to 26 weeks of unemployment insurance benefits. The weakening economy has made it harder for workers to find new jobs.

Larry Lawrence, the President's chief economic adviser, said unemployment benefits only keep people from looking for a job. That is pretty mean. That is unfair. And it is wrong.

For the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high.

In October, the month after the September 11 incident, the unemployment rate jumped to 5.4 percent, the largest 1-month increase in more than 20 years.

Next year, approximately 5 million people will use all of their 26 weeks of benefits and will still be without a job. Business tax cuts and income rate reductions will provide little relief for these workers.

Even Congressman DICK ARMEY, the majority leader in the House of Representatives, predicts the House-passed stimulus bill would increase employment by only a few thousand jobs.

I remind everyone of what Mr. ARMEY said. I pulled this piece of paper out of my wallet. Here is what he said:

Medicare has no place in a free world. Social Security is a rotten trick. I think we're going to have to bite the bullet on Social Security and phase it out over time.

This is what we are faced with in the House, and it is just not fair.

We believe we propose genuine recovery assistance. The Senate Democratic proposal would provide 13 weeks of extended benefits to anyone with benefits expiring after September 11 and extend coverage to part-time and low-wage workers—those are people I talked about earlier—and supplement monthly unemployment insurance benefits by 15 percent or $25—that is how much money we are talking about—whichever is greater.

So our worker relief plan would provide assistance to millions of American workers and their families. We know that rhetoric alone will not help these people. American workers deserve real relief, and they deserve it soon.

I am happy to see the majority leader in the Chamber. I say to the majority leader, as he comes to the floor, I am happy to have you in the Chamber because we were just told by the other side that we are wasting time, that we should be doing conference reports.

I have just announced we have no conference reports to do. The appropriations conference committees are still working on those. I indicated to everyone here assembled, if we received a conference report, the majority leader would move to that conference report within hours.

So I am glad to see the majority leader in the Chamber. The fact is, we are moving as quickly as we can. I was happy to hear the Senator announce today to the press that Senator BYRD decided to allow us to move forward with the stimulus package, and he is going to work on the Defense bill. That is my understanding.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I will use my leader time to make a couple of comments.

First, I again thank the assistant Democratic leader, and my colleague from Illinois, and other Senators who participated in the colloquy this morning. I am disappointed that somebody would suggest we are wasting time when it is, of course, the fact that our Republican colleagues have chosen to filibuster the railroad retirement bill. We could have had a vote on it with amendments related to it yesterday and today. Because we were forced to file cloture on a motion to proceed, we are not able to bring up the railroad retirement bill. Therefore, we have to wait until tomorrow for us to have the opportunity to vote just to be able to take up the Railroad Retirement Act.

It is disappointing. I hoped that somehow we could have reached some accommodation schedule-wise. So far, that has not been possible on railroad retirement.

Senator LOTT and I have been discussing matters relating to the economic security package over the last couple of days. We had a very good meeting again this morning with the President and the Speaker and the Democratic leader in the House. I offered a proposal at that time on which we have been working since that breakfast. Basically, the proposal could only be made as a result of tremendous work done by our chairman of the Appropriations Committee, Senator BYRD.

Senator BYRD has made the decision to offer his piece, the homeland security piece of our economic stimulus package, to the Defense appropriations bill in the Committee on Appropriations, and that will occur, of course, just as soon as the House sends us the Defense appropriations bill. It has not been sent over yet. It is my understanding that they may actually send it over today or tomorrow. That will then give us an opportunity to consider the Defense appropriations bill. At that time, it is Senator BYRD's intention to offer homeland security to the Defense appropriations bill. It is also my understanding that he will pare back the overall cost of the proposal in an effort further to reach consensus and compromise.

I don't know how Senator BYRD can go much further than he has. We have now divorced it from the revenue package offered on the Senate floor. He has pared it back substantially from what it was originally. He has now suggested using it as an amendment to another vehicle so that we can move forward on the economic security piece proposed to us by the Senate Finance Committee.

Those are three very critical steps. I hope our Republican colleagues might reciprocate in working with us now on the homeland security piece as well.

What that does do is allow us now to work in concert with our Republican colleagues, both in the Senate as well as in the House, to arrive at perhaps an agreement, a compromise on the non-homeland-security-related part of our economic stimulus package.

I have called a meeting for this evening at 6:30. I have just now spoken to both the Republican leader in the Senate and the Speaker. My staff and others have talked to Senator BAUCUS, chairman of the Finance Committee, and to Congressman GEPHARDT. We will hope tonight to sit down and begin the deliberations that might allow us some way to break the impasse that has existed for a couple of weeks.

It is my sincere hope we can do that. I urge my colleagues to work in good faith to arrive at a consensus sometime this week so we can complete our work on the economic stimulus bill next week.

I yield to the Senator from Illinois.

Mr. DURBIN. If the majority leader has completed his remarks, I would like to comment to say I think what he has said this morning is further evidence of the efforts that have been made on this side of the aisle to try to enact an economic stimulus package that is balanced and fair and really will help America move forward.

Whether we live in South Dakota or Illinois or in the State of Georgia, we know we have faced a downturn in the economy which has cost us thousands of jobs across America. I have met with some of these workers. Since August 21, more than 800,000 of them have exhausted their unemployment insurance benefits. They still remain unemployed. In the week following September 11, the Department of Labor reported that unemployment insurance claims reached a 9-year high. So the economy was soft going into the tragedy of September 11 and certainly aggravated by that terrible event.

We have seen a dramatic loss of jobs across America in so many different industries. As to the airline industry, where we tried to make an heroic effort to provide a lifeline to that industry to keep the planes flying, we may have given them some hope, but certainly

they have had to lay off employees and cut back schedules. That is one of the most serious problems we face in terms of our domestic economy.

For the unemployed workers across America, the Democratic stimulus package proposes that we give them additional coverage for at least 13 weeks so they will be able to have some way of feeding their family, keeping them together, paying the rent, and paying the utility bills during the winter months. I don't think that is unreasonable. We know these people are going to spend the money given to them because they are trying to struggle to survive under the most difficult, if not impossible, circumstances.

We have also tried in our bill to expand health insurance coverage for the unemployed. Can you think of any worse situation, as the head of a household or head of a family, than to not have health insurance for yourself, your wife, or your children? Imagine if you are unemployed on top of it. That is what is going on for thousands of Americans.

On the Democratic side, we have tried to say that part of any economic stimulus package should remember these workers, these working families, and not forget them.

Sadly, the contrast is so obvious with the Republican approach: In the House the Republicans, proposed massive tax cuts not for working families or average Americans but for the biggest corporations in America. Some $25 billion goes to just a handful of corporations. They are corporations that paid an alternative minimum tax over the last 15 years. The Republicans have said, let's refund the money they paid. The House Republicans passed that package.

It would give to one corporation $1.4 billion. We don't know if that corporation would take the money and give it to the corporate officers in terms of salary or income or whether they would pass it along in terms of dividends. We frankly don't know that it would encourage any growth in the economy.

On the Senate Republican side, the stimulus bill accelerates the tax cut rates for the highest income earners in America. Again, the Republicans have forgotten the average working family, the person struggling to survive.

What Senator DASCHLE, the majority leader, has said to us this morning is that our door is still open, the table is still there for us to come together with Republicans. If we are going to do something for the economy, let's do it now. Let's do it in a timely fashion. Let's do something that truly will help and won't hurt us in the long run. The Republican proposals which we have seen don't meet that test. The Democratic proposals do.

I salute Senator BYRD from West Virginia. He is now going to add to the Defense appropriations bill an amendment to provide homeland defense funds for counties and cities and States across America that are trying to deal with the issue of security. We are happy to read the morning reports that we are winning the war in Afghanistan, but Americans want to know that they are safe. Their safety depends on the very best law enforcement in Washington and in the communities, the best public health facilities in their local communities. That means we have to help them. We have to provide the resources to give peace of mind and safety to families and communities across America.

Senator BYRD's proposal moves in that direction, for law enforcement, first responders, for public health, for infrastructure security, for security in transportation, such as Amtrak. All are essential to make America safe and give us peace of mind.

I see the minority leader on the floor. I don't want to take any additional time. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. If Senator DASCHLE will allow me to comment on the remarks he made before I came to the Chamber, I think it is a wise agreement or decision to move the homeland issue over to the appropriations area and allow us to go forward to see if we can find a way to come to agreement on the stimulus package. I didn't hear exactly what was said, but I think this is a good thing to do. We need to do it sooner, not later. If we didn't get started communicating bicamerally and bipartisanly until next week, it would make it even more difficult to get our work done in a reasonable period of time.

I believe the parameters of the agreement are out there and pretty obvious. We don't want it to be just a spending program that doesn't contribute in a stimulative way to the economy. You can argue that some spending would have more effect than others. Some of the program is going to have to be aimed at the unemployed and the health needs of the unemployed. We have to also make sure we have provisions in there, whether they are tax or even spending, that will have a quick effect on the economy and a positive effect in encouraging growth.

So I think within those parameters, which we all seem to be saying in the same way—although we are accused of not caring about the working families; that is clearly not our intent—we want to make sure people who lost their jobs have the help they need. More importantly, we want to help them get a job. So I think to get started is a positive thing. I am pleased we have found a way to do that.

I would be glad to yield for a comment or question to Senator BAUCUS, but I don't want to delay the majority leader.

Mr. BAUCUS. Mr. President, I think this is a very good development. I compliment the majority leader, as well as Senator LOTT from Mississippi, for working together. I particularly compliment Senator BYRD for being very helpful in helping to break this impasse.

I feel strongly that the outlines of putting together an agreement on an economic stimulus package are there. We need it. The White House knows we need it. Democrats know it and Republicans know it. The basic outlines are pretty clear, and I pledge my effort to work toward an agreed-upon solution that will pass both the House and Senate quite easily. I thank the leaders for the efforts.

Mr. DASCHLE. Mr. President, I had intended to make a unanimous consent request, but at the request of the Republican leader, I will withhold that at this time.

We have 7 business days left before the hopeful deadline we have attempted to impose upon ourselves. I say ''hopeful'' because there are so many outstanding questions that it may simply be impossible to complete our work by a week this coming Friday. I noted yesterday my intent was that we would be in conferences after that and come back for whatever votes on conference reports would be required, subject to notification of all Senators. But that would require two things. First, it is going to require we maximize the use of every day between now and next Friday, a week from this coming Friday.

Secondly, it is important to have as much cooperation as possible. In order for that to occur, we have to make use of every day. We can't simply wait around for an economic stimulus package, or a conference report, or whatever else we may find the need to address prior to the time we finish our work in this session of Congress.

So it will be my intention to ask unanimous consent that the economic stimulus package be the pending issue, subject to our ability to bring up other bills as we wait for our negotiated agreement on the economic stimulus package.

Right now, of course, we have the railroad retirement bill pending. I would like to take up the farm bill. There will be the terrorism insurance bill that we will have to take up. We will have nominations to take up. That doesn't mean we displace the economic stimulus package or lessen in any way its priority. What it simply means is that, to the maximum degree possible, we are going to use every hour of the days remaining so we can accommodate this maybe-too-idealistic goal we have for completing our work.

I will make that request, but I certainly will accommodate all Senators before I make it. I will return to the floor this afternoon at a time that Senator LOTT and I can agree upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

WOMEN IN AFGHANISTAN

Mrs. HUTCHISON. Mr. President, I rise to talk about the issue of the plight of women in Afghanistan. I am very pleased that the Senate-passed

bill has now passed the House of Representatives and it is on its way to the President.

The bill makes sure any aid the United States gives to Afghanistan after the fall of the Taliban—and we hope that is very shortly—will also be available to women and children—especially to women and children—because they have suffered so greatly under the Taliban.

We passed the bill the week before Thanksgiving. The House passed it yesterday. What we are saying to the world is that we are going to come together to make sure girls are not excluded from education in a country where we have anything to say. Of course, we do have something to say because we are trying to help liberate the people of Afghanistan from the Taliban regime, as part of our effort to go after Osama bin Laden and the al-Qaida network.

We didn't really know how the women were being treated until it was brought out in the news accounts. For 5 years, girls have been denied education in that country. Afghanistan is a country that, before the Taliban took over, had women doctors and teachers, and women were very much a part of the society. They were Members of Parliament. When the Taliban took over, they went back to an extreme position, far beyond what is just holding women back—beating them on the streets if their burqas were in any way allowed to flap open in the wind.

Mr. REID. Will the Senator yield for a question?

Mrs. HUTCHISON. Yes.

Mr. REID. I appreciate the Senator coming here and lending her leadership on this issue. The Senator and I are circulating a letter that will call for the new government, whatever it is, to make sure it includes women.

In the form of a question, I say to my friend, it is very clear that for the last 6 years girls have not been able to go to school. But in Afghanistan, there are a lot of educated women—doctors, engineers, civil servants. I hope all the men meeting in Germany now will take into consideration some of these women who have been forced, because of the burqas and all this other radical movement toward causing women to become nonentities—that they will bring those women out of obscurity and back into the forefront where they should be and be part of this new government.

Would the Senator agree that is the way it should be?

Mrs. HUTCHISON. I appreciate so much what the Senator from Nevada has said because, of course, it is true. I think bringing this point home is important while they are meeting in Germany to try to form a government that is inclusive of the different tribes.

Certainly, we respect that there is a different culture there. But there is no culture in the world that can be acceptable if women are beaten on the streets because they wear high-heeled shoes, or if they are beaten because they go outside without a male escort, and even to take their son to the doctor, when there is no male escort to help them. That is the kind of treatment these women have received.

I thank the Senator from Nevada for working with us, along with all the women of the Senate, and Senator BROWNBACK as well, to speak out as a country and say that not educating girls, not allowing women to have health care—which is exactly what has happened under the Taliban; they would not allow women doctors to treat women who were sick. That is why the rate of death in Afghanistan is one of the highest in the world. The rate of death of children is outrageous. One in four children in Afghanistan will die from bad food and water and other causes. One in four, that is a stunning statistic; 25 percent of every child in a country dying?

We have to speak out. We can do something, and that is what gives me great hope. We are going to be able to put our money, the generosity of the American people, to work to rectify a terrible tragedy and bring the girls into an educational system. We can make up for those 5 years, and we can show the girls they have a future, too; that they can be a part of the rebuilding the country they love.

I was struck by the stories of the two American missionaries who were prisoners and who were bravely rescued by the U.S. military and by the Northern Alliance military. They are quite devoted to Afghanistan. They see the greatness in the Afghan people, but they saw the treatment of the women. Even though they were treated well—thank goodness they were—they saw the beatings of Afghan women by the Taliban prison guards.

This is something that is beyond politics; it is beyond any disagreement one might have: That people be treated with decency and that women, who are most vulnerable, not be beaten; that they would not be kept from receiving health care for afflictions that will shorten their lifespans, if not kill them directly; that they would not be assassinated in the public arena while people are cheering, which we saw on television. This is a matter of human decency, and it is a matter about which all of us are coming together to speak against.

I was very touched by our First Lady, Laura Bush, speaking out for the women of Afghanistan and making it an issue of great priority for her, and saying the United States is going to be there to rectify this terrible situation.

We did not go in to take over Afghanistan. We went in to get the al-Qaida network that has killed thousands of Americans to make sure that network cannot operate ever again to harm freedom-loving people in the world.

As part of the education we have all received, we have learned of the atrocities that have been endured by the women of Afghanistan, and our First Lady led the way, along with Cherie Blair, the wife of the Prime Minister of Great Britain, who have said: We are in this together, and we are going to speak out to make sure that women are part of the government, that women are part of the solution and a part of the rebuilding of a country that can, once again, live in peace and prosperity.

I appreciate the leadership of our First Lady, Laura Bush. I appreciate the leadership of the women in the House and Senate coming together to pass a bill that I feel sure the President will sign quickly. I am proud that Republicans and Democrats are coming together, that Americans, British, and people from all of the countries that are helping us in this quest to wipe out terrorism are coming together to say we will not forget the women of Afghanistan, and we want them to be a part of a country that prospers, where children are happy, educated, and safe.

I thank that Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my understanding is that we are on a motion to proceed to the Railroad Retirement and Survivors' Improvement Act and tomorrow we will have a cloture vote. It is a vote on whether or not we will proceed to the bill.

At the moment, this legislation is being blocked. This legislation passed overwhelmingly in the House. The vote was 384 to 33. There are 75 cosponsors in the Senate. It was not hard for many of us to become original cosponsors. It just seems to be the right thing to do: Expansion of benefits to widows and widowers—I am not going to go through the specifics because others have spoken about the bill—liberalized early retirement, and liberalized vesting.

The best politics I know—I think I can get a smile from the Senator from Georgia who is presiding—is at the Minnesota State Fair. It is incredible; in 2 weeks, half the State's population comes. It is very serious politics. Nobody has a lobbyist with them. Everybody counsels one, and no more than one. People come up to wherever you are and talk about issues that are important to them, calls they have made to your office, letters they have written, whether you responded, whether you helped. It is very personal and very important. It is the very best politics I know. It is ''grassroots'' politics at its best.

At the last Minnesota State Fair, did I ever hear from some of these retired railroad workers and their families. This is important to them. They made a very poignant appeal. This is important to their financial lives from their point of view, and from my point of view it is a matter of fairness.

I do not believe they understand—by the way, I am not putting them down for this. I do not think most people understand Senate rules and how things can be blocked or filibustered. Other

Senators would wonder about me if I were to say: How dare you block this. I have done a fair amount of blocking during my time in the Senate.

Frankly, unlimited debate and unlimited amendments is what makes this body unique. It means any one Senator, if they know the rules and know the leverage, if they want to change the topic of conversation, if they want to focus on a different issue, if they feel strongly about something, can speak out for what they believe and what they think is best for the people they represent. They can fight hard.

Every Senator has a right to use their rights. That is what is happening with this bill. I appeal to colleagues to let this legislation go through. This is important to many hard-working families as they move into their sixties, seventies, and hopefully eighties and nineties. It is important to them.

I appeal to my colleagues to let us proceed. I say to my colleagues—if they want to amend this bill, go ahead, but I appeal to colleagues not to add on different legislation which will then create a quagmire and snarl everything up. We should push this legislation forward and pass it. It is the right thing to do for these families.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HARSH PENALTIES FOR BREACH OF SECURITY AT AIRPORTS

Mr. CLELAND. Mr. President, I rise today to announce my intention to introduce a bill to provide Federal criminal penalties for security breaches at American airports. I make this announcement on the heels of my own experience with a security breach at Hartsfield International Airport. I have no way of knowing the reasons behind the security breach at Hartsfield, but the results of it were startling. The event triggered the total evacuation of the Atlanta airport and a temporary halt of incoming and outgoing air traffic. I might say I have been marooned on the tarmac at Hartsfield many times, but never with 60 other aircraft. I spent 4 hours on the tarmac, and many more hours waiting for my connecting flight, which I basically rendezvoused with and arrived at my destination the next day. Thousands of other travelers were also stranded while the ripple effects were felt across the country.

Thankfully, nobody was hurt in this instance, and people's worst fears of another terrorist attack were not realized. But a loophole in existing law has been revealed in the days since the incident, and has shown that breaches at airport security checkpoints are currently punishable by local criminal penalties and Federal civil penalties, but not Federal criminal penalties. Incidentally, the current Federal civil penalty for such a breach currently carries a fine of $1,100.

In an incident that probably cost the State of Georgia, the airlines, and this country about $10 million in economic impact, that is a small pittance to pay—$1,100.

As we have learned in the most painful way possible, airport security is a matter of national security, and for there to be no Federal criminal penalty for such a breach is appalling. It was relieving to find that there appeared to be no nefarious intent in the Atlanta instance, but it was very disconcerting to learn the shortcomings of our Federal laws in a situation like this.

While a Federal criminal penalty does cover security violations aboard airplanes themselves, I believe similar penalties should be available for violations before a person actually boards a plane. I would like to stress that I do intend to include provisions to make distinctions between deliberate and unintentional breaches. The legislation is currently being drafted and vetted, and will be introduced in the near future.

The two main intentions of this bill are to provide uniformity and accountability for breaches of security across the Nation. Congress and the President have agreed that it is the responsibility of the Federal Government to protect our airports, and the laws should reflect that. It should also provide the same penalty for breaches in New York City, Columbus, OH, and Columbus, GA. The offense is the same, and the laws should be too.

Mr. President, I yield the floor.

RECESS

Mr. CLELAND. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. In my capacity as the Senator from Michigan, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BAUCUS. Madam President, I support the motion to take up H.R. 10 so we can consider the retirement bill as an amendment. Let me explain why this bill is necessary and then I will respond to some of the criticisms that were made yesterday.

By way of background, the Federal railroad retirement system has served railroaders and their families for 65 years. Its roots reach back to the 1930s, in a struggle to find answers to the hardships that resulted from the Great Depression. Today, the system provides benefit payments to more than 673,000 retirees and other beneficiaries.

The railroad retirement system actually has two components. Tier 1 is largely equivalent to Social Security. Tier 2 provides additional benefits and is equivalent to a private pension plan. Both are funded by taxes that are paid entirely by railroad companies and railroad workers.

Let me stop here and stress a critical point. Every single change that we make in this bill applies only to tier 2. Again, tier 2 is equivalent to a private pension program. In other words, we are only addressing how railroad retirement operates as a private pension plan. We are not making any changes to the part of the program that is largely equivalent to Social Security.

So where do things stand? At one point, the Railroad Retirement system was in deep trouble. Just like the Social Security system. In fact, in 1983, we had to permanently cut benefits and increase taxes, in order to get the system back on its financial feet.

But there's good news. Today, the Railroad Retirement system is fiscally strong. There's a surplus, of $19 billion.

On top of that, the most recent report by the Chief Actuary concludes that no cash-flow problems are expected to arise over next 75 years. In other words, the system is solvent. I'll say it again. The system is solvent. Over the short term, and over the long term.

That's good news.

Among other things, it gives us the opportunity to consider some basic improvements in the operation of the railroad retirement program. That's what this bill is all about.

After years of careful deliberations between railroad companies and railroad unions, the bill is designed to make two basic reforms.

First, the bill improves the investment returns of the Railroad Retirement Account. Currently, the taxes collected in the Railroad Retirement Account can only be invested in U.S. government securities. Actuarial projections assume an annual return of 6 percent on these investments.

This bill would allow a portion of the assets to be invested in a diversified investment portfolio that includes private-sector securities. In other words, the portion of assets attributable to private industry contributions could be invested in the same way that the assets of private sector retirement plans can be invested.

Over the long run, this would increase the rate of return on the investment of railroad retirement assets. I grant that this proposal may have

seemed like an even better idea a year or two ago, when the stock market was on a roll.

But that's short-sighted. As we all know, equity investments result in higher returns over the long term. In this case, the shift from Treasury bills to a mixed portfolio is estimated to increase the long term rate of return from six percent to eight percent.

That's not some pie-in-the sky projection. That's the estimate of the chief actuary, who is charged by law with making objective estimates of these matters.

In any event, I note that this provision would apply only to the portion of the program that is similar to a private pension plan, and that is funded entirely from industry sources.

That's the first change that we make. Over the long run, it will put the system in even better shape than it is today.

The second change is a needed adjustment in benefits and taxes. We have room to make these changes, because the system now is taking in significantly more in taxes than is necessary to pay current and projected benefits.

Let me describe each set of changes, in turn.

With respect to benefits, we reform survivor benefits, the retirement age, and vesting. With respect to survivor benefits, each month, about 700 new widows and widowers begin receiving Railroad Retirement survivor benefits. That's an average of one every hour, day and night. As it now stands, while a retired employee is alive, a couple receives a tier 2 benefit equal to 145 percent of the benefit for a single retiree. When the retiree dies, the spouse is left with a tier 2 benefit of only 50 percent of the retiree's benefit. That's a reduction of almost two-thirds.

Under the bill, the surviving spouse would receive a tier 2 benefit equal to the benefit received by a single retiree. As a result, we would avoid a drastic reduction in the income of the survivor.

Next, we lower the minimum retirement age, at which employees with 30 years of service are eligible for full tier 2 benefits, from age 62 to 60. This would return the age at which a railroad employee can retire with full benefits to what it was prior to 1984.

It also moves the railroad retirement system closer into line with many private sector pension plans, particularly those in hazardous or physically demanding occupations. Even with this change, many private plans will still have earlier retirement ages than the railroad retirement system.

Finally, we lower the vesting requirement for employees from 10 to 5 years. This aligns Railroad Retirement with current private industry pension practices.

Those are the reforms to railroad retirement benefits. We also address the taxes paid by railroad companies.

To put this in perspective, tier 1 and tier 2 benefits are funded primarily through payroll taxes on employers and employees. Taken together, the payroll tax rate is more than 36 percent. As a result, railroads and railroad workers pay disproportionate costs, compared to other industries, for retirement benefits. This, in turn, imposes a major financial burden and discourages employers from hiring new employees.

In the bill, we reduce the taxes on railroad employers, over three years, to bring them a little closer to comparable private pension plans and bring them more in line with the actuarial needs of the system.

Now, I understand that some have criticized the changes. They argue that the system will not be secure. Therefore, they continue, by improving benefits and reducing taxes, we reduce the overall surplus and increase the chances that the system will eventually go broke. There are two simple responses.

First, again, the system is solvent, over both the short and the long terms. We have a $19 billion surplus right now, and the chief actuary projects that the system will take in more than it pays out, under both current law and this bill, over the next 75 years.

But what if the projection is wrong? What if there are unforseen developments that increase benefit payments, reduce revenue, and drain away the surplus? Won't taxpayers, in effect, be left holding the bag?

No, they won't. Under the explicit terms of the bill, employer taxes will be automatically adjusted in the future so that always will they fully cover benefits. In effect, the taxpayers are not put at risk.

Pulling all of this together, we have a carefully balanced package that makes straightforward reforms. We allow the private portion of the fund to be invested the same way a private pension plan can be invested. We modernize benefits and we reduce taxes. We do this within the framework of a fully solvent system.

One final point. Some colleagues may question why we are seeking to take up the railroad bill as an amendment to a House bill. In the first place, the majority leader sought consent to discharge the House bill from the Senate Finance Committee. There was an objection. In the second place, we need to move quickly. Passage of this legislation is long overdue.

It has extraordinary support. Last Congress, the bill passed the House and was reported by the Senate Finance Committee. This Congress, the House bill received 384 votes. The Senate bill has 74 cosponsors.

In light of this overwhelming bipartisan support, railroad retirees across the country are wondering why we don't get our act together, pass this bill, and get it to the President. They are right. In fact, every time I return home to Montana—I was there just a couple of days ago—I am asked: When is the Senate going to take up the railroad retirement bill?

At this point, late in the session, there is only one good answer. Let's put all of the procedural maneuvering aside. Let's take up the bill. If Senators have serious amendments related to this bill, let's consider them. But let's vote. Let's do the people's business. They want us to work through these measures, take votes, and come up with the result, because that is what this process is all about. That is what people want.

I will have some further comments in response to arguments that have been made against the specific provisions of the bill as this debate goes on. But at this point, I urge my colleagues to support cloture so that we can debate this important bill. Let's get going. The 10,000 railroad employees, retirees, widows, and survivors in Montana, and tens of thousands more across the country, are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, you would think that in a proposal where you have had government bonds mandated as the basis for your retirement program—and, quite frankly, we have this in railroad retirement because railroad retirement has never been self-sustaining. It has received and does receive today huge Federal subsidies. You would think, taking $15 billion out of that trust fund and investing it in interest-earning assets, that the value of the trust fund would rise over time; wouldn't you? You have $15 billion you are going to invest. You are investing it right now in government bonds. They are really IOUs to the same people who are paying the interest. They are not even real assets. It is like an IOU that you put in one pocket and count it as an asset.

But in any case, you would think since they are assuming an 8 percent rate of return after inflation, that this wonderful idea—in fact, I will read the quote from the chief executive of the Association of American Railroads.

He says:

> What we hope to get out of it—That is this bill—is what any pension plan has, a more flexible approach to investment.

Who is against that? Who is against getting a higher rate of return?

But remarkably, almost unbelievably, if you grant that they are going to go from virtually a zero rate of return under the current program to 8 percent plus inflation, their own Railroad Retirement Board looks at the bill that is before us and concludes that in 17 years, after earning these interests payments, you have $15 billion less in the trust fund than you would have under the current system.

That is pretty startling. You are going to invest at interest, and you are going to have $15 billion less in 17 years than you would have without having any earnings whatsoever.

How is that possible? How it is possible that what we are about here is not investment but pilferage?

Let me outline how all of this came about. At least I can theorize how it came about.

Today, as a result of a bill we passed, when Social Security is going broke, we remarkably have $19.2 billion in the railroad retirement trust fund. If you calculated the present value of the liability of the railroad retirement trust fund, it would be huge as compared to $19.2 billion. Madam President, $19.2 billion is a lot of money, but it is not a lot of money to a system which has three retirees for every one worker.

We are worried about Social Security when we have 3.3 workers per retiree. In railroad retirement, you have one worker for every three retirees. This $19.2 billion is a fairly small amount of money given the liability of the system and when its financial security is very much in doubt. If that is the case—nobody disputes that it is the case—why are we taking $15 billion out of it over the next 17 years?

Let me tell you what I think has happened. I would have to say in my 24 years of debating issues such as this, this is the most remarkable one I have seen. I am sure there is something comparable, but it doesn't jump to my mind. Here is what I would say happened a couple of years ago.

The railroads are having tough times, similar to many other industries. They looked at this $19.2 billion, and they said: This is somebody else's money. This is the money that is supposed to at least partially back up the retirement program. But wouldn't it be great if we could have $7.5 billion of it? We would just like to pilfer $7.5 billion out of railroad retirement.

I am sure they hired some brilliant lobbyist lawyer and paid him several million dollars. He was worth every single penny of it.

Here is the idea they came up with which is embodied in this bill: The railroads went to the unions and said: We want to steal $7.5 billion out of your retirement program. Needless to say, I am sure the unions must have said: Are you crazy? They said: What about this? At the very moment when the retirement age for every other worker in America to get full Social Security benefits is rising from 65 to age 67 where you get the full benefit—a big jump this year—what we will do is lower the retirement age for railway workers at the same time it is being raised for everybody else. In fact, we will cut it from 62, which is already 3 full years below Social Security; we will reduce it to 60. We will add a handful of new benefits, and we will raise the maximum benefit we will give. The net result is that over the next 17 years we will get $7.5 billion, and we will give retirees $7.5 billion. We will take the $15 billion out of the railroad retirement program.

In fact, sure enough, the Railroad Retirement Board, in looking at this data over the next 17 years, despite ''investing'' their money, the trust fund will be $15 billion smaller 17 years from now than it would be under the current system.

I think you have a problem. They say: OK, we get $7.5 billion, you get $7.5 billion, but what about our retirement program? It is just too good to be true.

They said: Oh, it's not too good to be true. We will put the Federal taxpayer on the hook for the $15 billion. You get $7.5 billion and we get $7.5 billion, and the taxpayer will guarantee the money will be there.

Let me go over what the railroads get. Currently, for their tier 2 retirement—which is just part of the retirement; it is not essential that people understand that to understand what is happening—today, they are paying 16.1 percent of payroll into this retirement program.

They say: OK, look, next year, before any money is invested, before any returns could possibly be had, let's drop that from 16.1 percent to 14.75 percent. And then the next year, let's drop it from 14.75 to 14.2 percent. Then they say: If, in the future, when this $15 billion has been pilfered—they did not really say that; they just do it—if there is a problem, then you can raise the tax on railroads. But there is a cap on the amount you can raise it.

So who is taking on this liability? What makes this whole deal work? How this whole deal works is, basically, the unions get $7.5 billion, the railroads get $7.5 billion, the taxpayer assumes another $15 billion liability, and the trust fund actually goes down by $15 billion.

The final point was: Gosh, but how are you going to convince Congress of it? This is where it really gets brilliant. They said: OK, look, unions will get $7.5 billion, the railroads will get $7.5 billion, but what we will say is we are investing the money. Then Congress will say it is OK because they are investing the money. People are for investing the money. It makes good sense.

The bottom line is, we have before us a bill that basically says we have a trust fund which now has $19.2 billion in it and has a projection, over the next 25 years, as to where it will be in terms of how much in assets it will have, given the money coming in, being paid in by railroad workers, and the amount of benefits that are being paid.

Under the bill before us, because we are cutting taxes on railroads, even though the program has real actuarial solvency problems—no private pension fund in America could run a program like railroad retirement and not go to prison, but even though it has these problems, the bill before us, over 17 years, will take $15 billion out of the trust fund and will pay it out to the railroads and to the unions and to their members.

Over 25 years, it takes out $28.7 billion that would have been in the trust fund, that will not be, even though the trust fund, under the current system, is earning a very small rate of return. And they are assuming a 8-percent rate of return plus inflation.

I am sure people would look at these numbers and say it is not possible you could increase the rate of return severalfold and yet have the trust fund decline by $15 billion over 17 years. Yes, because the higher rate of return is really a smokescreen.

What is going on here is pilferage. What is going on here is we are giving the railroads $7.5 billion and we are giving railway workers $7.5 billion and we are putting the American taxpayer in harm's way. That is what this bill is about.

The House of Representatives passed it, and they passed it by a huge number. Why did it happen? How did it happen? It happened because the unions and the railroads are for it. You have a nice, catchy theme, ''investing in a higher rate of return.'' Nobody paid any attention to the details and, quite frankly, when business and labor get together, more often than not, society and the taxpayer are losers.

Paradoxically, these kinds of consensus measures are generally harmful, not helpful. The public may hate contention, but it is checks and balances that basically make for good government.

The House of Representatives passed this bill by a huge number because every railroad—last year, I must have had 50 lobbyists come to see me. I have a huge number of railroad retirees. I am blessed to have lots of railroads. I have one that runs right through the middle of my hometown with seven big-time trains a day. The lobbyists came to see me and said: Boy, you can help the railroads. You can help the railroad retirees. Everybody is better off.

In fact, I am sure that somebody would say: We can't refute the numbers. That $15 billion is coming out of the trust fund, but it is a victimless crime. Railroads are better off; unions are better off; they received $15 billion. But who is worse off? The taxpayer is worse off. That is who is worse off.

But in any case, all of these lobbyists, all this letter writing and e-mail converged on the House, and they passed this bill. It has now come to the Senate. It seems to me that we could stand to be reminded of what the Senate is supposed to do.

Some of you will remember the story that Jefferson had been in France when the Constitution was written. When he came back from France, he was suspicious of the Constitution. He met at Mount Vernon with George Washington. They were having tea. He was asking Washington what the Senate was for. He understood what the House of Representatives was for. But what was the Senate for?

So Washington, as many southerners, had this habit, which some people still have now with coffee that they had with tea, of pouring the tea into the saucer to let it cool, and then pouring it back into the cup and drinking it. Washington said, in a very famous story, the House of Representatives

will respond to the passions of the moment; they will respond to popular clamor. But the Senate will be as the saucer, where there will be a cooling of reason, and the result will be a stronger, more stable, more responsible government.

I understand that 74 people cosponsored this bill. I am not short on arithmetic. And I understand that, in the end, 51 Members in the Senate could pass a bill. Thank God we do have procedures where people who believe strongly can object and delay and cause debate. And I am going to do that. But I want to urge my colleagues, we can fix this bill. We can make this a good bill. I am totally supportive of letting railroad retirement invest the $15 billion.

I would like to build a firewall where the people who are doing the investing have fiduciary responsibility, where they cannot promote some social agenda with railroad retirement money and, indirectly, with the Government's money.

I would like to have some safety and soundness standards on the investment. Investing the money is one thing, but lowering the retirement age, expanding benefits, and cutting the taxes and the money going into the program is quite another thing.

My proposal is, let's take this bill, let's go to the Finance Committee—we have never held a hearing on it; we have never had a markup on it—let's go to the Finance Committee, and let's agree to a program to invest the money, and then let's set up an actuarial system where we will look at the benefits of the investment, and to the extent that the system becomes actuarially sound, then—and after we have the money in hand—we could lower taxes, and then we could look at benefits.

I do believe there is something innately unfair about raising the retirement age for 95 percent of the workers in America and cutting it for other people. How can that make any sense? How could any Member of the Senate go back to Iowa or Texas or Nevada and look their constituents in the face and say, we are getting ready to make you work 2 additional years to get full Social Security benefits, but we have lowered the retirement age from 62 to 60 for railroad retirement? How can you possibly justify that?

I have plenty of railroad towns in my State. I had a lot of them in my old district. I don't think I could sell this in Inez, TX, which is a big railroad town. I don't think I could sell, at the same period we are raising the retirement age from 65 to 67 on everybody else, that suddenly we are going to cut it from 62 to 60 for railroad retirees.

I am perfectly willing to support—I wanted to come over today and pledge—a bill that sets up the investment of the $15 billion with a firewall to keep politics out of the investment, assess actuarially where we are, let the Railroad Retirement Board assess it, and when it is clear that we have more money than we need, if, God willing, that ever happened, then we could lower taxes on the railroads; then we could raise benefits for the retirees. But should we not get the return first?

How can it make sense in this bill to lower the retirement age, expand benefits, and cut taxes before one penny is invested? How can that possibly make any sense? How can you spend money you don't have? How can it make any sense whatsoever to have a program that, to quote the representative of the American railroads who said, ''what we hope to get out of it is what any pension plan has, a more flexible approach to investment''? If that is all they want to get out of it—I assume he said this with a straight face—if that is all they want to get out of it, I am for that. In fact, I am very much in favor of investing pension funds. But should we let them take $15 billion out of the fund over and above the interest they would gain from the investment, and should we let them do it before they have earned a single penny?

I don't see how in the world you could justify being for this bill in its current form. I make a plea: I know 74 people have signed onto this bill. It is not the same bill they signed onto because this bill is now scored as raising the deficit by $15 billion. And there has been a new provision added. If you cosponsored this bill, you haven't cosponsored the bill that is before us because it has a special provision that says, while the deficit of the Federal Government under this bill goes up by $15 billion, we are going to pretend as if it doesn't.

It actually says to the Congressional Budget Office and to the Office of Management and Budget, we want you to certify something that is false. We want you to, in essence, look the other way, and even though you have scored this as costing $15 billion, we want you to certify that it doesn't cost $15 billion.

I believe most of the 73 people who cosponsored them did not understand it. They were for investing the money. Why not help workers; why not help the railroads? I don't think they understood the $15 billion of pilferage. But they didn't sign onto the bill that is before us because it has this provision that forces OMB and CBO by law to certify something that is not so.

My point is, we could do this right, even at this late hour. We could take this bill to the Finance Committee. We could set up an investment program. We could put an actuarial program into effect as we earn these investment returns in the future. We could look, as the system becomes stronger, at cutting taxes on railroads, giving benefits to workers. But under the current bill, we cut taxes before any money is ever invested. We raise benefits before any money is ever invested.

Despite the rate of return over 10 years, the value of the trust fund is $5 billion less than the current trust fund would be under the current system. Over 17 years, it is $15 billion less; over 25 years, it is $28.7 billion less. How do you earn more and have less? Pilferage, that is how you do it. That is our problem.

We have two choices. One, we can look the other way and respond to the political pressure coming from two powerful political interests—interests to which we are sympathetic. Who is hostile to railroad retirees? I am not. I can't justify having their retirement age 60 and Social Security 67. And theirs is already lower; it is already 62. We are going from 65 to 67, and they want to go down to 60. I can't justify that. But I am not hostile. I am not hostile to anybody who would want it. Who wouldn't want full benefits at 60?

The point is, much of this program is paid for by Social Security money. Why should people who work for one industry be treated differently than people who work for other industries? I don't understand it. I don't know how you justify it. I don't guess people want to justify it.

I am not unsympathetic to railroads. God knows, we want our railroads to be strong. We want to modernize our tracks. We want better equipment. I want railroads to make money. I want them to be successful. I have no hostility to them. We can't have a great and powerful economy without having successful railroads. But do we really want to pass a bill that pilfers $15 billion out of a pension fund and leaves the taxpayer liable for the great bulk of the $15 billion?

We can avoid it. We can write a responsible bill. We could do it very quickly. The way we would do it is invest the money but don't start giving it away until we earn it. Don't start raising benefits and lowering taxes until we have gotten the return. And don't cut taxes and raise benefits more than the return grows. Those are just sound, simple principles.

I want people to understand what is in this bill. It is true the railroads are for it. It is true the unions are for it. You might ask, well, if they can get together, if they think it is a good idea, isn't it a good idea? Well, when you read the fine print, why they are for it is they are dividing up $15 billion. Why I am against it is the taxpayer is becoming liable for the $15 billion.

My colleagues on the other side will point out there is a provision that would allow the tax on railroads to rise when the pension fund gets into trouble. But it caps the amount that they can rise. We are cutting the amount they are paying in right now. Doesn't somebody suspect that when the roof falls in on this retirement program the railroads are going to come up here and say: If you make us pay all this, we are not going to be able to invest in railroads; it is going to hurt the economy, so let the taxpayer pay it?

If what I am saying is not valid, I hope someone will stand up and say it is not valid. But if it is valid, I plead

with my colleagues, let's fix it. We can do what people say they want to do—invest the money. And we can do it responsibly. But the current bill before us is not good policy. It is obviously good politics, especially to people who signed onto an earlier version of it some months or years before.

To sum up, because I know other people are here who want to speak, we have a bill before us that is not the same bill people have cosponsored. As far as I am aware, no one is a cosponsor of the bill that is before us because the bill that was cosponsored by 74 of my colleagues did not have a provision in it that directs OMB and CBO to turn and look the other way and not score the $15 billion that would be scored as an increase in the deficit, some of which is coming out of the Social Security trust fund. No one signed onto that as a cosponsor. So it is not true to say that 74 people cosponsored this bill. They didn't. They cosponsored something close to it, but not to mandate that OMB, the Office of Management and Budget, and the Congressional Budget Office simply certify something they know is false.

We can fix the bill by investing the money first, and then when income is earned, we can have a formula or procedure for the distribution of the money. This bill distributes the money before any investment is made.

Finally, and most remarkably, even with the assumption that 8 percent is earned on the investment after inflation—and I am not disputing that you could not earn that today, I believe over the future that is a fairly conservative estimate. But even with that assumption, over 17 years, under the bill before us, the trust fund actually goes down by $15 billion compared to the current program. Over 25 years, it goes down by $28.7 billion. How do you get less by earning more? Pilferage. By simply taking the money out and giving half of it to labor and giving half of it to the railroads. That may be popular, but it is not good policy. It is not right. It puts the taxpayer on the hook, and I urge my colleagues to give us a chance to fix it.

Let us go to the Finance Committee, where we can debate these issues and report back in 2 or 3 days a bill, which I think we could do. We can pass it and we can be proud of it. As it is now, we are in a situation where we are going to have a cloture vote on Thursday. I assume that it will pass. This is a cloture vote to move to the bill. Then we are going to have a cloture vote on the bill. Then we will have a cloture vote on a substitute. And we are simply going to be in a process that may or may not produce a result in this year. It is not so important when we do this, but it is very important what we do and that we do it right. I just want people to know that I am willing to work to try to do it right. I hope someone will take me up on it. I am a member of the Finance Committee. We have the chairman and ranking member here in the Chamber. I would like for us to have a markup on this bill and discuss these issues and see if we can find a way to do this that will work better and that we can be proud of. I think we could, and I wanted to be on record saying that today.

I appreciate our distinguished floor leader for his patience. He is much beloved around here for that characteristic.

The PRESIDING OFFICER (Mr. REID). The Senator from Nevada is recognized.

NOMINATIONS

Mr. REID. Mr. President, it is easy to always listen to the statements of the Senator from Texas. I may not always agree with them, but I do a lot of the time. They are always articulate, well-reasoned. We have another year of listening to these statements, and he will go off and do something else. He will be missed not only by the people in the State of Texas but by those of us in the Senate.

Mr. President, the Las Vegas Sun newspaper, on Sunday, November 25, wrote a major editorial saying, ''Tough Talk, But Bereft of the Facts.''

The purpose of the editorial is to point out what a great job the chairman of the Judiciary Committee has done in the 6 months he has been chairman of the committee. Senator LEAHY has moved major legislation. In addition to that, the editorial goes on to report that he has been able to do many things with judges that haven't been done before, in spite of the fact his committee has been, in effect, under siege because of the September 11 events. Senator LEAHY has had to work on the terrorism legislation and many other pieces of legislation.

I ask unanimous consent that the Las Vegas Sun editorial entitled ''Tough Talk, But Bereft of the Facts'' be printed in the RECORD.

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

[From the Las Vegas Sun, Nov. 25, 2001]

TOUGH TALK, BUT BEREFT OF THE FACTS

Republicans are complaining that President Bush's nominees for federal judgeships haven't received a fair shake from the Democratic-controlled Senate. The Republicans say that Sen. Patrick Leahy, D–Vt., chairman of the Judiciary Committee, isn't holding hearings promptly and isn't taking votes fast enough on the nominations.

''It's purely partisan politics,'' Sen. Jon Kyl, R–Ariz., said two weeks ago. ''They don't want conservative judges on the court.'' Just over a week ago Vice President Dick Cheney chimed in as well. ''The deliberate slowing of the confirmation process is unworthy of the United States Senate and an injustice to the men and women whose names have been presented,'' Cheney said in a speech to Federalist Society, an ultra-conservative legal group.

Some serious accusations and harsh words from Republicans, but they simply don't stand up to the facts. As of mid-November in the first year of Bush's presidency, 17 of his nominees had been approved. At the same point in the first year of Clinton's presidency, the Senate had confirmed only eight judges. By mid-November of 1989, the first year of the elder Bush's presidency, only 10 judges had been confirmed by the Senate. So Leahy actually is ahead of the pace when comparing the Senate's speed in handling nominees from previous administrations' first year in office.

Leahy also has had to overcome obstacles not of his making. After Sen. Jim Jeffords left the Republican Party earlier this year and put the Democrats in control of the Senate, the Republicans tied up the reorganization process for a month, which meant that no hearings could take place on Bush's nominations. In addition, the Sept. 11 terrorist attacks delayed the process as the Judiciary Committee had to devote time to holding hearings on the administration's anti-terrorism legislation, which obviously took priority over judicial confirmation hearings. The anthrax mail scare also has taken its toll on all of Congress' operations, but even on Oct. 18, when all of the Senate office buildings were closed due to the investigation, the Judiciary Committee met in a borrowed room in the Capitol to approve four nominees. That day the committee also held a hearing on five of the nominees, including Reno lawyer Larry Hicks, who eventually was confirmed as a U.S. district judge in Nevada by the Senate earlier this month on an 83–0 vote.

Numbers supplied by the People for the American Way demonstrate that it is the Republicans, not the Democrats, who have engaged in excessive partisanship. In the six years that the Democrats were in the majority in the Senate, just 25 percent of Presidents Reagan and Bush's nominations were blocked. But later, in the six years that the Republicans were the majority in the Senate, 35 percent of President Clinton's nominees were blocked, a substantial increase. In 1998 Sen. Majority Leader Trent Lott had no qualms about the delays. ''Should we take our time on these federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already.''

Republicans have made a cold, brutal calculation to pack the judiciary with conservatives. So when a Democrat controls the White House, Republicans work overtime to derail the nominations. But when a Republican is in the White House, the GOP partisans kick and scream about perceived delays in an attempt to get the Democrats to back down on their opposition so that right-wing conservatives can push through as many of their ideological soul mates as possible.

President Bush is enjoying extraordinary high popularity right now, but that is no reason why the Democrats should roll over and let him appoint members to the federal judiciary who hold extreme views and aren't qualified. The Democrats should promptly, but carefully, weigh the nominees who, if confirmed, receive lifetime appointments.

UNANIMOUS CONSENT REQUEST—H.R. 3090

Mr. REID. Mr. President, during the past couple of days, there has been some talk about this railroad retirement bill and the reason people are not going to allow us to move forward with this is because it would return to the calendar this important stimulus legislation on which we are working. I have heard other statements that maybe the reason we are not going to move to it is because it should go to the Judiciary Committee and have hearings, or the Finance Committee.

I personally believe these are only excuses. We are having no votes today. We should get to this legislation. If

there is a problem with it, have them offer an amendment and debate it on the floor as to whether the amendment is in order. We have 74 or 75 cosponsors. It is important legislation not only to management but to labor, and it is not often that they agree on anything. They agree on this legislation. I think it is something that would improve this country.

So based upon that, on behalf of Senator DASCHLE, I ask unanimous consent the stimulus bill, H.R. 3090, recur as the pending business immediately upon the disposition of the railroad retirement bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, when I go to the shopping mall, I am already hearing Christmas carols. We are closing in on Christmas. If we get off into extraneous matters, we are not going to complete our business. We need to pass a stimulus package, the appropriations bills, and deal with the insurance problem we have with terrorism. On that basis, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

Mr. JOHNSON. Mr. President, very briefly, I want to share my thoughts on the urgency and the merit of the railroad retirement legislation. This is legislation that ought to be a slam dunk for this body. It is legislation which passed in the House by an overwhelming 384–33 vote—legislation sponsored and supported by three-quarters of the Senate.

We have an opportunity this afternoon to bring this bill up and to have adequate debate. I don't think it needs much greater debate. People who want to offer amendments could do so, and we could get this finished up after years of negotiation. This legislation has the support of both railroad management and labor and has broad-based, bipartisan support in both Chambers of Congress. There simply is no reason this bill cannot be expedited and taken care of today.

I am disappointed we are having as much resistance as we have. It appears to me that with the 74 sponsors we have in the Senate this is an opportune time to find out who, in fact, is really supportive and whose sponsorship is, in fact, not meaningful. We will have a vote on breaking the gridlock and bringing this legislation to the floor.

It is timely, meritorious, and it deals with a railroad retirement system that is solvent and will continue to be solvent to the end of the horizon for budget accounting. It is badly needed to update the survivor benefits. We all largely agree to that. I think it is a sad commentary that we can have that level of bipartisan support in both Chambers of Congress and still find ourselves being held up during these closing days by a few who, it would seem, are hopeful that this will somehow be discarded in the rush of closing legislation.

I think there is a time when the will of the majority needs to prevail, particularly when it is an overwhelming majority and when it is bipartisan in nature.

I cannot express my support for this legislation more strongly. We cannot wait for next year. This has been around for too long. It has been negotiated, painfully brought together over a course of years by management and labor, and it is time. Its time has come. There is no excuse for not passing this legislation this Congress and getting it to the President's desk for his signature. It will significantly enhance the quality of life and retirement prospects of thousands of Americans who are relying on us to do the responsible thing—the responsible thing in terms of retirement policy, the responsible thing in terms of budgeting. That is what this legislation does.

Again I urge my colleagues to join me in supporting every effort to break the gridlock, to bring this up for full and fair consideration and then final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST—H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to speak on the issue I brought before the body yesterday, which is what is taking place in Massachusetts and probably other places across the country, and that is human cloning.

I am seeking to get H.R. 2505, to ban human cloning, heard. It has already been passed by the House of Representatives with a 100-vote margin. If we cannot get a ban through, I would like to put forward a proposal which I presented to the leadership, to Senator DASCHLE, for a 6-month or even 3-month moratorium on human cloning until we have time for this body to consider the overall issue of human cloning.

To date, we have not been able to have a full vote taking place on this issue. We know that one company has developed two human clones, and they lived for a week. It is a matter of time before we see announcements—and we could see announcements anytime—about one being implanted into a woman. We have no rules or regulations dealing with this issue—none at all. We have far more rules and regulations dealing with endangered species and the bald eagle's egg than a human embryo being developed by cloning mechanisms.

This is being banned around the world, and yet it is happening here. Look at the front cover of Newsweek. I held up this magazine, U.S. News & World Report, yesterday: ''The First Human Clone.'' In Europe, the French and Germans have banned human cloning altogether. The Brits have taken up the issue. It is in the courts in Britain, and it is in front of the United Nations. Yet it is happening in the United States.

I know my colleagues may grow weary, but I think it is an urgent time for humanity and we should take this up, imposing a moratorium for 3 months, 6 months. I was talking yesterday about a 6-month moratorium. Even 3 months would get us to a time next year when we could fully debate the issue, the body could speak on it, and get a result. It is happening now.

I will continue to plead with the leadership to allow us to bring it up before the Senate. Let us limit the amount of time in the debate. We can limit it to an hour if people want. We can have a vote on it so we can get this to conference with the House of Representatives and so the President can sign the legislation.

Other people see fit to bring up other legislation. I respect their right to do that. I believe as a society this is one of the most urgent matters we can address at this point in time. I wish we could put it off. I wish we did not have private companies creating human embryos, something which we would not allow with a bald eagle or any endangered species, or with livestock. This is treating humans as livestock.

People can say I have different viewpoints about the status of a human embryo. I think everybody will agree it has some moral significance, the thought they would treat a human embryo as livestock, without regard for it. And this body is sitting here saying: We are not ready to take it up. I can respect that because this is an issue which will require lengthy debate. The issue of whether we should have a moratorium is important.

Mr. President, I renew the request I put forward yesterday, that we bring up H.R. 2505, a bill to ban human cloning, that has passed the House of Representatives. I ask unanimous consent that the Senate proceed to that legislation.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, as I stated yesterday, no one can question in good conscience the sincerity of the Senator from Kansas in his attempt to do what he believes is so correct.

We had a Democratic policy luncheon today on this subject. We had three eminent scientists, two of whom are in favor of going forward, another who is totally opposed.

I am not for human cloning. Therapeutic cloning is something we need to take a close look at. There is great potential for solving the questions scientists have had for generations about Parkinson's, Alzheimer's, and diabetes. I would never attempt to get into a public debate with the Senator from Kansas on the technicalities of this issue. I know he has worked hard on it. Nor would I attempt to get into a debate with Dr. Frist, Senator HARKIN, or Senator SPECTER, who have spent so much time on this.

This is an issue on which we need to spend some time. I do not think it is as easy as the Senator from Kansas has indicated, to simply put a moratorium

on it. As I said yesterday, there are people who have contacted me who believe a moratorium of any kind would be a setback to the medical movement to cure some of these diseases.

I respectfully suggest to my friend, the distinguished Senator from Kansas, there are other places in the world that are going to be doing this research. They may not have the refinement that we in the United States have, but there are certainly countries that are very close.

For all these reasons and others, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I respect my colleague from Nevada and his views. We have had several dialogs on the floor about this. I respect his thoughts and his comments. I am glad to hear about the review of this issue in the Democratic caucus.

I have a very strong sense that we should be pausing at this point in time, and that is why I respectfully continue to bring this forward. This is one of those times in humanity when we ought to be stepping back and thinking this through clearly and we will come out with a decision. Fine. We will let the body work its will. I am very troubled about this bill proceeding forward with private sector individuals, probably with all the best of intentions, but the only regulation they have is their own bioethical board, which they hire and put in place, deciding these issues for humanity.

Once they are out there, they are there. It would be the same as if we allowed biotechnology of a fish, a chicken, or a cow without any regulation or consideration, just saying we are going to release it and have it out in the wild. I think people would be very uncomfortable with that notion. Even if this might be the most wonderful thing in the world to do, they would want us to think about it.

I deeply respect the Senator from Nevada and his views on this issue of human cloning, but this is a troubling time for humanity. We ought to hit the pause button.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to address some of the remarks made by my good friend from Texas, Senator GRAMM, with respect to railroad retirement. He is a great speaker. He uses words well, and I respect what he said.

I think it is important to bring this issue down to its basics, to the essence of what this bill is, and what this bill is not. I will attempt to address that, and then in a few minutes I will answer some of the specific points the Senator made.

Essentially, the situation is this: We have a railroad retirement system that pays benefits to railroad retirees and their widows. The amount of dollars in the railroad retirement trust fund is accumulating at a very rapid rate. I think it is about $19 billion now. Over time, if the law does not change, the trust fund balance is going to keep rising to a very high level. I think over the next 15 years it will be $32 billion. That is what the actuaries predict. That is not a politician. That is not a railroader. That is not a railroad executive making that projection. That is what our Federal actuaries project.

Why is that? Why is that balance projected to go up to such a high level? Well, it is pretty simple. The reason is because the taxes the employers and the employees of the railroad pay are so high. The taxes are 21 percent total: 4.9 percent paid by the employees, and the balance paid by the employers. Now that is in addition to the 15 percent tax which is similar to Social Security payroll taxes.

I think it totals out to about 36 percent total taxes paid by the employers and employees of the railroad industry. Some goes to Social Security, but I am talking about tier 2. Tier 2 is the private pension part of the railroad retirement.

The tier 2 trust fund balance is going up at such a rapid rate because the benefits paid to widows is so meager, so paltry. It is an embarrassment. It is a tragedy. It is also going up at a rapid rate because railroaders must retire at a later age to get the full vesting.

So this bill is very simple. It says take some of that money that is in the trust fund and invest it in private securities. Lower the taxes the railroaders pay into that trust fund while, at the same time, increase the benefits so a widower would not receive only 50 percent of what a single retiree would receive, but rather 100 percent of what a single retiree would receive, and lower the retirement age to 60.

There are many industries where the retirement age actually is lower than 60, particularly in industries where the work is so demanding and the work is so physical. It only makes sense to have this retirement age at 60, which is comparable with the work that railroaders do.

The Senator from Texas makes the point that this is pilfering. He likes that word, ''pilfer.'' He says by reducing the taxes railroaders pay under the trust fund and by increasing the benefits that would be paid, which lowers the trust fund balance by $15 billion over 17 years, that is pilfering. Then he goes on to say: Who is going to pay for the pilfering? He says the American taxpayer will.

It is very clear, the trust fund balance is being lowered because it is too high. It is because too many dollars are going into it. The taxes are very burdensome to the companies and to the employees. That is why the trust fund balance is at such a high level. The actuaries at OMB and CBO agree with this. The actuaries say when this bill passes, when this bill becomes law, there will be more than enough money in the trust fund to make it actuarially sound for the next 75 years. That is not my judgment. That is the chief actuary's assessment, confirmed by CBO. So there is no pilfering. Taxpayers will not have to pay more. There is also a provision in this bill which says if by chance the projections are wrong, if by chance the actuaries are wrong, if by chance there is not enough money in the railroad retirement tier 2 trust fund, the taxes that are scheduled to come down under this bill will automatically go back up to their current level, if needed. That is in the law. The taxes which are to go up are those paid by the railroaders; not by other taxpayers, not by the rail employees, but by the railroad companies. The railroad companies and railroad workers agreed to this while developing the legislation. The railroad companies and the railroad employees want this bill. The railroad companies want it because, obviously, it looks like lower taxes at first, and it will probably always be lower taxes, but if it is not, they agree to let the taxes go back up. Clearly, the employees want it because the benefits are better.

In addition, even if the projections are wrong, the taxes will go back up again and the railroad companies say that is fine. Now, why would they agree to that? Because there is another provision in this bill that says that in the private pension part of railroad retirement, that is tier 2, the investments do not have to be government securities. The railroad retirement investment board—it has a fiduciary duty to the railroad retirement system—could invest those securities in private securities, under a diversified mix, which is exactly what every other company pension plan allows and what trustees of company pension plans do in the private sector.

This bill says what is good for most of the private sector ought to be at least as good for the railroad industry. Again, the actuaries say both under current law and under this bill, the fund will be solid for the next 75 years.

There has been some confusion between Social Security, which is tier 1, and the private pension plan, which is tier 2. The argument has been made: Why lower the retirement age to 60 from 62, when the Social Security retirement age is increasing?

The answer is, we are doing the same thing as is the case in the private sector. In the private sector, people pay Social Security. They may also pay into their company pension plan and/or their employer pays into the plan on their behalf. In many industries, the retirement age for the company pension is lower than 65. It can be lower than 62.

Seventy-four percent of the eighty-five retirement plans studied by the Retirement Research Committee in the State of Wisconsin contain a similar provision that allowed for retirement with full benefits after achieving a certain number of service years. In fact, 30 years of service and reaching age 55—

not age 60—was the most common structure for retirement with full benefits.

So how does the legislation make this adjustment? Social Security's retirement age is rising to 67, and the private pension plan part of railroad retirement is lowering the retirement age to 60. How do you mesh the two?

In this bill, early retirement is handled the same way as in the private sector. How is that? It is called a ''social security'' bridge. In the private sector, additional benefits from the private pension plan may supplement the standard pension benefits until the beneficiary is eligible for their Social Security benefit. That is what the railroad retirement reform legislation does for railroad retirement.

Tier 2 benefits provide the bridge. Tier 2 provides additional benefits to the railroad retiree so he or she can retire at age 60 instead of 62. The tier 1 portion of railroad retirement, which is similar to Social Security, is not touched. The Social Security system is not changed at all. The railroad retirement reform legislation does nothing to Social Security. Rather, the additional dollars come over from the private pension part, tier 2.

Over the years, the Congress has not been fair to railroad retirement. Some railroad retirees could draw pensions from both Social Security and railroad retirement, a ''dual benefit,'' and the railroad retirement fund got stuck paying the cost of this extra entitlement. It was such a problem that Congress, in 1974, eliminated dual benefits for new retirees and agreed to pay for the post-1974 cost for all grand fathered employees.

Guess what. Congress never reimbursed the railroad retirement fund for the $3.5 billion that had been paid out to dual entitlement beneficiaries before 1974. Had this reimbursement been made in full in 1974, the railroad retirement fund would have more than $31 billion in additional funds today.

If you add it together, there is no pilfering or theft. We are making railroad retirement essentially the same as the private sector. It is actuarially sound. CBO agrees it is sound for the next 75 years. If we are wrong, there will be a scheduled tax increase, which the companies agree to. They say that is fine. The statement has been made that they may change their minds and will not accept the tax increase. That is possible. But the burden is on the Congress to undue this. The scheduled tax increase, if there is one, is in this bill and will be in the law. Again, the railroad companies agree.

A final point that needs to be addressed is the scoring issue. The House of Representatives directed the scoring of this legislation to be not $15 billion, but zero. The reason is today the railroad retirement tier 2 has assets. They are Government securities as required by current law. For years, the usual rule of thumb under OMB scoring: When the Government purchases an asset, it is scored as an outlay. In this case, when converting the federal treasury securities to private sector securities, OMB also scores this an outlay because it would be purchasing a private asset.

This is a grey area. There is no bright-line test. The railroad retirement system will still own the same amount of securities, although it will be a mix of government securities and private sector securities. Is the railroad retirement system less better off? Is the purchase of private sector securities an outlay or not? Because of the rules, it is called an outlay, so it is technically a $15 billion cost. But that is 1 year and does not affect future years.

The question is: should the rule we have had on scorekeeping be applicable in all cases, including this one, or not? That is clearly a judgment call for the Senate. My view is that it is something we should debate and make a decision about. However, I do not think that this scoring issue alone should stop Congress from passing railroad retirement reform this year. Regardless of how it is scored, the legislation reforms the system in a way that is actuarially sound and does not pilfer one thin dime from the taxpayers. This carefully balanced legislation has been developed over several years. The bill has twice passed the House by a large margin and the Senate bill currently has 74 cosponsors. It is time to act.

If any Senator has any amendment to offer, now is the time. We are debating whether to go to the bill. That takes a lot of time, and we don't have a lot of time left before we adjourn. Rather than preventing the offering of amendments, I urge my colleagues, if they have problems with the bill—offer amendments of their own. We can debate, count the votes, and proceed. That is far, far better than trying to stop this bill with the parliamentary maneuvers, claiming we can go back to the Finance Committee and rewrite this bill. There is not a lot of time left. This bill has been worked on for a long time. Going back to the Finance Committee will not help.

Let me correct myself. The $3.5 billion I mentioned earlier as a consequence of changing the dual-benefit system was for years before 1974 and for pre-1974 retirees. For years after 1974, general revenues reimbursed tier 2. That was, again, the consequence of a mistake Congress made in earlier years by mandating dual benefits. So in 1974, Congress had to put money in the system to correct the mistake made earlier.

We are now asking ourselves, given where we are today, what makes the most sense. I submit this bill makes the most sense. It is not perfect, but it is certainly very good. If Senators want to make changes, I urge them to offer amendments.

I yield the floor.

Mr. THOMAS. What is the rationale for combining Social Security and a private annuity program?

Mr. BAUCUS. This is not a Social Security private annuity program.

Mr. THOMAS. These people don't have Social Security other than what is here.

Mr. BAUCUS. They pay Social Security-like taxes and receive benefits similar to Social Security, both employees and employers.

Mr. THOMAS. But if this happens, you will start getting Social Security benefits at age 60?

Mr. BAUCUS. If this happens, you get tier 2 benefits at age 60. Part of that may eventually be like Social Security, but only the Social Security benefit allowed under current law. We don't change any law regarding tier 1, which is similar to Social Security. The additional benefit for early retirement is paid with additional funds from tier 2.

Mr. THOMAS. You won't be eligible until you are 67; why are they eligible at 60?

Mr. BAUCUS. That is the practice in the private sector with private pensions.

Mr. THOMAS. But this is Social Security, not the private sector.

Mr. BAUCUS. For those who do not have pension plans, and many Americans do not have any pension retirement benefits, what you say is true. But many Americans do have private pension plans where they receive retirement income in addition to Social Security.

Mr. THOMAS. That is not my question.

Mr. BAUCUS. Let me explain.

So in that case, whereas the Social Security retirement age is 65 and scheduled to go up over time, those same people who work for a company, or did work for a company and have retirement benefits under their pension plan, receive earlier benefits and more benefits when the pension plan so provides.

Is the Senator asking, what is the interchange between Social Security and the private pension plan? In the private sector, when a retirement plan provides for an earlier retirement age than age 65, a person receives benefits provided by the private pension. For the benefits the person does not receive from Social Security, those benefits are also paid for by the private pension part of the plan. That is what the railroad retirement reform legislation provides for railroad workers.

Mr. THOMAS. So in this program, if you start to get benefits at 60, they would be tier 2 benefits, and none of the Social Security would commence until you were 65?

Mr. BAUCUS. That is correct.

Mr. THOMAS. Then is there any specific language that says that the taxpayers will never have to pick up part of this tier 2?

Mr. BAUCUS. The language is, if the parameters for the trust fund are enacted—we are only talking tier 2—if they are enacted, the scheduled reductions in taxes that the railroad companies pay would have to go back up if

the trust fund investments are not performing well.

If, on the other hand, the economy is doing so well that the taxes can go down, under this bill both employee and employer taxes will be reduced.

Mr. THOMAS. But under the private annuity programs, they can't fall back on the Government. They are private. This is a mixture, and it is sort of confusing for most of us.

The Social Security, of course, has supplemented this substantially, largely because there are three beneficiaries to every earner, I understand.

Mr. BAUCUS. No, no, not substantially.

Mr. THOMAS. It is $30 billion.

Mr. BAUCUS. My colleague is pointing out the differences between Social Security and the railroad retirement. Under Social Security there are three or four employees for every retiree, and it is the opposite with the railroad retirement system.

Mr. THOMAS. It is the opposite. I understand.

I thank the Senator. I would love to see them do whatever they would like. They can do the best they can. But I think a lot of people are anxious, as you look at these other charts—I am sorry I can't tell you who proposed this chart, but it shows over time the contributions would have to go up substantially and the trust fund goes down substantially over a period of time. If that happens, I guess I am just concerned so the taxpayers are not going to be asked to fill that gap.

Mr. BAUCUS. If I may respond to that chart, if the current law is not changed, the tier 2 balances will keep rising from the current $15 billion, $16 billion, up to $20 billion, $27 billion; it will just keep going up, according to actuaries.

Under the reform proposal, the railroad retirement account balance comes down, but there is a provision written in this bill which says there must be a certain level of reserves maintained in the tier 2 portion. The actuaries certify the investment and tax changes in the railroad retirement legislation will produce a system that achieves solvency over the next 75 years. CBO has looked at it, and they agree.

The reason it is coming down is that so much excess payroll taxes have been paid in, the balances have been going up more than they need to. They are coming down because taxes are going to be reduced a little—I assume the Senator from Wyoming likes lower taxes; this Senator certainly does—and also because the benefits are increased to conform with the modern era and with other industries.

One example is retirement age. This is tough work, that of a railroad worker. In industries where there is physical danger and demanding physical work, the age to retire with full benefits is usually earlier than age 65. The reform legislation makes that change for railroad retirement.

Mr. THOMAS. Wouldn't it be simpler over time if you just separated Social Security from a private retirement annuity program? Then you would have the same Social Security benefits as everyone else, and then you could add to it in the private sector and do whatever you chose.

Mr. BAUCUS. That is an idea. The trouble is now, given where we are today, it would require too much money to make the switch. It is our judgment now that we need this legislation. It is $40 billion, frankly. We would need 40 billion extra dollars, and I don't think we have 40 billion extra dollars.

Mr. THOMAS. We are dealing differently with a relatively small segment of folks here than we do with others.

Mr. BAUCUS. What do you have in mind? Like what?

Mr. THOMAS. Pardon?

Mr. BAUCUS. What others?

Mr. THOMAS. You and me and the gentleman who is giving you all the answers there. He doesn't get Social Security until he reaches 65.

Mr. BAUCUS. You did raise a good issue. We have to somehow modernize retirement in this country. We have a patchwork system; but we have to somehow work with it.

Mr. THOMAS. I appreciate the Senator's answers.

Mr. BAUCUS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for 20 minutes as in morning business.

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

The Senator from Alaska is recognized.

AN ENERGY BILL

Mr. MURKOWSKI. Mr. President, I rise on behalf of a significant group of Americans who feel that an energy bill should be a priority for this Congress. That has been expressed uniformly by many organizations. We have heard from organized labor. For example, we have heard from America's veterans, and we have heard from America's Hispanic community. They suggest that an energy bill is way overdue. For the record, I will have a list of many of the organizations that participated in the debate, expressing themselves on the issue through statements and press conferences and so forth.

It is important to recognize the current stalemate. It is my understanding that the current pending business is the stimulus bill. Nevertheless, we are being asked to set the stimulus bill aside and move to the railroad retirement bill. In context with this, I will refer to some comments that the majority leader made today with regard to the energy bill coming before this body.

The statement came out of the majority leader's press office, indicating that the Republicans have two basic points: One, that energy should be debated this year and, two, that bringing it up in January will not allow the ANWR issue to be debated in the way they would like; therefore, they feel that the majority leader is being unfair.

The majority leader, Senator DASCHLE, responded. He indicated:

> First of all, I guess I would invite them

Meaning the Republicans—

> to tell me when before Christmas that they want to bring up the energy bill. Why don't you ask them? Is it the 23rd, the 24th of December, because that is about the time we will finish all the other things we've got to do. If they want to bring it up between Christmas and New Year's, I would be happy to entertain that possibility as well.

Well, I don't want to be the Grinch that stole Christmas, but if I have to be, I will. If we have to be here on December 23 or Christmas Eve to pass an energy bill, so be it. We have procedural options. One person can object to a motion to take up legislation. I am prepared to do that. This is no threat. This is a reality. We have fooled around with this issue long enough.

The majority leader has indicated to his members that he will respond to their wishes and ensure we don't take the energy bill up and ensure that we don't have a vote.

The majority leader further said:

> Ask them what days in particular they have in mind in this energy debate.

And then he goes on to say:

> With regard to ANWR, what I am simply suggesting is that the Senate work its will.

Well, I am, too. The majority leader has a vote. I have a vote. We have debated this issue extensively. We passed a bill out of the Senate Energy Committee when I was still chairman. That was early this year. We have had hearings on it. But let's look at fairness. What has happened is tactics that I am very surprised the majority leader and some of my friends from the other side of the aisle would support.

As the current ranking member and former chairman of the Energy Committee, even in a minority position, I resent the fact that the majority leader has directed the chairman of the Energy Committee, the Senator from New Mexico, not to take up any matters in committee in a business session that would give us the chance to report out an energy bill, an energy bill that would, of course, contain the ANWR issue.

As a consequence, for the last 3 months, we have not had a business session. Now they are proposing to try and leverage that. They are saying: We have four or five nominees pending. The majority on the committee has indicated that they will give us a hearing

on the nominees and agree to a business session for reporting them out only—only—if the minority ensures that nothing will come up in an energy bill associated with ANWR.

What are they afraid of? What is wrong with the committee process? The majority leader has simply taken away the authority from the authorizing committee. As a consequence, we can't even take the energy bill up in the Energy Committee.

Let me revert a little bit to something that happened in 1995. We passed an ANWR bill. It was in the omnibus package. It was vetoed by President Clinton. What were the concerns at the time? At that time, we were about 56 percent dependent on imported oil. We were also concerned about our increased dependence on Iraq because, obviously, Saddam Hussein had been up to no good since the Persian Gulf War. The same arguments occurred at that time that are being used today. However, in 1995 we didn't quite have the litany from certain Senators, because since that time the extreme environmental community has put the pressure on those Senators.

We have had a close Presidential election. There is a great movement on the other side to try and have Members with Presidential aspirations line themselves up to try and pick up the base support that Al Gore had. That is the raw politics in this. That is where the pressure is coming from.

We have Senators from Massachusetts who are opposed to opening ANWR. I think we probably have enough oil in ANWR to keep Massachusetts going for about 85 years. That is what it would mean to Massachusetts.

In any event, it is a significant amount of oil. But the point I make is that had the President not vetoed that bill in 1995, we would have ANWR opened by now. We would have the oil flowing. What may not have happened was the drowning of two U.S. Navy sailors the other day in the line of duty boarding a rust bucket tanker out of a port in Iraq to inspect and see whether Saddam Hussein is cheating.

They found he was cheating, alright. The vessel was overloaded. It had illegal oil going out, smuggled out of Iraq, smuggled out over the eyes of the U.N. inspectors. We are importing over one million barrels a day from Iraq.

Now, I will revert to July 25, 2001. At that time I proposed an amendment. The amendment was on the Iran-Libya sanctions bill. I was questioning why Iraq was not included in these sanctions. In response, the Democratic leader, Mr. DASCHLE, indicated that he was sensitive to my point of view.

As a consequence, we entered into a colloquy. That colloquy specifically addressed an opportunity for an up-or-down vote on the issue of eliminating oil imports from Iraq, as we have done in Iran and Libya in the sanctions act which was passed by this body.

I will read from the RECORD the statement of the leadership: I ask unanimous consent after the vote on the Libya sanctions that there be a time limitation of 60 minutes—of 60 minutes, think about that, 60 minutes—for debate on the bill equally divided and controlled between the chairman and ranking member or their designees and that the only first-degree amendments in order to the bill be a Murkowski amendment regarding Iraq's oil; and that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator MURKOWSKI, 30 minutes under the control of the chairman and ranking member or their designees; that upon the use or yielding back of the time on the amendment the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action.

This is directed to the majority leader. I am going to take him up on his offer. Let's do it. Let's do it now. There is only 90 minutes in the agreement. Don't we have 90 minutes around here? We have 90 minutes right now. Should we debate Iraq on this floor? It is pretty obvious we have reason to. We just lost two American lives defending, if you will, the U.N.'s proposal to ensure that Saddam Hussein isn't cheating.

What are we going to do after Afghanistan? We don't know, but we certainly know there is some significant momentum to look at Saddam Hussein's role in terrorism. How in good conscience can a Member of this body go to sleep at night, recognizing we are importing over one million barrels of oil from Iraq, and recognizing we have just lost two American lives that, had President Clinton allowed this bill to pass in 1995, would not have been lost?

On September 11, we had the largest single importation of Iraq, over one million barrels—1.1 million barrels. Whose passports were involved in the tragic action that took place in September? Saudi Arabia. We have a problem over there. Every Member of this body should recognize the significance of it. The voice is loud, the voice is clear: Reduce our dependence.

How do you do it? You don't do it overnight. But you start. I am somewhat amused at the remarks made by my colleague from Massachusetts after a statement I made in the Chamber yesterday. His remarks were very brief, but I will make reference to them. He says:

> What is really interesting about the debate on the Arctic wildlife refuge is that not a drop of oil is going to come in the near term and answer any of the immediate needs of national security with respect to dependence.

That is a pretty weak statement. When do you start? Do you start when you have a crisis, a calamity, when you have American soldiers and sailors whose lives are at stake, or when some have already lost their lives?

The Senator from Massachusetts—as I indicated, ANWR probably has oil that would supply Massachusetts for 85 years. Moreover, he says:

> We love the 90 percent of the oil shelf that is available for drilling.

Of course, the junior Senator from Massachusetts has never been up there in ANWR. He doesn't know one side of ANWR from the other. Here is a chart. Do you know what size ANWR is? It is about 30 times the size of Rhode Island. There it is—19 million acres. It is a big hunk of U.S. real estate. Eight and a half million acres are in wilderness in perpetuity; 9 million are in refuge, leaving the Coastal Plain 1½ million acres.

H.R. 4, the House bill, provides for a footprint of 2,000 acres. At a press conference before Thanksgiving we had many Members who had agreed to supporting the opening of ANWR, including an energy bill. The other side had a press conference with Robert Redford. He was proclaiming that somehow opening ANWR would do irreparable damage. But the House authorizes only 2,000 acres. Do you know how big Robert Redford's ranch is in Utah? It is more than 5,000 acres. He has every right to have that ranch and do what he wants on it. But to come here and suggest that the people who live in Kaktovic, can't address the ownership on their own land is absolutely incomprehensible to me.

Here is a photo of the village of Kaktovic. Real people live there. They have title to 95,000 acres of land there. They can't drill on that land for gas to heat their homes because there is no authorization opening ANWR. Here is the area in question. This is the 1002 area. This is the native land—95,000 acres.

I am asking the majority leader to reconsider this. The Senator from Massachusetts suggests there is no difference in the outcome, whether the debate takes place in December, or in January, or whenever. We don't have any commitment from the majority leader. He talks about next year. Well, I am asking him for a vote, as he promised, on terminating our importation of oil from Iraq.

I want to read the specifics that were in this agreement, which binds the majority leader of the Senate. I indicated:

> Reserving the right to object, Mr. President . . . It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

The leader replied:

> If I may respond, Senator MURKOWSKI has reiterated the understanding we have on both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide

him with a vote in relation to that amendment when that time comes.

I said:

Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference ''in relation to.'' I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Senator DASCHLE responded:

I will have no objection to an up-or-down vote.

Mr. President, let's start the 90 minutes, let's vote on it. This isn't going to take long, until Christmas Eve. We will be resolving something here that badly needs resolving—the inconsistency of increased dependence on an enemy. How that fails to cause anybody an ulcer is beyond me. Over one million barrels a day coming into this country, and we are paying Saddam Hussein for it. Saddam Hussein takes the money, pays it to the Republican Guards to keep them alive, and develops a missile capability because we haven't had any inspectors over there for several years, a missile capability, a biological capability. Who does he aim it at? Our ally, Israel. That is the reality, and we take his oil. We put it in our airplanes and take out his targets. We put the lives of American men and women at risk.

Those on the other side of the aisle who believe otherwise about this issue, if we have a catastrophe over there, will rue the day. They will probably put a spin on it. But this is inconsistent, it is un-American and it is contrary to the national interests to not act on an energy bill.

Make no mistake about it, by my presence on the floor today, I am putting the majority leader on notice that I want him to live up to the commitment he made to me that we would have an up-or-down vote on the issue of Iraqi oil importation into this country, and I will follow that up with a formal letter to the majority leader as well.

Can TOM DASCHLE be the only one who is right and everybody else is wrong?

Mr. President, I see no other Senator seeking recognition, so I ask the clerk how much time I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining. Would the Senator like additional time?

Mr. MURKOWSKI. I request an additional 20 minutes, Mr. President. I will be able to yield some of that time back.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I do not know how much politics is mixed up from the standpoint of this being a win or a loss for the President. It is a win or a loss for the American people. The President has indicated on five occasions that he wants an energy bill—it has been publicized at great length—including that he wants to open ANWR.

We have heard from the Secretary of the Interior, Gale Norton, saying how important it is, how we can open up this area safely.

We heard from the Secretary of Energy, Spence Abraham, about how important it is from the standpoint of our energy security.

We have heard from the Secretary of Veterans Affairs, Tony Principi, about sending more Americans to fight a war over oil on foreign lands.

We have heard from our Secretary of Labor, Elaine Chao.

We have heard from America's veterans. We have heard from the American Legion, Veterans of Foreign Wars, the AMVETS, the Catholic War Veterans of America, the Vietnam Veterans Institute, and the Veterans of Foreign Wars.

We have heard from organized labor: The Brotherhood of Teamsters, the Maritime Labor Union, the Seafarers Union, the Operating Engineers Union, the Plumbers and Pipefitters Union, and the Carpenters, Joiners, and Builders Union.

Why are these groups interested in this issue? Organized labor is interested in jobs. Talk about the stimulus of opening up this area—and I have an additional chart that shows what we are opening, 1.5 million acres for exploration and development, but the development is 2,000 acres—it means jobs for Americans, at least 250,000 direct jobs. The Federal Government would realize almost $3 billion in revenue from lease sales of this area because this is Federal land. That would meet our obligations for environmental oversight, for fish and wildlife management, and it could offset some of the deficit, perhaps the cost of this war, to some extent. It is very meaningful.

We would have two major contributors to the stimulus bill: 250,000 jobs, and approximately $3 billion in revenue.

The bottom line is it would not cost this country one red cent. The taxpayers would not have to pay for it. The oil industry would bid on the leases, and the Federal Government would generate the revenue.

We have organized labor saying it is a jobs issue. America's veterans are saying:

Keeping in mind the events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority.

They sent that letter to TOM DASCHLE. These are the people we sent off to war in the past. I ask unanimous consent that the remarks of these organizations be printed in the RECORD as part of my presentation.

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

GROUPS THAT SUPPORT AN ENERGY POLICY FOR AMERICA

PRESIDENT BUSH'S ADMINISTRATION

Secretary of Interior Gale Norton: ''We need the energy, we need the jobs, we need a comprehensive energy bill from the Senate. This plan increases our energy independence and therefore our national security.''

Secretary of Energy Spencer Abraham: ''We need an energy-security policy and we need it soon.''

Secretary of Veteran's Affairs Anthony Principi: ''We are engaged in mortal combat with an enemy who wants to see us fail in securing an energy policy.''

Secretary of Labor Elaine Chao: ''The president's plan will create literally thousands of new jobs that will be needed to dramatically expand America's capacity for energy production.''

AMERICA'S VETERANS

The American Legion: ''The development of America's domestic energy resources is vital to our national security.''—Letter to Senator Daschle.

Veterans of Foreign Wars: ''Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority.''—Letter to Senator Daschle.

AMVETS: ''As you know, our current reliance on foreign oil leaves the Untied States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf . . . [We] firmly believe that we cannot wait for the next crisis before we act.''—Letter to Senator Daschle.

Vietnam Veterans Institute: ''War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During these times of crises, such reliance threatens our national security and economic well being . . . . It is important that we develop domestic sources of oil.''—Letter to Senator Daschle.

Catholic War Veterans of America: Participated in press conference.

ORGANIZED LABOR

Seafarer's International Union: ''At a time when the economy is faltering, working men and women all over the country would clearly benefit from the much-needed investment in energy development, storage, and transmission.''—Terry Turner, Executive Director.

International Brotherhood of Teamsters: ''America has gone too long without a solid energy plan. When energy costs rise, working families are the first to feel the pinch. The Senate should follow the example passed by the House and ease their burden by sending the President supply-based energy legislation to sign.''—Jerry Hood, Teamsters Special Assistant for Energy Policy.

Maritime Laborers Union: Participated in press conference.

Operating Engineers Union: Participated in press conference.

Plumbers and Pipefitters Union: Participated in press conference.

Carpenters, Joiners, and Building Trades: Participated in press conference.

HISPANIC COMMUNITY

Latin American Management Association: ''As we head into the winter season in a time of war, these worries multiply. The possibilities of terrorist attacks on oil fields and transportation in the Middle East are very real. This would force energy prices to skyrocket and immediately impact the most vulnerable families across the country.''—Stephen Denlinger, Latin American Management Association CEO.

The Latino Coalition: ''The Senate must act on comprehensive energy legislation before adjourning. Not addressing this issue immediately is both irresponsible and dangerous to America as a nation, and particularly to Hispanics as a community. America

must increase the level of domestic production, so we can reduce our dependency on foreign oil.''—Robert Despoda, President Latino Coalition.

U.S.-Mexico Chamber of Commerce: ''We urge the Senate leadership, both Democrats and Republicans to pass comprehensive energy legislation before adjourning. This is not a partisan issue. Millions of needy Hispanic families need your support now. History would not treat inaction kindly, and neither would Hispanic voters next year.''—Mario Rodriguez, Hispanic Business Roundtable President.

SENIORS ORGANIZATIONS

60 Plus: ''It's time the Senate leadership quit demagoging and come to grips with the energy legislation they have bottled up. Our economy depends in no minor way to the passage of an energy plan. Much more important our security depends on it.''—Roger Zion, Chairman 60 Plus.

Seniors Coalition: Participated in press conference.

United Seniors Association: Participated in press conference.

JEWISH ORGANIZATIONS

Conference of Presidents of Major American Jewish Organizations: ''The [Conference] at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously to pass the energy bill that will serve to lessen our dependence on foreign sources of oil.''—Letter to Senator Daschle.

Zionist Organization of America: ''At a time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the U.S. dangerously vulnerable.''—Letter to Senator Murkowski.

AMERICAN BUSINESS

National Black Chamber of Commerce: ''Our growing membership reflects the opinion of more and more Americans all across the political spectrum that we must act now to lessen our dependence on foreign energy sources by addressing the nation's long-neglected energy needs.''—Harry Alford, President and CEO.

U.S. Chamber of Commerce: ''The events of the past month lend a new urgency to our efforts to increase domestic energy supplies and modernize our nation's energy infrastructure.''—Bruce Josten, Executive VP Government Affairs.

National Association of Manufacturers (NAM): ''The House of Representatives has answered the President's call. It has taken our obvious energy needs into account—along with the concerns of many interests groups—and produced reasonable and comprehensive legislation that will help provide stable energy prices and long-term confidence in our economy. But the Senate is dragging its feet. Some seem willing to let politics stop the will of the majority that wants to move forward with comprehensive energy legislation this year. In light of current economic conditions and on behalf of the NAM's 14,000 members, I strongly urge Sen. Daschle to move an energy bill to the floor without further delay. It is high time to put the national interest ahead of parochial political interests.''—Michael Baroody, National Association of Manufacturers (NAM) Executive Vice President.

Alliance for Energy and Economic Growth (representing 1,100 businesses, large and small, and over 1 million employees): ''All of the members of the Alliance enthusiastically welcome the President's strong appeal for action on a national energy policy. We are also committed to work with Senate Majority Leader Daschel to move forward in a spirit of bipartisanship with comprehensive, national energy legislation.''—Alliance spokesman Bruce Josten.

Mr. MURKOWSKI. Mr. President, moving from veterans and organized labor, we have the Hispanic community, the Latin American Management Association, the Latino Coalition, the U.S.-Mexico Chamber of Commerce. They have testified. They have spoken at press conferences. What does it mean to them? It means prosperity, opportunity, and jobs.

We have heard from 60-plus senior organizations: the Seniors Coalition, United Seniors Association.

We have heard from the American Business Group, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Alliance for Energy and Economic Growth that represents about 1,100 businesses, large and small. This is a wide group.

We have heard from the Jewish organizations which have a direct interest in the survival of Israel. That is something we have supported time and again.

We have heard from the Conference of Presidents of Major American Jewish Organizations, Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman. It reads as follows:

The Conference of Presidents of Major American Jewish Organizations at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously—

That means before Christmas, Mr. President—

to pass the energy bill that will serve to lessen our dependence on foreign sources of oil. We believe that this important legislation has, in addition to the economic impact, significant security implications. We hope that Congress will move quickly to pass this vital measure.

We look forward to continuing to work with you and your colleagues on this and other matters of importance to your country.

Signed Mortimer Zuckerman, Chairman, and Malcolm Hoenlein, Executive Vice Chairman.

I have a letter from the Zionist Organization of America dated November 26:

Dear Senator MURKOWSKI: On behalf of the Zionist Organization of America—

Not just Washington—

the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska's Arctic National Wildlife Refuge.

At a time when our nation is at war—

Is at war, Mr. President—

against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation's security.

Signed by Morton Klein, National President, Dr. Alan Mazurek, Chairman of the Board, Dr. Michael Goldblatt, Chairman, National Executive Committee, and Sarah Stern, National Policy Coordinator.

That is an overview of America's organizations with regard to the issue of energy security from seniors organizations, the Jewish groups, the Latino Council, the U.S.-Mexico Chamber of Commerce, American businesses, the National Black Chamber of Commerce, the U.S. Chamber of Commerce, and National Association of Manufacturers.

Michael Baroody, Executive Vice President, Alliance for Energy and economic Growth, writes:

I strongly urge Senator DASCHLE to move an energy bill to the floor without further delay.

And we have the attitude of our leader who says: No. He is going to disregard these organizations. He is going to put off indefinitely, until next year sometime—he does not give us a time; he does not say when we get back from the January recess we are going to take up energy and we are going to finish it in a week or two or finish it before the February recess with up-or-down votes and amendments.

That is all we want, Mr. President. We want an opportunity to vote on this. They are ducking this. They are under water. They do not want to vote on it. They have made their commitments to America's extreme environmental community. The tide is up, and they are hiding in the sand. But some say when the tide is out and we have to vote, they are going to think twice.

The reason they are going to think twice is they are going to have to make a decision on what is best for the extreme environmental community, from their point of view, or what is best for America, while ensuring that we do not lose any more lives as we did the other day when the tanker sank and we lost the two American Navy men who were doing their job to stop the smuggling of oil from Iraq.

I am asking the leader today for 90 minutes to take up the issue he made available back in July when we had what was, in my mind, the equivalent to an unanimous consent agreement and he indicated he would give us the 90 minutes for an up-or-down vote.

I find it rather distressing that the leader continues to duck this issue. The leader was asked what he meant when he said no on an up-or-down vote on ANWR. He said when he anticipated extended debate, and he anticipated there would be efforts made to invoke cloture on the debate. We have never before had cloture during a crisis on an energy bill. They are threatening cloture. They do not want a straight 50/50 vote. They are afraid they will lose. So they want to obtain cloture. So he said there would be votes on the ANWR

amendment, but I do not think it will be on an up-or-down vote. So he is saying we cannot have an up-or-down vote on ANWR.

Why can we not have an up-or-down vote? That is the name of the game, is not it? Cloture obviously has a place in the Senate, but it does not have a place on an energy bill. It has never been invoked when our national security interests have been at stake, and this is about national security. This is about energy security.

Furthermore, the majority leader says, I do not think there will be an up-or-down vote because I do not think we will ever get to that. He says that he thinks it will be a good cloture vote, but not a definite vote.

I am not buying that explanation. So what are we going to do about it? Well, one Member can tie this body up. One Member can be the Grinch that stole Christmas. If it is Christmas Eve, if it is New Year's Eve, we are going to address the energy security issue. I want to address it in a responsible manner. I simply want the opportunity to offer the House bill, H.R. 4. On stimulus, on railroad retirement, on the agriculture bill, I am going to be objecting to moving of anything. I do not know if the leadership or the rest of the Senate want to go through six or so cloture votes on each one of these things, but I guess the only way to get attention is to start ringing the bell when attention is needed.

I am not going to read into the RECORD again the statements of the President, but on November 9, October 31, October 26, October 17, October 4, and on numerous other occasions, he said he wants an energy bill. It is in the national security interest of our country.

I am sure some people in this body perhaps saw the list. These are the organizations—there are over 1,000 of them—that believe we have to take up an energy bill before we leave. When I listen to the debate on the other side, and the points that were brought up by my good friend, the junior Senator from Massachusetts, I have to reflect on what he means.

He says on the one hand he wants a good debate, and then he implies we are going to have a filibuster. I guess he too is afraid of a 50/50 vote. He also says the supply of oil is somewhat insignificant, and therefore it cannot go on for an extended period of time. I have already addressed that in one sense, because the oil will start to flow as soon as we authorize it.

Make no mistake about it, the extreme environmental groups have a position on this. They know they are going to lose. They just do not know when. They are playing this as a cash cow, and they are milking it for all it is worth. They will continue to do so until they lose, and then they are going to move to another issue, perhaps in somebody else's State, perhaps in a more populous State. We have one House Member. Think about it. That is the pattern.

It is interesting for me to reflect on some of the commentators such as Charles Krauthammer who wrote a column very recently in the Washington Post. It was called ''War on the Polar Bear.'' He says he likes polar bears as much as the next guy. He likes pandas, and he likes caribou and all the furry, cuddly things of God's good Earth, but he also likes people, particularly Americans and particularly American soldiers, and he does not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world, with nasty people who use oil for nasty purposes.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post]

WAR AND THE POLAR BEAR

(By Charles Krauthammer)

So you thought that Sept. 11 changed everything, that the era of game-show frivolity, ''Survivor'' silliness and general self-indulgence had given way to an era of seriousness. Well, not quite.

Here we are, for the second time in a decade, risking American lives in a war against an enemy fueled and fed by oil money. Here we are again decrying our dependence on oil from a particularly unstable, unfriendly part of the world. Here we are in desperate need of both energy conservation and new energy production.

And here we see (in the Oct. 30 Post) that we may be prevented from drilling in the single most promising area on this continent because of a . . . polar bear treaty: ''New Species Enters Debate on Artic Oil; Polar Bear Agreement Cited by Drilling Foes.''

Now, I like polar bears as much as the next guy. I like pandas and caribou and all the furry cuddlies on God's good earth. But I also like people, particularly Americans, and particularly American soldiers. And I do not like seeing them shot and killed in wars that would be both more avoidable and more winnable were we not so disastrously dependent on energy supplies from a nasty part of the world with nasty people who use our oil money for nasty purposes.

At a time when Washington should be working on a crash program of conservation and new drilling, a six-year-old report from the Fish and Wildlife Service is leaked in the hope that a 28-year-old polar bear treaty might derail drilling in the Arctic National Wildlife Refuge.

The outrage! ''This is a classic Bush administration strategy of running roughshod over international agreements,'' charged Kieran Suckling, executive director of the center for Biological Diversity and leaker of the report.

The Interior Department stoutly maintains that the polar bear agreement does not prohibit oil exploration. Alaska's Sen. Frank Murkowski points out that the 25,000 or so Arctic polar bears that he represents seem to be quite happily lolling around the existing oil drilling in Alaska.

I too have little doubt that the polar bears will do fine, just as the caribou have thrived around the Prudhoe Bay field. But the whole debate is surreal. We are at war, are we not? Americans are fighting. In Washington and New York, nearly 5,000 have already been killed. Fifteen of the 19 murderers were Saudi. Their leader is Saudi. Most of their money is Saudi. And that same Saudi money funds the madrassas, the fundamentalist religious schools where poor Pakistani, Afghan and Arab children are inducted into the world of radical Islam and war against the American infidel.

And yet we bow and scrape to the Saudis. We beg and borrow. We tolerate their deflecting onto America the popular hatred that would otherwise be directed at their own corruption. Why? Because we need their oil.

The war on terrorism will be fought in many places. Alaska is one. We have known since 1973 that we need to reduce our dependence on Persian Gulf oil. But we have never been serious. It was assumed that Sept 11 would make us serious. Instead, we are engaged in exegeses on polar bear mating habits and a ridiculous debate that pits conservation vs. drilling. Why one and not the other is beyond me.

Of course we need conservation. I have been an advocate of a dollar-a-gallon gasoline tax for 20 years. Whatever it takes: auto efficiency standards, higher taxes, incentives for new fuels.

But why stop there? We need more oil still. Every additional barrel that substitutes domestic oil for foreign oil is a victory. Drilling in the Arctic will involve less than 1 percent of the Arctic Refuge. It might produce an additional million barrels a day. The sea of natural gas beneath could be the largest in North America.

And yet the Luddites stand firm, as if Sept. 11 never happened. Sen. John Kerry vows a filibuster if anyone dares legislate Arctic drilling.

Imagine where we would be if those railing against Arctic drilling today had prevailed 30 years ago and stopped Prudhoe Bay. The million barrels a day we now get from Alaska would be coming from Saudi Arabia. We would be even more in their debt and under their thumb.

A concerned citizenry is yearning to do something significant for the war effort on the home front. But this is not World war II. We do not need rubber. We do not need war bonds. We do not need Rosie riveting.

We desperately do need energy independence. And that is a home-front battle: conservation—and a willingness to disturb a few acres of snow in a vast wilderness as remote as Afghanistan.

There's a war on, senators. Let's get serious.

Mr. MURKOWSKI. Referring to my good friend again, the junior Senator from Massachusetts, who says the supply is insignificant, if the supply is insignificant, what has Prudhoe Bay done to this country? This is Prudhoe Bay. It was developed 27 years ago. It has supplied the Nation with 20 percent of the total crude oil. If we had not developed Prudhoe Bay, we would not have the oil. We would be importing more from Iraq, more from Saudi Arabia. Maybe we would be importing from Libya and Iran, very possibly. So do not say it does not contribute something, because it does.

The area of Kaktovik is said to contain 5.7 to 16 billion barrels. Prudhoe Bay was only supposed to contain 10 billion barrels. It is now at 13 billion barrels.

I am continually frustrated by people who speak on this who have never been to ANWR's Coastal Plain. They refuse to go. They do not want to take the time to talk to the people in Kaktovik

about their hopes and aspirations or see the kids in Kaktovik who want a better life going to school. They will not do that.

So I have to come to this Chamber and explain why I have expertise to talk about something because of my background, because it is in my State, because of the fact I have been there. And yet, my critics do not have to justify their generalities.

This is a picture of some kids of Kaktovik going to school, three happy Eskimo kids in a village of fewer than 400. They cannot drill for gas on their own land. Now think of that. That is an injustice, and yet we have those who say it is insignificant, those who say we are ready for the debate.

I do not see them ready for the debate. I will debate them in a moment because there is no question we can develop ANWR safely. We have the technology. In Prudhoe Bay, we drill in the wintertime, the long winter, which runs roughly October through May. We have our drilling rigs. We have our various ice roads. We do it right. We do it safely. We can do it quickly.

This next photo is a classic example of the Arctic. It looks exactly the same as the 1002 area in ANWR. There are no trees in this area. This is an oil rig drilling in the Prudhoe Bay area. This is an ice road, there is no gravel. When this oil well is done—and I will show a picture in the summertime —that is what is seen in the tundra. There it is, the same rig.

We know how to take care of our environment. We can show a few other States how to take care of their environment because we directionally drill. This is the technology. These are 16 miles apart. My opponents say it cannot be done safely. There is no evidence to suggest we cannot do it safely. My opponents say it is insignificant because it will not start for a few years. It is significant.

It is as if we are in a drought to some extent in Washington, D.C. I suppose we could just pray for rain like praying we will not use any more oil and then we will not have to increase our dependence on oil. But, what we do about it is we water our lawn or we look to the immediate relief we can get. We had that opportunity in 1995 when the bill passed this body.

It was vetoed by President Clinton. Had that veto not occurred, we might not have had to board that ship. I know how that goes around here. That is not a fair accusation but is a reference on reality.

TOM DASCHLE, tell me why all the organizations are wrong and you refuse to bring up an energy bill? TOM DASCHLE, you owe it to the Congress, you owe it to the House, you owe it to the Nation and you owe it to me. What we will do is ask you to live by your commitment for 90 minutes of debate on the Iraqi sanctions.

The other issue promulgated is the attitude of the Gwich'in people. Some of the arguments used are in regard to ensuring the Gwich'in people of Alaska that somehow this does not have any detrimental affect. The Gwich'in area is, of course, both in Canada and Alaska. This map has a better view. This is Gwich'in territory, Old Crow. This area on this side is also Gwich'in territory.

My point is, in Canada, the Gwich'ins have entered into leasing. A new Native-controlled oil and gas company has been found in the McEnzie delta. The Gwich'in Oil Field Service owns 51 percent; owned by Gwich'in drilling company. The Gwich'ins estimate they have an area of 22,000 square miles. We are talking about leasing, on the United States side, 1.5 million acres, and the footprint will be 2,000 acres. The Gwich'in Development Corporation, wholly owned by the tribal counsel, has a mission to build an investment portfolio offering business opportunities, employment and training to Gwich'in residents. The chief executive officer of the operation said that the deal with the company gives the community a chance to participate in oil and gas development. He says in his company's experience, the development of local workforce and infrastructure is the key to continued development of the gas resources of the Canadian Arctic.

There is a mixed message. The mixed message is very clear. The environmentalists have been funding the Alaskan Gwich'in steering committee for their own purposes. Their purpose is to ensure that ANWR does not come about. As a consequence, I think that argument can be put aside now; most of the population are Canadian Gwich'ins, as far as the number of tribal members; three-quarters happen to reside in Canada. That is their business. But let's not use these people as a scapegoat to a position that somehow it is not in their interests. It is in the interests of the environmental community that funds them.

Here is the issue in a nutshell. The argument is superficial. It is an argument associated with having an issue which the environmental community has to add to their membership and to raise money. They are playing it for what it is worth. It is a significant contribution. If it is halfway between the estimate of 6 and 16 billion barrels, as big as Prudhoe Bay.

Is the issue equity to the Native people? Clearly, they don't want to talk about the fact that the 95,000 acres owned by the Gwich'ins cannot be drilled on for natural gas to heat their homes. They don't want to talk abut the job opportunities.

The junior Senator said we have all kinds of job potential with regard to energy. Well, none were named. I am all for wind power. I am all for solar power. I am for greater mileage with gas. But we will not get there because America still relies on energy, whether in the airplanes, on the trains, or the ships. And so does the rest of the world. We have coal. But we don't move an airplane on coal. We don't move it on hot air from the Senate. Somebody has to produce oil somewhere. The question is reducing our dependence. How can we sleep, again, relying on Saddam Hussein and knowing what Saddam Hussein is up to?

We will proceed. I have hopes that we can have cooperation. I will have hopes that I can go to the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, and try to address this in an approach we can handle in the Senate, but don't buy the excuse that we cannot take up an energy bill and pass it. We can take up H.R. 4; the House passed its bill. We can pass this out of committee and still have a very significant debate on the ANWR issue. But everyone is hiding on this issue. They are deathly afraid of it.

All I can do is try and sort out fact from fiction. That is what I have attempted. I recall the statement of the chairman of the Energy Committee, my friend, Senator BINGAMAN, hoping there will be broad bipartisan support on the committee for dealing with urgent infrastructure issues and take a more comprehensive support to the remaining issues. I am ready to do that.

When the leader took away the authority of the chairman of the Energy Committee and said he cannot bring anything up in committee if it involves an energy bill or involves ANWR—I hope other committee chairmen are concerned about that. If Republicans had control of this Senate and Senator LOTT asked me to do it, I would tell him to go take a hike; I am the chairman. I work with the leadership. But after all, you take my authority totally and leave it in a nebulous state around the cloud of majority leader. That is not right.

We have heard the organizations that support this. I guess the leader can assume, from his point, they are wrong and the leader is right. It depends on what the leadership wants and what they want to move. Somehow they are prepared to fight this out. We are going to address energy in one form or another before we leave. If I have to object to every unanimous consent agreement, if I have to object to moving to the next bill, we can go through the cloture, but enough is enough. We want either a commitment to take it up, put it on as an amendment to one of the bills, or a firm determination on when to take it up and when to conclude it.

I have been in the Senate for 21 years. I am not buying the argument we will take it up at the 1st of the year. We start taking it up and it is set aside and we will never see it again. That will not work this time. We have a few people that feel very strongly about this, including the other side of the aisle. I hope the White House is observing this process. I am putting them on notice, too. Nothing moves.

I hope you will join with me. This picture shows what is going on on the Canadian side of the Arctic. Those are all offshore and onshore wells. We see

the maple leaf, a Canadian symbol. This is the Alaska area, and this is the 1002 area. This is, again, 35 times the size of Rhode Island.

Here is the pipeline. Remember the pipeline? We argued about it. It is 800 miles and is running at half capacity. It can take the existing oil from ANWR, run it laterally over here, and we are in business. No big thing. It is no big thing at all.

Do you remember what they said about this? They said you are putting a fence across Alaska, 800 miles. The animals are not going to be able to traverse it. This is in permafrost. The ground is frozen, so when you put a hot pipeline in, it is going to melt and crack the pipeline.

Here are the animals, three bears. They are walking the pipeline. Why? It is easier on the feet, you don't have to walk in the snow, and it is nice and warm. I don't know whether it is a papa bear and mother bear and baby bear, but that is a true story of the three bears.

We are going to keep these coming until somebody comes or I will get tired of talking, either one.

The Arctic, as a whole, is an extraordinary area. While some areas of the Arctic may have some pristineness, it also has a tough, long winter. This is the Arctic and this is what it is like this time of year. This is what it will be like in April. This is what it will be like until May.

In the summertime there are a few mosquitos there and these are the Porcupine caribou. From here to here is more than 60 miles. Senator BOXER and I got into some discussion about just where this picture was taken from. This was taken from the roof of one of the windows in Kaktovik. We have the authentication of the photographer behind it. This is taken from the sea. These are 50 to 60 miles away. These are the caribou moving through.

What happens with caribou is kind of interesting. They are protected in Prudhoe Bay. You cannot bring a gun into Prudhoe Bay. What we have seen in the Prudhoe Bay area—and this is fact, not fiction—is the tremendous growth of the caribou herd. It shows Prudhoe Bay and the oilfields and the caribou. I assure you, they are not stuffed.

This is kind of interesting. It shows where we are likely to find oil and gas in this country that we put off limits. For the entire west coast—Washington, Oregon, California—there is a moratorium on any oil or gas exploration. I respect these States. They don't want it so they should not have it. This is Wyoming, and Colorado, Utah, New Mexico. But, we have also taken the east coast and put that off limits. Then down here, in the gulf—remember we just had a debate on reducing that leasing area.

What happened here happened under the previous administration under the forest application, closing this to any interests for oil and gas as well as timber cutting. So we are excluding areas where we are most likely to find oil. We, however, happen to support the drilling for oil in Alaska and we want it.

This next photo isn't Prudhoe Bay but this happens to be the caribou that are wandering through. The reason they are wandering through is because nobody bothers them. You and I can't just take a gun and shoot them.

The same is true of the polar bear. If you want to shoot a polar bear for a trophy, go to Canada or go to Russia. You can't do it in Alaska, because they are marine mammals and they are protected—only the Native people can take them. These are the things that I live with.

This is a photo of Kaktovik. This is one of the elders with, probably, his grandson. This is their community center. These are real people with real dreams and aspirations.

I know the Presiding Officer was up there and viewed that. He kind of looked around and agreed there was some snow on the ground.

This is Kaktovik. They just removed from here the Army's radar site. Native Eskimos have lived there for generations. This is a tough, tough, bleak country but it is their country and they love it and they simply want an opportunity, like everybody here has, of a better lifestyle, a job, better health conditions, and so forth.

There has been much made about refuges. Some people have been saying: ''Good heavens, you are going to drill in a refuge.'' Here is a map where there has been oil production in national refuges—wildlife management areas. Texas has nine; New Mexico has one; Montana has four. Oil production has also been in refuges in the following states: Texas, Oklahoma, North Dakota, New Mexico, Montana, Mississippi, Alabama, Arkansas, Alaska—we only have one in Alaska—California has four, Kansas and Louisiana. They are doing all kinds of drilling in refuges, and they always have. We have better technology now and we know how to do it safely.

We listen to the arguments from the other side. Many of them have never been to ANWR. They don't have to give an explanation for their background or expertise, but we do. Here is a chart on reliance. In 1973, we were 36-percent dependent on foreign oil, and some of us are old enough to remember when there were gas lines around the block. We were outraged. We said we would create a Strategic Oil Reserve so this will never happen and never be dependent on imported oil. In 2001, we are 56 percent dependent; in 2010, we will be 66 percent. Shouldn't we do something about that to try to take some steps? We want to conserve more. Granted, we are going to conserve more. But we are still going to use oil. And it is just not us; it is the rest of the world that is going to use oil. What about China and the developing nations?

Here is what is happening to crude oil production in the United States. From 1990 to 2000, it is down. It is down from 7.6 million barrels a day to 6 million barrels a day. We can turn that around, turn it around for American jobs, turn it around for American veterans.

Why are we deliberating this late in the session? We have tried to get this bill up. If you look around at the Chamber you wonder what the rest of us are doing today, other than me speaking. Here is where we get our oil: Venezuela, Nigeria, Libya, Algeria, Saudi Arabia.

Let me tell you something about Saudi Arabia. Am I out of time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I ask unanimous consent for another 7 minutes.

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

Mr. MURKOWSKI. We are seeing some very dangerous signs coming from Saudi Arabia. There is a lot of corruption over there, signs relative to the stability of the Royal Family. And there is concern over Bin Laden. There is concern that he could get into their oilfields and disrupt them through terrorist activities, or even sink a couple of ships in the Straits of Hormuz, or even try to overthrow the Royal Family.

Remember what happened in Iran? Iran and the Shah were our best of friends, but the Shah did not believe that charity began at home. In other words, he was not taking care of his people. That has happened over the decades in Saudi Arabia. If that happened, we would pass this bill tomorrow because we react to the squeaky wheel and that is the crisis. There is absolutely no question about it.

Qatar, the United Arab Emirates, Kuwait—here is our friend Iraq, Saddam Hussein, Bahrain, and a little from Indonesia.

We are dependent. I am not standing here and saying if you pass ANWR you will not be dependent, but we will be less dependent and we will send a message that we are doing something positive to relieve our dependence.

There is an article here in the New Yorker called ''Kings Ransom'' by Seymour Hersh, and he talks about the true threat associated with Saudi Arabia and the plight of the people and the instability of the Royal Family. When we see these things, it behooves us to initiate some action.

Here is a chart on the crisis as it exists. Foreign oil dependence has been increased to 56 percent. What happens to our leverage with these people when that happens?

We see natural gas prices soar. We have not had a new nuclear plant licensed in 10 years. We have not had a new refinery in this country built in 25 years. No new coal plants—no new major plants in 10 years. The transmission capacity is overloaded. We saw what happened in California earlier this year. We have to do something

about it. We have to pass an energy bill. The House passed their energy bill.

What about military uses? They are using barrels and barrels each day in peacetime.

You have been very gracious with me, Mr. President. I see another Senator wishing recognition.

But I am going to summarize again my intent in asking the majority leader to give us an up-down vote on terminating importation of oil from Iraq as he agreed to do on July 25 where he agreed by saying, ''I will have no objection to an up-down vote.'' I am sure he can find a way to dodge that, too. But we are only asking for 90 minutes. I have talked for almost 90 minutes today.

This agreement says there shall be 90 minutes, and it will be divided between the two sides. OK. He is going to have an opportunity to say: No. We don't have 90 minutes; or, This isn't the right time.

We just lost two American Navy seamen who boarded an Iraqi tanker which sank.

We will have to see whether the influence of the extreme environmental community still exists to the point that the leadership will apparently do anything they ask.

The leader is my friend. We have had conversations about this. He said: I realize how strongly you feel about it.

It is not just me. It is what is right for America when we have the leading Jewish organizations totally in support of this, and the veterans groups, and labor. I think he is taking on a big issue here. Evidently, the environmental community, in his view, is a lot stronger than the veterans groups, the Hispanic groups, the Mexican groups, the Jewish groups, and the other groups, on and on—senior citizens, and the Bush administration.

I hope it is not for the reason of handing the President a victory. This isn't a victory for the President. This is what is right for America. Let's put politics aside.

Finally, if we can't work something out, all of us had better find a place up there to hang our Christmas stockings because we will be here. I will be here.

I am ready to sit down and discuss, negotiate, or whatever, whether it be the railroad retirement bill we are trying to get up, to which we objected—I will object to the next one that comes up, whether it be the bill pending stimulus bill, we are going to address it on each one of these. It will take time. I have big files. I can talk for a long time. I don't want to do that to each Member. I want to resolve this. I want to find a way to work it out, and the sooner the better.

I will be sending a letter to the leader today asking him to provide 90 minutes for us to take up the issue of terminating our imports from Iraq because Iraq is an enemy and we are at war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before the Senator from Alaska yields the floor, I would like to ask a question.

Because of news reports today and yesterday, I believe, that Saddam Hussein made an absolutely firm statement that under no circumstances would he comply with the U.N. resolution which required that he submit his country to U.N. inspectors looking for evidence of weapons of mass destruction, and because of the strong reaction here in the United States and, I think, in the West generally about the possibility of beginning much more aggressive action against Saddam Hussein, I have two questions for the Senator from Alaska.

First, is it likely if we were to take such action that our ability to continue to buy oil from Saddam Hussein would evaporate?

Secondly, my recollection is that if we were to develop the oil resources available in the ANWR area that it could be a complete substitute for the Iraqi oil. I have forgotten over what period of time that would be. Can the Senator from Alaska respond?

Mr. MURKOWSKI. Mr. President, I am very happy to respond to my friend from Arizona. Perhaps I can highlight a little bit about the specific dependence.

Here is where we get our oil currently: Nigeria, Libya, Saudi Arabia, and here is Iraq—862,000 barrels. It is over a million barrels now. So we have increased that.

If we were to terminate our dependence, we would have to find it someplace else. We would like to think that we could initiate more conservation. You can buy a small, fuel-efficient car. Some people do. Most people prefer not to for their comfort and for economic reasons. But, nevertheless, the choice is theirs.

To suggest that somehow we would terminate purchasing oil from Iraq, the results are somewhat predictable. The price of crude oil to the American public would go up because there would be a shortage of supply.

I assume Saudi Arabia, which has excess capacities, would try to use their leverage to pick up some of that oil. But it would certainly cost more.

The Senator from Arizona makes a very significant point—that we have evidence that Saddam is up to no good.

Remember that just last week there was a tanker leaving an Iraqi port, and it was intercepted by the U.S. Navy. They went aboard that ship. In the process, the ship sank. We lost two American sailors. We had to do that. He was smuggling oil. That is how he generates the cash-flow above and beyond that which is overseen by the U.N. inspectors.

We had an incident about a month ago where there was a little payoff. The inspectors went aboard. They loaded a tanker half full. The inspectors signed off and left. After they left, they would fill up the tanker, and away they would go.

The worst thing about that is: What does he do with his money? We can't get U.N. inspectors in there, as the Senator from Arizona said. They haven't been in there for well over a year. I think it is probably 2 years now that we have had no inspectors. He is not passing it out for the betterment of his people. We know what he is doing. He is developing a missile and biological capability, and he is aiming it at Israel. That is why you have all of the organizations now aboard the Israeli lobby, so to speak.

Mr. KYL. Mr. President, my second question is: If we needed to find an alternative source, and if we could find a source that is right here in the good, old U.S.A., if the exploration in the ANWR area turned out as people think it would, what is the relationship between that part of the oil that might be produced and the amount of oil that we currently import from the country of Iraq?

Mr. MURKOWSKI. It would eliminate Iraq's contribution. We would not have to depend on Iraq for 70 years. That is the harsh reality. That is what ANWR is estimated to contain. The range goes from 5.6 billion barrels to 16 billion barrels. As the Senator from Arizona knows, when you look for minerals or anything underground, it is the best scientific evaluation from the geologists. But even if it were in the middle—10 billion barrels—it would equal what we produce from Prudhoe Bay, which is 20 to 25 percent of all of our crude oil. It is a lot of oil. It would send a real signal to the Mideast that we are going to relieve our dependence on you folks over there. We are not going to increase it.

The Senator from Arizona is a businessman. He knows. We lose our leverage when we become more dependent.

Back to the chart, it shows the crude oil prices and percentages. Here is where we were in 1973: 36 percent dependent.

Remember the Yom Kippur war. We had gas lines around the block. We said we would never again be dependent to that point. We created SPR. Yet in the meantime we are up to 56 percent dependence, and we are going to go up to 66 percent dependence in the year 2010.

The other chart, of course, shows Iraqi oil exports. He has been doing very well considering he is our enemy.

Mr. KYL. A final comment: Of all the reasons the Senator from Alaska has articulated today, I would put first among them the fact that we could well be at war to a much greater degree than we have been with Iraq in the very near future.

We are going to have to have an alternate supply. If this bill could be passed, the exploration of that oil could occur in ANWR which would more than replace that Iraqi oil and begin to relieve our dependence on Middle East oil.

It seems to me, not just as a matter of national energy policy but as a matter of national security, we ought to get on with the debate on the energy bill.

I firmly support the effort of the Senator from Alaska to do so. I look forward to being able to debate it in the very near future.

Mr. MURKOWSKI. I thank the Senator. It is important to recognize that the Senator from Arizona has been up to ANWR. So I can honestly say, he knows what he is talking about, as opposed to some who are ''experts'' on the subject who refuse to go up ANWR, who will not take the time.

I advise my friend from Arizona that we sent a little over $5 billion to Saddam Hussein last year for the purchase of his oil. And that does not produce one job in America. What does he do with that money? That is a concern we should have.

I thank my friend from Arizona for the colloquy and wish he and the Chair a very good day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am glad I had the opportunity to join in a brief colloquy with the Senator from Alaska because the point he has made is a very important one, and it ties directly into what I came to this Chamber to speak of today; and that is, an effort on the part of the majority leader to insert into the debate a subject extraneous to the effort the President is attempting to make to get an economic stimulus package, which includes an energy component to it, to ensure that our economy will remain strong so that we can continue to execute the war on terrorism and know that in the end we will have all of the resources we need to do that, as well as for the benefit of all Americans who deserve to have a growing and vibrant economy.

There is something very wrong with the process we are engaged in right now, which takes us away from the consideration of the stimulus legislation the President would like to have us act upon, to begin to take up extraneous matters.

We are almost at the end of our legislative session. We should have ended in October or November. It is now obviously going to be in December. The way it looks right now, it will be close to Christmas Eve when we adjourn for the year.

I am happy to stay all year here in Washington doing business, if it is productive and we have our priorities straight. But the fact is, the No. 1 priority is fighting the war. Closely related to that is keeping our economy strong, and, frankly, stimulating the economy to be stronger because right now we are either in or very close to being in a recession. That is why the President has called upon us, as our first priority, to support his efforts to stimulate the economy.

About a week ago, the majority leader brought forth to the Senate floor a bill—a very bad bill, in my view, the bill that came out of the Finance Committee on a partisan, party-line vote—but at least a bill that enabled us to begin to debate the stimulus package. The hope was we would all make our speeches and get our partisanship out of the way and then get down to trying to compromise and come up with a good package of tax breaks and support for those who are unemployed right now in order to be sure our economy could continue to grow rapidly.

But after some initial posturing, rather than sitting down to work out a bill or debating further on the floor the merits of different proposals, and perhaps attempting to amend one or the other, we find ourselves in the situation where the leadership has decided to call a timeout on the stimulus package and go to other legislation. If this were June or July, that would be a perfectly appropriate legislative tactic. But we are almost at the end of the session.

We have two things we have to do before we adjourn and very little time to do them. First, we have to finish the appropriations conference reports. They are about half done. They take time. We have to get them down. They fund the Departments of the Government for next year, not the least of which, of course, is the Defense Department appropriations bill. There is a separate bill there that will ensure we have the money we need to conduct our military operations in this war on terrorism.

The second thing the President has asked us to do before we leave is to get this stimulus package passed so its effect can begin to be felt early in the next year, in time to do some good for our economic recovery.

What we do not need to be doing is taking a timeout and beginning an excursion off into partisan politics, politics that have to do with a bill that railroad labor unions want. There are some people in this country to whom this is a very vital issue. Some of them are in my home State of Arizona. There is plenty of time to deal with the railroad retirement issue. Whatever we do with that, it is not going to go away. We can do it next year. We can do it whenever. But we do not need to take time away from our first priority in this war we are fighting to call a timeout to deal with this political issue of the railroad retirement fund.

And we are told when we are done with that, the next thing is a farm bill. We do not need to take up a farm bill until next year either, but we are told that the leader would like to bring up a farm bill.

My point for coming to this Chamber today is to say, wait a minute, where are our priorities? Let's get back on the President's agenda. If we are going to be bipartisan in this body, then let's support what the President is attempting to do.

Certainly my colleagues on the other side of the aisle do not have to agree with everything the President wants to do. I would never expect them to do that. But, on the other hand, we ought to at least act in enough of a bipartisan way to begin compromising, to reach a conclusion on a bill we can pass before we recess this year. That means we have to continue to focus on the stimulus package and not go off riding to the hounds on some railroad retirement legislation.

So we are going to vote tomorrow. The question is going to be: Should we leave the discussion of the stimulus package and begin consideration of a railroad retirement bill?

I say no. Let's stick with the stimulus package. Let's get it done. And then let's go home for Christmas. Let's support the President.

I hear a lot of talk of bipartisanship. What does bipartisanship really mean? I have to commend several of my colleagues on both sides of the aisle for the public statements they have made in support of the President's conduct of this war. Frankly, the majority leader has been one of the people who has been the strongest in his enunciation of ideals, with whom every American can agree who supports the President, even though the President is not from the majority leader's party. I commend him for that.

The problem is there seems to be a division between the war effort on the one hand and domestic politics on the other. So some of my colleagues are saying, but it is OK if we are not bipartisan on matters that deal with the domestic side of things. The problem with that is, the primary issue on the domestic side is the state of the economy, and the state of the economy has a direct bearing on our ability to fight the war on terrorism. It is also the most important problem facing the American people.

So bipartisanship, it seems to me, would be an effort to work together, not necessarily to agree out of the box, but to try to develop a procedure under which we would eventually come to some kind of an agreement on a stimulus package that we could support, that the President could sign, that would benefit the American people.

We can get there by continuing to focus on the stimulus package. We will never get there if we take time out to take up the railroad retirement bill. If we take the farm bill up, that is a black hole of significant magnitude, I must say. If you get into a farm bill, you get into the dairy compacts and you get into many other subjects. The year will, in fact, end before we ever get through that bill.

Meanwhile, the appropriations bills languish, most especially the Defense appropriations bill, of all things. We have to get the Defense appropriations bill passed.

So I am asking my colleagues to say no. Vote no. Do not invoke cloture to take up the railroad retirement legislation and leave the stimulus package.

Mr. President, let me make one more point. There is another issue I have

talked about while addressing subjects in this Chamber over the last several months, and that is nominations of the President. It may not be known, but this Senate, now about to enter the month of December, has still not completed its work on the consideration of the President's nominees for his Cabinet.

He has been President for almost a year now, and the Office of National Drug Control Policy nominee, John Walters, has not been acted upon by the Senate. I am very hopeful that this week the Senate can debate, if we need to, and then vote on the nomination of John Walters. Otto Reich, Gene Scalia, and other nominations to important positions in this administration are not scheduled for consideration on the Senate floor.

I would suggest this: If we have time to take a timeout from consideration of the stimulus package to do other things, then our first priority should be—again, if we are going to be bipartisan now—to act on the President's nominees. He has asked us repeatedly to do that.

Of course, this is not to mention his judicial nominations. We now have over 100 nominations pending for vacancies on our courts, 40 of which are denominated emergencies, yet we take up no judges. Again, if we have time to call time-out from our consideration of the stimulus package, we sure as heck have time to take up some of these judicial nominations.

Back in May, the President nominated a group of people to either Federal district judgeships or to circuit judgeships. Two of those people have never had a hearing in the committee. There is no indication that the leadership ever has in mind taking them up. These are superbly qualified nominees for the District of Columbia Court of Appeals: Miguel Estrada and John Roberts.

And yesterday's Wall Street Journal had an editorial which speculated that the reason was because these are two noted conservative jurists, both of whom will be well qualified to be nominated for the U.S. Supreme Court if a vacancy were to occur there, and that knowing this, the people on the other side of the aisle responsible for these things are loath to bring them up because, if confirmed, they would then be in a good position to be nominated by the President for a Supreme Court position.

One of them is Miguel Estrada. It is no secret that Miguel Estrada is Hispanic, and if confirmed and elevated to the High Court would become the first Hispanic Justice. I suspect that President Bush would very much like to appoint someone like Miguel Estrada—or John Roberts—to the U.S. Supreme Court. What does the Democratic leadership's unwillingness to even bring these two people up for a vote suggest?

It seems to me that there is a lot of politics being played here and that we ought to get back to bipartisanship in this body which characterized the mood at the very beginning of this year and was certainly the mood right after September 11.

Insofar as the President is concerned, it should still be the order of the day; that at a minimum, before we leave here, we should consider his nominees for the Cabinet and for these judicial posts. We should try to finish work on the appropriations bills. We should conclude the work on the stimulus package. And if we do those things, I suggest that we will, in fact, be about ready to be singing ''Jingle Bells.'' We don't have time to be taking up the Railroad Retirement Act.

I said I would talk a little about the substance of this. My colleagues from Texas and Oklahoma have outlined some of the problems with the legislation. Contrary to some of the statements made on the floor, it is really not a question of the rail employers and employees running their own pension plan.

The reason that this is being discussed on the floor of the U.S. Senate, the Federal Government, is because the United States of America has become a major stakeholder in this process on behalf of the taxpayers of the United States of America who, in fact, subsidize this pension plan

By the way, I believe that is the case only with this private industry's pension plan. We are not talking about the home builders and their union employees or the airline companies and their employees, just the railroads. A decision was made some time ago that the U.S. Government should get involved in the funding and the guarantee of the pension for these particular people. That is why the pension plan for railroad retirees is on the floor of the Senate.

The first question one could ask is: Is that good policy? Should we be doing that? And then: Should we be debating a bill which would expand the obligation of the taxpayers of the United States to fund this pension as well as to expand the benefits under the pension? My view, you can guess, is, no, we should not be doing that.

This boils down to a question of two special interests—and there is nothing wrong with that per se; we all represent the many special interests that comprise our body politic, but these are special interests—the railroad employees and their employers, who have designed a plan that gives them benefits provided by the American taxpayers.

I don't think we need to be interrupting the business of the entire Nation for the benefit of these particular special interests at this time.

If these railroad stakeholders insist on maintaining a retirement system that is a Federal responsibility, then I submit their claims should be scrutinized by those of us who are supposedly looking out for the interests of all of the people. And for starters, we should ask if the claimed benefits justify an immediate $15 billion reduction in the budget surplus.

Actually, of course, the budget surplus is probably a misnomer by now because we have spent the budget surplus. There is no more budget surplus. So this will have to be borrowed money, and taxpayers will have to pay the associated interest costs.

It will not do to pretend, as the House-passed bill does, that the fiscal impact can be wished away. I marvel at the audacity of the bill's sponsors in resorting to a device of legal legerdemain to say that something that is so isn't really so and because we are the Congress, we can say that and that becomes the law.

Here is what they said. I am directly quoting from the House-passed bill. They are instructing the CBO and OMB, the Congressional Budget Office and the Office of Management and Budget that notwithstanding budget law or OMB scoring conventions, ''the purchase or sale of non-Federal assets''—which is what is involved in this pension fund—''shall be treated as a means of financing'' rather than an outlay. With that clever language, what they have said is: We are going to spend $15.6 billion, but we hereby direct the CBO and OMB to say that it doesn't count. We are really not spending it as an outlay. It is a means of finance.

That is pretty good. I have to take my hat off to them. It reminds me of an old story that Abe Lincoln used to tell. He would ask this riddle of people. He would say: If you call a tail a leg, how many legs does a dog have? And his students would ponder that. He would say, of course, the answer is four; calling the tail a leg doesn't make it a leg.

Well, calling $15.6 billion in spending a means of financing rather than an outlay—it clearly is a means of financing but that doesn't mean that it is not an outlay, which, of course, it clearly is—doesn't mean that that is what it is. It is an expenditure of $15.6 billion. It is money that the U.S. Government is going to have to borrow. Therefore, it ought to be counted as an outlay.

There are three interesting aspects to that besides the audacity of it. The first is, of course, that the proponents here are obviously embarrassed by the fact that they are asking the American taxpayers to expend over $15 billion immediately to aid this private industry's pension fund. I would be embarrassed, too. I would want to call it something else.

Secondly, however, for those of my colleagues who signed onto this legislation in its original form—there are reasons for having done that and reasons for not doing it, but for those who found good reason to do it, I make the point that what they are going to be asked to vote on tomorrow is not what they signed onto. They signed onto a bill that did not have this magical language in it.

When we are voting tomorrow, they are clearly going to be able to say to supporters of this bill, look, I still support your bill and we can take it up next year, but I am not going to support a fraud on the American people claiming that the $15.6 billion is not an outlay. We are going to have to account for that one way or the other. Let's be honest about it.

I hope that my colleagues who are still committed to the legislation would acknowledge that what they are being asked to vote for tomorrow is not what they signed onto.

Second—this is an important point—anybody who believes that we should

reform Social Security has to look at this very carefully for the precedential effect. If the precedent stands, this will prevent us from reforming Social Security as the President has suggested and many of us desire to do by allowing a portion of the Social Security funding through the payroll tax to be put into an investment account managed by each individual Social Security stakeholder.

Instead, it will cause us to move toward what President Clinton proposed and was rejected, fortunately, which was a scheme in which the U.S. Government would actually invest money, would invest people's Social Security money in the equities market.

So you would have the Government buying stock in companies. That is a bad idea. But because of this language that we would now be permitted to say that the purchase or sale of nonfederal assets shall be treated as a means of financing rather than an outlay, the kind of scheme President Clinton proposed would not have any costs associated with it; whereas, the proposal to establish worker-owned personal accounts would presumably be scored in the traditional fashion, as a cost, making it much more difficult to accomplish. I doubt that was the intent of the people who wrote this language. But it is, unfortunately, the effect of it. As a result, it is not language that this body should adopt.

Mr. President, there is another problem. At a time when we have seen the great surplus in the Federal Government now disappear, and we are now aware that we are going to have to be borrowing money to fund every new program that we pass, we have to look very carefully at any spending proposals. I think most of us would say we should look carefully anyway, but clearly when you are borrowing money in order to fund programs, there is an extra obligation to be sure we are spending wisely. We are not taking on new obligations that just as well could be performed by someone else, if they are good ideas.

It seems to me that when we are talking about taxpayer responsibility for a railroad retirement system, with its massive unfunded liabilities, that, A, we are buying a pig in a poke and, B, likely putting taxpayers into a situation of having to fund something with deficit financing because this bill puts the Government deeper and deeper into this pension and deeper into debt.

If the projections offered by the system's own actuaries are borne out, the scheme will reduce the trust fund's reserve by more than 50 percent. That is because of the lowered retirement age incorporated into the bill, as well as the other increased benefits, combined with the reduction in payroll taxes. Who can doubt that when this happens, these industries who lobbied for this bill will lobby for another taxpayer bailout? No private sector pension plan could get away with engaging in such practices and calling it reform.

Shame on us if we allow, through a very truncated debate here, the saddling of taxpayers with the bill for such a scheme at the behest of these vested interests.

As I said, this is the time for us rather to address our real priorities, and to the extent that people are interested in trying to find the best way to reform the taxpayer-subsidized railroad retirement system, that should be given the deliberation it really requires in this new time. Obviously, that could not occur over the next 24, 48 hours. We should not be taking up that legislation at this time—not only because it is bad legislation, but, as I said, because it diverts our attention from more pressing problems; namely, a stimulus package and getting that done, getting the appropriations bills done, and getting nominations done. I am sure if we can accomplish all of those things with great speed, that would put us right up to Christmas Eve time.

I hope tomorrow my colleagues will join me in voting to stay on the subject here, the stimulus package. Let's work through it and get it done.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have been listening closely to the arguments made by the other side. I have the greatest respect for the junior Senator from Arizona, but, boy, I will tell you that it is really hard to follow his argument. Based upon his statement asking why we are taking time out for extraneous material, the fact is, I was on the floor earlier today and offered a unanimous consent request. It was clear that there were some who came to the floor and said what the Senator from Arizona said: Why are we not on the stimulus bill?

As the Senator from North Dakota, who is on the floor, so adequately projected yesterday in his statement, we are not on the stimulus bill because a point of order was raised by the Republicans. We would be totally off the bill if we played their game.

We could have raised a point of order against the House bill. Then we would have nothing. We decided not to do that because we wanted the stimulus to be here because we believe it is important. But now the unanimous consent request—and I will offer it again—has been objected to. I will offer it again while the Senator from Arizona is here.

UNANIMOUS CONSENT REQUEST—H.R. 3090

I ask unanimous consent that the stimulus bill, H.R. 3090, recur as pending business immediately upon the disposition of the railroad retirement bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Yes, Mr. President. I object because what the Senator is asking for is the right to take up the railroad retirement bill.

Mr. REID. Mr. President, objection has been heard and I have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. KYL. I respect that, Mr. President.

Mr. REID. Mr. President, I also say there has been a question raised as to why we are not on the Railroad Retirement Act. In the words of my distinguished friend from Arizona, ''the audacity of the bill's sponsors.'' There are 74 of them, and 26 of them are Republicans. So the ''audacity'' of the 26 Republicans should be spread all over this record. The reason they were concerned when they sponsored this bill is that maybe they were concerned about the widows of the railroad workers and how they feel. This is important legislation, Mr. President.

Mr. KYL. Will the Senator yield for clarification?

Mr. REID. Mr. President, also, there is a riddle about the legislation not being as it was when it was signed onto. This happens all the time here. That is why we have debate on the floor. If somebody doesn't like part of the bill, don't filibuster it; let us go forward and offer amendments. We would have been off this a long time ago.

Then there was talk about why would we go to the farm bill. Well, Mr. President, 22 farm organizations believe that we should be on the farm bill as soon as we can. We are going to try to do that procedurally as soon as the minority lets us. I guess we should ask the Nation's farmers about the importance of this farm bill this year. They need this. That is why we want to go to it.

Also, there has been some talk as to why we aren't on the stimulus package. I have already talked about that. The fact of the matter is, in less than 45 minutes, the majority leader is meeting with the minority leader, the Speaker, the majority leader of the House, and the eight top leaders of this Congress, including the chairman and ranking member of the Finance Committee to talk about a stimulus package. Senator BYRD decided he is going to worry about homeland security; he is going to do that on the Defense bill. The majority leader is doing everything he can, and that will be amplified at 6:30 tonight.

Earlier today, we were criticized: Why are we not doing conference reports? Well, the reason is there aren't any. There are none to do. We would be on the stimulus package right now if a point of order hadn't been raised by the Republicans. I repeat that the reason we still have the bill is we decided we wanted to do something with the conference report.

My friend from North Dakota is present. He does a great job. But talking about nominations, how they can do that with a straight face is beyond my ability to comprehend. Mr. President, 14 judicial nominees have been approved. Senator LEAHY is going to report out 9 or 10 more tomorrow. He will have hearings next week on 4 or 5 more. This will be far more than anybody could imagine he could do with

the September 11 incident, with the antiterrorism legislation, which took weeks. We have approved 4 top-ranking officials from the State Department, 10 nominees who represent the United States before the U.N. We have approved 45 ambassadors.

We have said time and again this isn't payback time. But look what they did to President Clinton's nominations to be ambassadors. It was embarrassing. Senator DASCHLE and I went to Brazil. We didn't have an ambassador there for 2 years. It is one of the largest countries, not only physically but in the number of people, in the whole world. They would not bring the nomination up so we could have a vote. We have approved 45. We have approved 49 U.S. attorneys. We would approve more, but they haven't submitted them to us. There is also the Commissioner of Customs and the representative of the United States to the European Union. And they complain about Walters. We are going to do that next.

Now they have the theory that the reason Senator LEAHY is not moving forward is we don't want people to go to the Supreme Court. There is a basic rule we have that you don't have to be a district court judge or appellate judge to become a member of the Supreme Court; Rehnquist wasn't, the Chief Justice, for whom I have great respect. I think he is a great guy. He said the reason we are not moving forward is that a Hispanic judge is going to be promoted. I thought Judge Gonzalez, the President's chief lawyer at the White House, was going to be the next nominee to the Supreme Court. They should get their stories straight.

In short, rather than coming over here trying to confuse the American people, remember, we are not on the economic stimulus bill because they raised a point of order. We would be on the bill today. Instead, Senator DASCHLE is having to do some things in his office to work something out with the leadership—Senator BAUCUS, Senator GRASSLEY, and our counterparts in the House.

I am terribly disappointed that we have the minority coming here making excuses for their own delay. We are not delaying anything. We have not had a vote all day. It is not our fault.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I, too, was inspired by the remarks of a couple of colleagues. My colleague from Nevada just described a rather curious circumstance. We had colleagues come to the Chamber of the Senate and ask the question: Where is the stimulus package? Where is the legislation designed to provide economic recovery and lift to the American economy? It is as if they have forgotten the last couple of weeks.

That stimulus package, or the economic recovery package, was before the Senate. We had debate on it. I was here and began debate on that. We were discussing it. Then the other side decided they would make a point of order against that stimulus package.

A point of order was valid against it, as there is against the Republican package authored by Senator GRASSLEY, as there will be against the House package. All of them violate the Budget Act. We understand that. This is an emergency, and all of us understand that passing a stimulus package to provide for economic recovery is outside of the Budget Act. But they are the ones who decided to make a point of order and take it off the floor of the Senate, and they did.

Now they are asking: Where is it? They know where it is. It was before the Senate, it is now on the calendar, but it is not before us for debate because they made a point of order against the bill.

There is a certain genius in being able to ignore facts, but it must certainly be uncomfortable in the long run to do that. This is not about he said, we said, she said, they said. This is about: what do we do to help the American economy recover, how do we do it, and when do we do it? That is what it is about. It is not about pointing fingers.

We have had people come to the Chamber to talk about the majority leader this, the majority leader that. We had a discussion for an hour about energy and the majority leader. The majority leader came to the Senate Chamber today and said we are going to take up energy. He said exactly when we are going to do it, and how we are going to do it, and he is doing exactly the right thing because energy is important for this country. Part of America's security is energy security, that is true. But providing energy security is not developing policies that represent ''yesterday forever;'' developing policies that say our energy strategy is just dig and drill, and that is our energy strategy for the future. That is not an excuse for an energy strategy.

Yes, we should produce more oil and gas. Yes, we should use more coal. We should do it in an environmentally acceptable way. There is much more to do, as the majority leader knows, to promote strong conservation measures, better efficiency of appliances, and incentives to produce both limitless energy and renewable energy.

As the majority leader knows and some have forgotten, there is more to energy than just supply and conservation. Energy is also about national security and energy security—providing security for nuclear powerplants, providing security for transmission lines, and providing security for pipelines. All of that exists as well, and ought to be part of an energy bill.

That is why the majority leader has waited just a bit to bring all of these things together from all of the committees, so that when we debate energy in the Senate, we are debating a comprehensive energy bill that deals with energy security for this country. It is not just a ''yesterday forever'' policy.

I mentioned ''yesterday forever.'' I will not repeat the story, but my first car was a 1924 Model T Ford that I restored. When I got my Model T Ford restored when I was 14 or 15 years old, my father had a gas station, and I put gas in that 1924 car exactly the same way you put gas in a 2001 model car. Nothing has changed. You go to a gas pump, take the hose, stick it in your tank, and pump gas. Nothing has changed with respect to the way you fuel an automobile.

Everything else in life has changed. Don't you think maybe when we talk about an energy policy 40 and 50 years from now, we might aspire to have a change?

I drove a car out on the lot of the Capitol Building that was a fuel cell car operating on water and air, oxygen. The fact is, there are technologies, applications, and opportunities for us in a good energy policy dealing with not only transportation and automobiles, but with electricity and the transmission of electricity; with composite conductors, and tripling the efficiency of transmission lines.

There is so much more we can do and should do. That is why the majority leader says: Let's do this. I pledge to do it, here is when we are going to do it, but let's do it right. Let's have it be much more than just the same-old policies.

I asked those who run our energy policy one day—and I could have asked this question of any of the last four administrations, and gotten the same answer—I asked them: What are your plans? Do you have plans for 50 years from now, because we talk about Social Security—is Social Security funded for the next 30 to 50 years? Everybody is gnashing their teeth about that. I asked: What are our energy plans for 25, 35, and 50 years? Do we have any? If so, what are they? Do we aspire to wean ourselves just a bit from fossil fuels, and perhaps go to some other technologies and some renewable, limitless fuels? What is it that we aspire to do?

The answer was: We do not have plans for 25 or 50 years with respect to an energy future. We really do not think in those terms. We ought to. That is why the majority leader says: Let's do an energy bill and let's do it right. Let's do it in a way that says to this country our energy policy for the future is not yesterday forever. Senator DASCHLE makes good sense when he commits to do this, and to do it the right way.

I know one of my colleagues brought out several dozen charts today. I do not need any charts to simply say that we need an energy policy that is balanced, that represents production, conservation, efficiency, and renewable and limitless energy sources, and one that represents energy security for our country. I do not need charts to say that. We need to do that.

The House of Representatives wrote an energy bill that almost drops off the

one side of the page, it is so overweighted with ''yesterday forever'' policies.

To those who talk about the energy issues at such great length, I say we are heading toward a real debate on real energy policies that will strengthen this country. The reason we are going to do that is Majority Leader DASCHLE says he is committed to do that in the first work period when we come back in January. We are going to bring the work from all of these committees to the floor of the Senate, and talk about all the facets of energy that we need to employ to give this country some assurance of energy security for the future.

Mr. President, let me get back to the stimulus package. We cannot leave town without passing a stimulus or economic recovery package. We cannot do that. This country is at war. The economy of this country has been in a steep decline. We are in a war and a recession, and we must pass a package that tries to provide economic recovery. There is not a Republican way to do that or a Democratic way to do that.

There are plenty of good ideas in this Chamber. The trick, it seems to me, is for us to discard the bad ones, and embrace the good ones from every part of this Chamber—to come up with a bill that says: America first. We want this country to succeed. We want our economy to grow. We want to provide opportunity for the American people.

We have been in a situation where there was a call for an economic recovery program by virtually everyone, and the House of Representatives wrote one. It is not really worth much. I will just describe a couple of things.

The Ways and Means Committee on which I served for 10 years and was very proud to do that—it is a great committee—wrote an economic recovery plan. God bless them, they just went back to the same old suitcase of tired ideas. One that they trotted out was: Oh, by the way, for economic recovery, let's do this: Let's provide a tax rebate for alternative minimum taxes paid back between now and 1988 for the biggest companies in this country.

What does that mean? Well, Ford Motor Company gets a $1 billion rebate check. IBM gets a $1.4 billion rebate check. Is that going to promote economic recovery in our country? I do not think so. It is the same old tired thing, giving the big the most in a way that does not necessarily address the question of economic recovery. That is one example.

The point is the House wrote a bill. It has some good provisions in it; it has some awful provisions. In the Senate, we had a bill that came out of the Finance Committee. I thought it was a good bill, though not perfect. I would have done some things differently, but we brought it before the Senate. The Republican side of the aisle decided they would offer a point of order against it. They made a point of order that it violated the Budget Act, and they took it down. Now they stand around wondering what happened to it.

If a bill is taken down, it seems to me that if one's memory is not infinitesimally short, one should remember what happened to it when it was taken down. So maybe we need to get some mirrors for useful reminders to people when they say: Where is the stimulus package? Those who voted to take it off the floor of the Senate really dispatched the stimulus package from a debate we were having, which I thought was a pretty constructive debate.

Senator DASCHLE has convened a meeting that is going to happen in 30 minutes. I hope that meeting bears some fruit, because I do not think this is about Republicans and Democrats. It is about trying to get the best ideas we can to figure out what approaches—in spending and tax changes, tax cuts and expenditures, approaches that are both temporary and immediate—can help this country's economy. Whatever they are, wherever they come from, we ought to employ them in a way that cooperates with the President's interests, employ them to try to help this economy. That is what we should be doing at this point.

We had a discussion about judges. I happen to be one who believes we ought to move judges quickly to a vote. We ought to know all there is to know about them, as is the case in any lifetime confirmation. It is a lifetime appointment. When we confirm someone for life, we ought to know everything there is to know to make a judgment. I do not think we ought to hold judges. Let us move them to a vote. I am for that.

The people who are complaining these days were silent for 6 and 8 years when the then-majority party held the Democratic President's judges in a deep prison, and they never saw the light of day. We never heard a peep from these people.

Notwithstanding all the history, it seems to me this country is best served by moving judges after we have determined through hearings what their backgrounds are. My understanding is Senator LEAHY is holding a hearing, and about to report either eight or nine judges this week. So I think we are moving on judges. I think it is important for us to work together to do that.

What we have is a situation where Senator DASCHLE brings forward the Railroad Retirement Act. It has 74 cosponsors. In a 100-Member Chamber of the Senate, 74 Senators have cosponsored this Railroad Retirement Act, and yet we have a filibuster. Next we will try to bring the farm program. That came out of the Agriculture Committee. I am told by some there may be a filibuster on the motion to proceed to the farm bill. I hope very much that is not true. I hope we can get that legislation before the Senate.

With respect to the Railroad Retirement Act, I do not think this ought to be a cause for a filibuster. I know that has happened in the last day and a half, but the Railroad Retirement Act has 74 cosponsors, years of discussion between the railroads themselves, rail labor, and management, and the principles of those discussions have been incorporated into legislation that has been worked on for a long time. This has a very long gestation period. This has been around a long time. The bill is sufficiently good that it attracts 74 cosponsors. How many times does legislation in the Senate have 74 cosponsors? Not very many. So why does this have 74 cosponsors? Because this has been worked on a long time. It represents a sound compromise that will do a lot of important things.

I very much hope those who take a good look at this, especially those who cosponsored it, will vote to break this filibuster so we can move this bill and pass it through the Senate. But this provides for an expansion of the widow and widower benefits. It deals with important vesting provisions, early retirement provisions. It represents a compromise with respect to investment of funds. It is a compromise that is a good compromise, and has been developed over a long period of time, and one that the Senate really ought to embrace.

I realize when we come to the end of a session, as we have experienced now with probably a week and a half or two left, there are some who do not like the agenda. They say: this bill is brought up, but that is not what they want. They wanted a different bill. The problem is, someone has to be in charge. Our side did not like it when the other side was in charge. I understand that. That goes way beyond, in my judgment, the question of trying to get a couple of very important things done in the next week or week and a half. One is the stimulus package. That, by far, is the most important.

Our economy took a huge hole in its belly on September 11, and it was very weak going in. Economists now say we have been in a recession for some months. This economy is an economy that no one quite understands. It is a global economy. It is safe for me to say that Mr. Greenspan, the Chairman of the Federal Reserve Board, does not understand it. Mitch Daniels, Director of OMB, does not understand it, despite the fact that today he was talking about what might or might not happen with respect to deficits in the years 2002, 2003, 2005, in the outyears.

None of us understands it. I do not understand it. It is a global economy. The modeling does not work. It is a new economy. So what does this mean, this slowdown, this recession? When will it end? What can we do to help it?

It is quite clear to me the most important element by far is consumer confidence. If the American people are confident about the future, they do things that manifest that confidence. They buy a house, buy a car, or take a trip. They do things that represent

confidence and security in their future. If they are not confident about the future, they do exactly the opposite.

From those two reactions, of either being confident or not confident, we have both a contraction or an expansion of the American economy. In this global economy, that is even much different than we used to teach it in college. That expansion or contraction has other elements attached to it as well.

So it is our responsibility, in my judgment, to pass a stimulus package. The sooner, the better. My hope is the meeting at 6:30 this evening will give us an opportunity to reach a compromise between the two parties—to be able to create a package of economic recovery proposals that will really give confidence to the American people that this economy can begin to strengthen, can begin to expand and provide jobs and opportunity once again.

In the month of October, some 415,000 people had to go home one night after work and tell their family they lost their jobs. That is a pretty tough thing to do. These are people who lost their jobs through no fault of their own, people often at the bottom of the economic ladder being told that they no longer have a job. Then on the other side of the coin, about half of them, when they see if they can qualify for unemployment compensation, are told, no, they do not qualify. If they do qualify, they qualify for a rather insignificant quantity of unemployment compensation for a limited time.

That is why I hope when we pass this stimulus package one of the things we will do is recognize, as every economist who has talked to us recognizes, that one of the important elements of every economic slowdown to stimulate the economy and to do the right thing for people who have lost their jobs is to extend unemployment benefits. That money immediately goes into the economy and immediately helps the economy. So that is one of the things I hope will come out of the meeting this evening. I hope Senator DASCHLE, working with the other leaders in the House and with the White House, can reach agreement on a stimulus package that really will help this country.

Let me make one final point that I think some people will wonder about. There is no disagreement or dispute in the Senate about support for the President in prosecuting this war against terror. President Bush called on this Congress to support his prosecution of the war against terrorists. We support him. I think he has done an extraordinary job. I commend him. I commend the Secretary of State and the Secretary of Defense. My heart goes out to all of the men and women in uniform who are risking their lives for this country. We have some disagreements on domestic policy—on how we might put a stimulus package together, or whether there should be a filibuster on the Railroad Retirement Act—but people should understand there is no disagreement about this prosecution of the war against terrorism by this administration.

We support this administration. We applaud them for their efforts and stand behind them and do everything we can to see they succeed. It does not disserve this country's interests to have a discussion and debate about other issues—railroad retirement, farm policy, a stimulus package. It doesn't disserve anyone's interests to have disagreements about that. The best solution will be devised if we have disagreements and come up with all of the ideas, have a competition and select the best from that competition. That is what this Congress, in my judgment, owes the American people. From time to time people will be concerned about what the majority leader did or did not do; we ought not be concerned that this is broken down into some sort of a debate that is unhealthy.

Once in the Washington Post a Member of Congress was quoted as saying: This issue has really degraded into a discussion about principle. I thought: Well, I hope so. That is why we are all here, to debate policies and principles. No one should feel aggrieved because there is debate breaking out in Congress on some of the domestic policies; but no one should be mistaken about the war against terrorism and terrorists and the support this Congress has for this President in the prosecution of that war.

It is my hope we will be able to make some significant progress on these issues in the coming days. Despite the agreements we have had in recent days, I think we will see that progress.

PASSAGE OF S. 1684

Mr. DORGAN. Last evening the Senate passed S. 1684, my legislation to provide 1 additional year that was much needed for States, health plans, and health care providers to comply with the transactions and code sets regulation of the Health Insurance Portability and Accountability Act, or HIPAA. We needed an additional year in order to implement that. This legislation has been difficult to get passed, but I thank my colleague, Senator CRAIG, especially, and Senators BAUCUS, GRASSLEY, and KENNEDY, for working with me to reach a compromise on this legislation.

Senator CRAIG and I would prefer this bill go further in providing a bit more time in coordination with the effected entities, but we recognize others would have preferred no action at all. We worked for many months to try to reach a compromise. This compromise is appropriate.

I am still a strong supporter of the Administrative Simplification Act, which is the concept of what is called HIPAA. Ultimately having all the regulations in place will allow our health care system to be better coordinated and much more efficient. This bill provides an extra year to comply with part of these requirements with which we needed to have time to comply. It doesn't in any way affect the implementation of the medical privacy regulations by April 2003.

Now that it has passed the Senate, I look forward to working with my colleagues in the House to pass the legislation so we can provide for the States, for the health plans, and the providers the certainty they need to plan to implement the important health regulations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

REMEMBER NEW YORK

Mrs. CLINTON. Madam President, I rise today, as I did yesterday, to speak again about the destruction and devastation that took place on September 11 in New York City and with which we are still living, 11 weeks and 2 days later.

Madam President, 79 days after the attacks on our Nation, thousands of businesses and residents who were physically displaced by the destruction, who suffered from the loss of power and telephone access, who have been overwhelmed and hindered by the debris removal efforts, who have breathed the poor air, who have tried to cope with the crime scene designation, who are worried about returning to their homes in and near ground zero, who have lost their jobs, who are worrying whether they can keep the doors of their businesses open, thousands upon thousands of New Yorkers are still awaiting some help, any help from the Federal Government.

As I said yesterday, the U.S. Constitution guarantees to protect every State against invasion. The President said in his joint address to Congress just 10 days after the attacks ''we will rebuild New York City.'' That same day, my colleague, Senator LOTT, said while visiting New York, ''We are here to commit to the people'' of New York City, ''that we will stand with you.''

Congressman GEPHARDT, the House minority leader, said in his weekly radio address: ''We will work to make the broken places right again. We will rebuild New York.''

They were in good company. As this chart shows, so many of our leaders who spoke out made tremendous commitments of help and related to the suffering that was going on and still persists to this day.

Madam President, 79 days have passed since the terrorist attacks on our Nation took over 3,500 innocent lives. Those are lives that, tragically, we cannot get back. But the attacks also took livelihoods. We can do something about that. Not only were 15 to 20

million square feet of office space, nearly one-third of all space in Lower Manhattan, either completely destroyed or damaged, but thousands of more smaller businesses remain without physical or telephone access, without power or with limited access to their places of business—and through no fault of their own.

On September 10, they were running thriving businesses; on September 12, they were no longer open, and in too many instances still all these days later they are not.

This is a before-and-after comparison. This is what the World Trade Center area looked like when we woke up on the morning of September 11—on that glorious, beautiful, late summer day. This is what it looked like after the terrorists wreaked their evil plot on our country. I show these pictures to remind everyone what happened on that morning—the lives that were lost; the heroic firefighters, police officers, and emergency workers who ran toward danger, not away from it; the thousands and thousands of inhabitants of the buildings that were destroyed and damaged, who, thankfully, made it to safety, and the thousands more who did not.

We know, as I have said before, the damage that has been done is difficult to express in words. We are not even quite sure of the full impact, but we do know from a study completed by the New York City Partnership and Chamber of Commerce that small businesses directly affected by the attacks have seen their sales decline by up to 80 percent. New York City is likely to lose 125,000 jobs in the fourth quarter of this year. We have already lost an unprecedented 79,000 jobs in October alone. A total of 270,000 jobs are at risk in Lower Manhattan. In the 45 days following the attack, because of the inaccessibility—the crime scene designation, the streets blocked off, the debris trucks moving up and down doing their job—small businesses lost nearly $795 million. Up to 55,000 small business jobs are expected to be lost during the first quarter of next year.

These are staggering numbers. Sadly, 79 days after the attacks, not nearly enough help has arrived for the businesses and workers who were directly victimized by these attacks.

There is a reason that our President and our leaders in the House and the Senate committed to rebuild New York and to make the broken pieces right again. It is because we need New York. We need New York's energy, dynamism; it is the center of global commerce.

But even beyond that, it is because we, the Federal Government, the Government of our country, which represents all Americans, have a responsibility, not only as outlined in the Constitution but one that I think we feel as our duty. It is the same duty we felt after the Midwest floods devastated so many acres up and down the Mississippi; after the North Ridge earthquake in California destroyed bridges and highways and buildings and made people run for their lives in the middle of the night; after Hurricanes Hugo and Andrew and all the others; after tornadoes; after the Oklahoma City bombing; after the New Mexico fires. After every disaster, natural or manmade, one of the unique attributes of our Nation is that we rally around.

It is sometimes remarked that as Americans we find our best selves in the face of tragedy. Whether it is people along the levee who are filling sandbags or rescue workers going into the teeth of a tornado to make sure everyone is safe, whether it is the heroic rescuers who carry out the injured and dying from the Oklahoma City bombing, we pull together. We take care of our own.

In the case, for example, of the New Mexico fires, just 62 days after the President declared the disaster, the Cerro Grande Fire Claims Office was created at FEMA for businesses and others to seek immediate assistance. By the 120th day, the first claim was approved. So the office was set up, the claims were begun, and they were in the pipeline and being approved. As of today, $240 million has been paid out, including $20 million in relief going to businesses, $116 million to individuals.

If you go back and look at how New Mexico responded, you can see there is a real difference between the headlines from New York and the headlines from New Mexico. Headlines from ground zero: ''New York Needs Help Now to Rise From the Ashes,'' ''New York Financial Core Wobbles From Attack's Economic Hit,'' ''Since September 11, Vacant Offices and Lost Vigor,'' ''Terror Attacks Have Left Chinatown's Economy Battered,'' ''A Nation Challenged: Small Shops Feel Lost In Aid Effort.''

Compare those headlines that appeared on November 19, November 21, the 25th, the 26th—within the last days—with the headlines that came out of New Mexico.

Headlines from New Mexico read: ''Los Alamos Welcomes Federal Aid.'' That's right, the headline was ''Los Alamos Welcomes Federal Aid.'' Not: Where is it? Why are we having to wait so long? Who will help us rise from the ashes? We have so many New Yorkers displaced by these attacks who are still awaiting help.

I have talked with a number of my colleagues about this. It seemed the New Mexico model was a very good one. It made so much sense because here was an instance when the Federal Government itself caused the disaster by setting the fires, and the Federal Government took responsibility and came forth with the assistance to aid businesses and individuals who, through no fault of their own, were in the path of that fire. They didn't start it; they didn't see it coming; it just happened.

Some of my colleagues say: Yes, that is right. We immediately responded. We got the job done. But, after all, the Federal Government set the fires.

That strikes me as a strange way of setting one disaster against another. When I think about all the lives that were lost in the World Trade Center, when I think about all the businesses that are struggling, and all the people who have lost their jobs, I have to reflect that this attack on our country is in some ways even worse than setting a fire to stop a fire. The Federal Government made a mistake in New Mexico. They followed a fire policy that got out of hand and did not work, and they stepped up and took responsibility, representing Americans' willingness to take responsibility.

Here we have the same kind of challenge. Through no fault of the people on the ground in New York, we were attacked. I hope my colleagues in the Senate, on both sides of the aisle, our colleagues in the House, the administration, will have the same sense of responsibility to help our businesses and workers who have been displaced by terrorist attacks as they had in assisting our fellow citizens in New Mexico.

I and Senator SCHUMER have introduced a bill that builds on the lessons we have learned from the Cerro Grande Claims Office. There are other ways of providing the funding that is needed. My plea is that we get about the business of doing that.

The victims of the fires in New Mexico were not told to go through a lengthy process with the Small Business Administration. They weren't told if you don't have any collateral and you can't get customers because you have a crime scene designation and therefore you are not eligible or you cannot pledge your assets for a small business loan, you are out of luck. We used our ingenuity. We were creative in solving the problems that our friends and fellow citizens in New Mexico faced. That is what we are asking on behalf of New Yorkers.

We are asking that all of these promises from the President; the Speaker; the majority leader; Senator LOTT, the minority leader; the OMB Director; and countless others—that these promises be realized as quickly and with the kind of dispatch that we saw when it came to New Mexico.

I hope we can address this issue in the remaining days of this year because our people cannot wait. They could not wait in New Mexico, and they were assisted. They cannot wait in New York either because this is unlike any disaster. This is not a disaster such as a terrible fire or a hurricane. This is a crime scene. This has the kind of significance that has burned itself into our consciousness. The fires are still burning.

I met earlier today with some residents who live in the buildings that weren't destroyed. They are like pioneers. They are like people on the frontier. They have gone back to their homes. It is not easy. There are no services. The work goes on 24 hours a

day, 7 days a week. The smell from the burning fires permeate the air. They want to stay and be part of rebuilding New York. They want to make real the words of all of our leaders. All they need is a little bit of help. I hope our colleagues will provide that.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ANWR

Mr. REID. Madam President, there will be a lot of time spent on other occasions debating energy. I don't want the day to end without there being spread across the record of this Senate the fact that all this talk about the salvation of our country and the world by drilling in ANWR is just based upon false facts. Out of 100 percent of fossil fuel around the country, excluding coal, the United States has 3 percent of the reserves. Ninety-seven percent is someplace else. That includes the very small portion of those reserves in Alaska.

We are going to have to change the way we do business in America as it relates to fuel or we are going to continue to import more fuel. We cannot be self-sufficient for gasoline and petroleum products. We can't be. We do not have the natural resources to do that. We can drill in ANWR—this beautiful pristine wilderness—and get enough fuel for 6 months in the United States, a relatively small amount. But what we have to do is look to alternative energy sources—wind, sun, geothermal, and biomass. That is where the future of this country is as far as fuel proficiency. It is not in drilling for oil that we don't have.

I again say that I don't want the day to go by with people maybe having watched us saying: Why aren't they going up and drilling in ANWR? It would solve all of our problems. That is absurd.

I understand why my two distinguished colleagues from Alaska are pushing for ANWR drilling. It creates jobs in Alaska. I know how important jobs are, but the overall benefit of the country is really nonexistent.

Mr. CLELAND. Madam President, I rise today in support of H.R. 1140, the railroad retirement reform bill. As thousands of Georgians who have contacted my office in support of this legislation will state, action by the Senate on this legislation is long overdue, and I am pleased to hear that we will hold a cloture vote on the bill this week. The House of Representatives passed this legislation more than once by overwhelming, bipartisan majorities, and the Senate version has 74 cosponsors.

Not only would current and former employees benefit from this legislation but also the widows and widowers of former employees, and this legislation is the result of a long effort by both industry and labor to reform the railroad retirement system. Not often does Congress have the opportunity to vote on a cooperative effort supported by virtually everyone in the affected industry. We have that opportunity now, and we would be remiss to ignore it or not support it.

It is my understanding that a small number of Senators have stood in the way of this legislation, which has necessitated the filing of a cloture petition to shut down the filibuster. These same colleagues joined me in support of a tax break package earlier this year that costs over $1 trillion. At that time, we supported the tax legislation because of the potential economic stimulus it could provide. I say that reforming the railroad retirement system will also provide such stimulus by freeing up funds that could be reinvested in the economy by the over one million active and retired rail workers and their families.

This country exploded as the railroads moved west. It was the physical incarnation of manifest destiny. Since the time these initial courageous workers linked this country, hundreds of thousands of workers have followed in their footsteps to maintain and expand their work. These workers and their families would benefit from H.R. 1140. I urge my colleagues to join me in support of this legislation and provide long overdue reform to the railroad retirement system.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

HOLLYWOOD IN THE HILLS

Mr. BYRD. Madam President, I have, on many occasions, spoken from this desk about the tendency of many in the entertainment industry to appeal to the least common denominator in our society in order to make the largest possible profit. Whether it be through the promotion of sex to young people or through the glamorization of violence, drug use, or other illicit behaviors, the entertainment industry has, too often and for far too long, popularized activities that promote negative and often dangerous behaviors.

Until last week, that idea dominated my opinion of much of the entertainment industry—television, film, and video games. But a creative and intelligent film director, some very talented actors, and a large and dedicated crew showed me that not all of Hollywood takes aim at the most base elements of our society.

On November 20—my 84th birthday—I was provided the opportunity to participate in the filming of the movie, ''Gods and Generals.'' This film is directed by Mr. Ronald Maxwell and is written as a prequel to the film ''Gettysburg,'' which Mr. Maxwell also directed. At Mr. Maxwell's invitation, I made my film debut, making a cameo appearance as General Paul J. Semmes, an adviser to General Robert E. Lee during the Civil War. Early in the morning on a western Maryland farm, I stepped out of my reality representing West Virginia in the Senate and into a small piece of the real-life history that gave birth to my State.

I arrived at the set at Flook's Farm near Keedysville, MD, at 7:30 a.m. and was met by Mr. Maxwell and by my nephew, William T. ''Tommy'' Sale. It had been years since I had seen Tommy. He was playing the part of a Confederate artillery gunner in the film. After some time, I was escorted to my trailer by Mr. Maxwell, where I changed from my 21st century business suit to my mid-19th century Confederate uniform. From there, I walked to the make-up trailer, where my white locks were highlighted with shades of grey and black, and my normally clean-shaven face was suddenly a well-rounded grey beard. I no longer looked like ROBERT C. BYRD. I had been transformed into Paul J. Semmes.

We drove up to the film location on the top of a nearby hill. At the peak were two rows of cannons, several columns of Confederate Civil War reenactors, including my nephew, and a tent that was to serve as the ''Telegraph Hill'' headquarters of General Lee. Under this tent were gathered some of the top military leaders of the Confederacy—Robert E. Lee, played by Robert Duvall, A.P. Hill, William Sanderson, J.E.B. Stuart, Joseph Fuqua, James Longstreet, Bruce Boxleitner, George Pickett, Billy Campbell, Thomas J. ''Stonewall'' Jackson, Stephen Lang, John Bell Hood, Patrick Gorman, and others. Scene 158—a little more than 3 minutes of film in which General Lee and his military advisors plan the Battle of Fredericksburg—took several hours to complete. The director, cast, and crew were not interested in speed; they wanted quality and were committed to historical accuracy.

After a few hours of rehearsing and filming, we broke for lunch. It was a delicious meal and the company of such talented professionals made it memorable. For instance, not only are these men portraying Confederate generals, they also can talk at great detail about military history, tactics, and lessons. They can speak with certainty about the Civil War—its causes, its terrible loss of life, and the aftermath. They can regale one with stories of the period and the people. They are not simply reciting words on a page; rather, they are bringing to life a period of American history that ended an inhuman practice and solidified our future as one nation. At the conclusion of this lunch, they surprised me with a birthday cake and serenade, and then called

on me to say a few words. I was touched. I rose to my feet and recited a few lines from memory that I thought appropriate.

Fame is a vapor;
Popularity, an accident;
Riches take wings;
Those who cheer today may curse tomorrow;
Only one thing endures: Character!

Then I told those of the cast and crew, ''You have it! You have that character.''

After lunch, we had several more hours of rehearsing and filming. Finally, as the sun was disappearing behind the mountains in the distance, we completed our work and called it a day. My beard and uniform were removed. I changed back into my business suit, and re-entered the 21st century. And while I was able to return to my wife and my home for the evening, the cast and crew retired to nearby hotels and started preparations for the next day's filming, which would start with the first light of the morning sun.

Many have asked me why I would take the time to play this role in a film, especially considering that I do not attend many movies. The answer is simple. I have long sought to promote the teaching and understanding of our Nation's history. I have helped to create Federal initiatives that focus on American history. I have talked countless times about George Washington, Thomas Jefferson, James Madison, Alexander Hamilton, John Adams, the Founding Fathers, the Constitutional Framers, Nathan Hale, Abraham Lincoln, and other true American heroes. I try to encourage young people to learn about these great figures of our country's past. I urge students to read, to visit historical sites, and to soak up as much knowledge as they can. This film allowed me the opportunity to help bring American history to life, to spring it from the pages of history books into the flickering images of the movie screen. In a small way, through this role, I am continuing to promote the understanding of our Nation's history. I thank Mr. Maxwell and the other actors for giving me such an opportunity.

In the days since my cameo appearance as General Semmes, I have reflected on our Nation's experiences during the Civil War and what lessons we can draw from our past during the current conflict at home and overseas. I worry about the men and women of our Armed Forces who are engaged in action in Afghanistan. I am concerned about our lack of preparedness to prevent further terrorist attacks from occurring on our home soil, and to respond should, God forbid, another tragedy be inflicted upon our shores. I wonder what kind of world we will leave for my two great-granddaughters, Caroline Byrd Fatemi and Kathryn James Fatemi. I hope that those of us in positions of leadership can have the same strength of character and dedication to our country as the Nation's leaders exemplified during the Civil War. I pray that the American people have the fortitude, the willingness to sacrifice, and the patience that will no doubt be necessary during what I continue to believe may be a long battle against terrorism. At the same time, it is clear that the American people will need steadfastness and determination to move forward from the September 11 tragedies. I am thankful that we live in a country that can confront a crisis with strength and moral certainty without abandoning the very principles and values that we hold most dear.

The final words in scene 158 of ''Gods and Generals'' come from General Lee. After hearing from his advisors about the preparations and planning for the upcoming battle, General Lee commends them and says, ''The rest is in God's Hands.'' We can say the same today. We are making preparations and planning for the future. The rest is in God's Hands.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 213

Mr. CONRAD. Madam President, section 213 of H. Con. Res. 83, the fiscal year 2002 Budget Resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 83:

	Dollars in millions
Current Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	$21,175
FY 2002 Outlays	17,856
FY 2002–06 Budget Authority	69,640
FY 2002–06 Outlays	52,349
FY 2002–11 Budget Authority	114,692
FY 2002–11 Outlays	80,210
Adjustments:	
FY 2002 Budget Authority	0
FY 2002 Outlays	0
FY 2002–06 Budget Authority	33,514
FY 2002–06 Outlays	32,141
FY 2002–11 Budget Authority	66,089
FY 2002–11 Outlays	65,363
Revised Allocation to Senate Agriculture Committee:	
FY 2002 Budget Authority	21,175
FY 2002 Outlays	17,856
FY 2002–06 Budget Authority	103,154
FY 2002–06 Outlays	84,490
FY 2002–11 Budget Authority	180,781
FY 2002–11 Outlays	145,573

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 16, 1995 in Eau Claire, WI. A man was beaten by another man who used anti-gay slurs during the assault, and claimed the victim made homosexual advances toward him. The assailant, Chad A. Johnson, 19, was charged with attempted first-degree intentional homicide under the State hate crime law. I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, a the ''James A. McClure Federal Building and United States Courthouse.''

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

S. Con. Res. 82. Concurrent resolution authorizing the 2002 Winter Olympics Torch Relay to come onto the Capitol Grounds.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.

H.R. 1913. An act to require the evaluation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

H.R. 3189. An act to extend the Export Administration Act until April 20, 2002.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take the time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1230. An act to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1259. An act to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1913. An act to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; to the Committee on Indian Affairs.

H.R. 3093. An act to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse''; to the Committee on environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; to the Committee on the Judiciary.

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress that Americans should take time during Native American Heritage Month to recognize the many accomplishments and contributions made by native peoples; to the Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1732. A bill to provide incentives for an economic recovery and relief for victims of terrorism, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2983. An act to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Rules and Administration, without amendment:

S. 565: A bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Foreign Relations pursuant to the order of November 28, 2001:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1736. A bill to provide for the reclassification of certain counties for purposes of reimbursement under the Medicare Program; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1740. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUYE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWNBACK, Ms. LANDRIEU, and Mr. ENSIGN):

S. Res. 184. A resolution expressing the sense of the Senate regarding the use of content labeling for Internet web sites of Senators; to the Committee on Rules and Administration.

By Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER):

S. Con. Res. 86. A concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 201

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 201, a bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 911

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 911, a bill to reauthorize the Endangered Species Act of 1973.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1104

At the request of Mr. GRAHAM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1275

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1646

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1646, a bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. RES. 109

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 140, a resolution designating the week beginning September 15, 2002, as ''National Civic Participation Week.''

AMENDMENT NO. 2136

At the request of Mr. SPECTER, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 2136 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

AMENDMENT NO. 2152

At the request of Mr. DEWINE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2152 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. SCHUMER):

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.

Mrs. CLINTON. Madam President, I rise today to offer a helping hand to communities in New York and around the country experiencing fiscal distress as they struggle to respond to the heightened security needs of our country.

Although the terrorists responsible for the September 11 attacks targeted two of our cities, communities thousands of miles away from Ground Zero now find themselves on the front lines in the war against terrorism. Since the attacks, towns and cities, both large and small, all across America have been overwhelmed by calls about potential biological or chemical attacks or threats to infrastructure. Along with this new responsibility comes a heavy burden that these communities should not be forced to shoulder alone.

That is why today I am introducing legislation to provide relief to State and local governments in their efforts to improve emergency response and public safety locally. This Federal aid will ensure that local communities will not have to bear the burden of a strong homeland defense alone. Tomorrow, mayors from all around New York State will meet in New York City to address these very concerns. The legislation I'm introducing today, along with my colleagues Senators FEINSTEIN, MIKULSKI, DURBIN, and SCHUMER, will go a long way in helping them and communities across the country meet these needs.

Since the unimaginable acts of terrorism against American civilians on U.S. soil that took place a few months ago, we have been forced to reevaluate virtually every aspect of our homeland security. One immediate change to emerge in post-September 11 America has been that local communities are now charged with an enormous responsibility: plugging in the gaps in our public safety system and securing our homeland defense.

Our entire country witnessed it on September 11 when hundreds of brave men and women in uniform went rushing towards burning buildings to save peoples' lives. These courageous individuals were public safety officers and emergency response personnel, and, on that day, America and its towns and cities were forever changed.

Mayor Joseph Griffo of Rome, New York described this new phenomenon, saying,

> The mayors have become the leaders, the first responders in this new war on terrorism. The police, the firefighters and the emergency personnel are the first responders. We have a role and a responsibility in being more keenly aware of what potentially could happen to our communities.

Already, towns and cities in New York, and municipalities across the country, have seen a glimpse of what homeland security's price tag looks like and they are deeply concerned about how they will pay for it. Rome Mayor Griffo has said,

> The finances, of providing security, are going to be very difficult. I think it may be tough to recoup all the costs that we've incurred to date. . . . Beyond that, we have to see where we can work in partnership with the feds and the state.

Bills from skyrocketing police and fire fighter overtime costs are saddling many local governments with unanticipated costs. Local law enforcement agencies are struggling with expenses from a wide range of security needs, including: properly securing major transportation infrastructure, like tunnels and bridges; stepping up security at facilities that store hazardous materials or drinking water; and providing local health personnel with the resources

and training they need to respond to biological and chemical attacks.

Mayor Jerry Jennings of Albany, NY, estimates that increased patrols at Alcove Reservoir in Coeymans to ensure that the city's water supply is adequately protected will probably cost taxpayers $1 million. The city of Buffalo, New York, has received 139 terrorist threats since September 11. Buffalo Mayor Tony Masiello estimates these additional threats will cost the city approximately $700 an hour.

Although the terrorist attacks of September 11 targeted New York and Washington, DC, every single community in our country has been affected by the attacks, Baltimore, for example, has incurred nearly $4 million in security costs since the September 11 attacks, and city budget officials predict that those costs could grow to $15.8 million for the fiscal year.

New Orleans is contending with a $10 million budget gap due to security costs for the city and the New Orleans airport. Dallas, according to some estimates, has already spent $2 million on security and could end up spending $6 million by the end of the year. In Massachusetts, Acting Governor Jane Swift has approved $26 million for homeland defense related spending, which includes state police overtime.

According to the National Governors' Association, over the next six months expenses resulting from the September 11 attacks could end up as high as $10 billion in the 50 States, while the National League of Cities projects a 4 percent decline in revenues for cities—a projected $11.4 billion—from the disastrous effects the attacks have had on local employment and tourism.

These figures point to what mayors have been saying for some time now and what I repeated on this floor a few weeks ago after meeting with mayors from all over the country: the cost of homeland security is causing our cities to bleed dollars.

Of the 214 cities polled in late October, more than half said that they increased spending on security after September 11 and that they would have to dip into surpluses and cut programs as a result. It has even been reported that some states are considering using their state lottery funds to pay for the cost of bolstering local homeland defense efforts.

Our homeland security cannot be left to chance and no city or town in America should have to choose between adequately protecting its citizens and funding important programs that benefit our children, the most vulnerable among us. It's the responsibility of the Federal Government to ensure our security and we must not let our cities and towns bear the brunt of homeland defense alone.

These additional fiscal demands come at a time when we are already facing a nationwide economic downturn and people are already experiencing the pain of this economic uncertainty. Over the next 18 months, New York State will face an estimated $10 billion shortfall in state revenues. To counter some of these pressures and help communities recover more quickly from this economic slump, we must provide local communities with the resources they need to meet these increased demands.

Under the legislation I am introducing, cities, counties, and towns across America will be able to access Federal funds to help make up these anticipated revenue shortfalls. The Homeland Security Block Grant Act provides $3 billion in funding to communities, with 70 percent going directly to more than 1,000 cities and counties across the United States. The remaining 30 percent will be funneled to States to direct to smaller communities to help them improve security and public safety locally.

Cities with a population of more than 50,000 and that are within metropolitan areas and counties within metropolitan areas, regardless of the size of the county, will receive funds directly. For example, both Syracuse and Onondaga County will be eligible to receive grant funds.

Some of my colleagues have asked whether a small state provision can be included in the bill, one that would guarantee that less-populated states would receive a minimum level funding. I am very much looking forward to working with my colleagues on such a provision to include in this bill.

This legislation gives local communities a lot of flexibility to determine how grant funds will be used because local communities are most knowledgeable about their security needs. For example, funds can be used for overtime expenses for law enforcement, fire, and emergency personnel incurred as a result of terrorist threats or to purchase personal protective equipment for fire, police, and emergency personnel.

Communities could also use these federal funds to acquire state-of-the-art technology to improve communication between the first responders, based at myriad local agencies, so that they can work together closely and efficiently while responding to attacks. In addition, funds could also be used to improve security or water treatment plants, nuclear power plants, tunnels and bridges, and chemical plants.

Towns and cities may also decide to use the funds to improve the communication system used to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take.

Finally, to encourage communities to use the homeland security block grants effectively, communities will be required to match by 10 percent the funds received from the Federal Government. Financially distressed communities, however, will receive a waiver from the matching requirement.

I'm proud that this legislation has the support of the International Association of Firefighters, the International Association of Fire Chiefs, the National Association of Police Organizations, the National League of Cities, and U.S. Conference of Mayors.

Just as our Federal Government pays for defense overseas, it is our duty to fund our defense at home. Our homeland defense can only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other homeland security initiatives, we will have a better-prepared home front and a stronger America.

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

S. 1737

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 ''Homeland Security Block Grant Act''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.
Sec. 5. Statement of activities and review.
Sec. 6. Activities eligible for assistance.
Sec. 7. Allocation and distribution of funds.
Sec. 8. Nondiscrimination in programs and activities.
Sec. 9. Remedies for noncompliance with requirements.
Sec. 10. Reporting requirements.
Sec. 11. Consultation by Attorney General.
Sec. 12. Interstate agreements or compacts; purposes.
Sec. 13. Matching requirements; suspension of requirements for economically distressed areas.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

SEC. 3. DEFINITIONS.

In this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the United States Attorney General.

(2) CITY.—The term ''city'' means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Attorney General—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(3) EXTENT OF POVERTY.—The term ''extent of poverty'' means the number of persons whose incomes are below the poverty level. Poverty levels shall be determined by the Attorney General pursuant to criteria provided by the Office of Management and Budget taking into account and making adjustments, if feasible and appropriate and in the sole discretion of the Attorney General, for regional or area variations in income and cost of living, and shall be based on data referable to the same point or period in time.

(4) FEDERAL GRANT-IN-AID PROGRAM.—The term ''Federal grant-in-aid program'' means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(5) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(6) METROPOLITAN AREA.—The term ''metropolitan area'' means a standard metropolitan statistical area as established by the Office of Management and Budget.

(7) METROPOLITAN CITY.—The term ''metropolitan city'' means—

(A) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(B) any other city, within a metropolitan area, which has a population of fifty thousand or more.

Any city that was classified as a metropolitan city for at least 2 years pursuant to the first sentence of this paragraph shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Attorney General, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d). Notwithstanding the second sentence of this paragraph, a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Attorney General, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(8) NON-QUALIFYING COMMUNITY.—The term ''nonqualifying community'' means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(9) POPULATION.—The term ''population'' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(10) STATE.—The term ''State'' means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(11) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(12) URBAN COUNTY.—The term ''urban county'' means any county within a metropolitan area.

(b) BASIS AND MODIFICATION OF DEFINITIONS.—Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, 0on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Attorney General may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) DESIGNATION OF PUBLIC AGENCIES.—One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of general local government to undertake activities assisted under this Act.

(d) LOCAL GOVERNMENTS, INCLUSION IN URBAN COUNTY POPULATION.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2002 under section 4, the population of any unit of general local government which is included in that of an urban county as provided in subsection (a)(6) shall be included in the population of such urban county for three program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such three-year period.

(e) URBAN COUNTY.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify, as provided in this subsection, each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Attorney General, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought. The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Attorney General, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided in subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

The Attorney General is authorized to make grants to States, units of general local government, and Indian tribes to carry out activities in accordance with the provisions of this Act. For purposes of assistance under section 7, there is authorized to be appropriated $3,000,000,000 in fiscal year 2002, and such additional sums as are authorized thereafter.

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) APPLICATION.—Prior to the receipt in any fiscal year of a grant under section 7(b) by any metropolitan city or urban county, under section 7(d) by any State, or under section 7(d)(2) by any unit of general local government, the grantee shall have indicated its interest in receiving funds by preparing a statement of homeland security objectives and projected use of funds and shall have provided the Attorney General with the certifications required in subsection (b) and, where appropriate, subsection (c). In the case of metropolitan cities and urban counties receiving grants pursuant to section 7(b) and in the case of units of general local government receiving grants pursuant to section 7(d)(2), the statement of projected use of funds shall consist of proposed homeland security activities. In the case of States receiving grants pursuant to section 7(d), the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government. In preparing the statement, the grantee shall consider any view of appropriate law enforcement, and emergency response authorities and may, if deemed appropriate by the grantee, modify the proposed statement. A copy of the final statement shall be furnished to the Attorney General and the Office of Homeland Security together with the certifications required under subsection (b) and, where appropriate, subsection (c). Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

(b) CERTIFICATION OF ENUMERATED CRITERIA BY GRANTEE TO SECRETARY.—Any grant under section 7 shall be made only if the grantee certifies to the satisfaction of the Attorney General that—

(1) it has developed a homeland security plan pursuant to section 5 that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(2) the grantee will comply with the other provisions of this Act and with other applicable laws.

(c) SUBMISSION OF ANNUAL PERFORMANCE REPORTS, AUDITS AND ADJUSTMENTS.—

(1) IN GENERAL.—Each grantee shall submit to the Attorney General, at a time determined by the Attorney General, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a). The Attorney General shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Attorney General, within 1 year after the effective date of this sentence, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively. Based on the Attorney General's approval of these recommendations, the Attorney General shall establish such requirements for use by such grantees, States, and units of general local government.

(2) REVIEWS AND AUDITS.—The Attorney General shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants made under section 7(b), whether the grantee has carried out its activities and, where applicable, whether the grantee has carried out those activities and its certifications in accordance with the requirements and the primary

objectives of this Act and with other applicable laws, and whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(d), whether the State has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement, whether the State has carried out its certifications in compliance with the requirements of this Act and other applicable laws, and whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(3) ADJUSTMENTS.—The Attorney General may make appropriate adjustments in the amount of the annual grants in accordance with the Attorney General's findings under this subsection. With respect to assistance made available to units of general local government under section 7(d), the Attorney General may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Attorney General's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(d) AUDITS.—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(e) METROPOLITAN CITY AS PART OF URBAN COUNTY.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Attorney General may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under section 5 and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

Activities assisted under this Act may include only—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, and other water infrastructure; nuclear power plants and other power infrastructure;

(B) tunnels and bridges;

(C) oil and gas pipelines and storage facilities; and

(D) chemical plants and transportation of hazardous substances;

(4) assisting Local Emergency Planning Committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) ALLOCATION AND DISTRIBUTION OF FUNDS; SET-ASIDE FOR INDIAN TRIBES.—

(1) ALLOCATION.—For each fiscal year, of the amount approved in an appropriation Act under section 4 for grants in a year (excluding the amounts provided for use in accordance with section 6), the Attorney General shall reserve for grants to Indian tribes 1 percent of the amount appropriated under such section. The Attorney General shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Attorney General after notice and public comment.

(2) REMAINING ALLOCATION.—Of the amount remaining after allocations pursuant to paragraph (1), 70 percent shall be allocated by the Attorney General to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2002, from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).

(b) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES AND URBAN COUNTIES.—

(1) IN GENERAL.—The Attorney General shall determine the amount to be allocated to each metropolitan city based on the population of that metropolitan city.

(2) URBAN COUNTIES.—The Attorney General shall determine the amount to be allocated to each urban county based on the population of that urban county.

(3) EXCLUSIONS.—In computing amounts or exclusions under this section with respect to any urban county, there shall be excluded units of general local government located in the county the populations that are not counted in determining the eligibility of the urban county to receive a grant under this subsection, except that there shall be included any independent city (as defined by the Bureau of the Census) which—

(A) is not part of any county;

(B) is not eligible for a grant pursuant to subsection (b)(1);

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (d) with respect to such fiscal year.

(4) INCLUSIONS.—In computing amounts under this section with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if the part of such unit of local government which is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section, and if the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section. Any amount received by such urban county under this section may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(5)POPULATION.—(A) Where data are available, the amount determined under paragraph (1) for a metropolitan city that has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts that would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if such consolidation had not occurred. This paragraph shall apply only to any consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(ii) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(iii) took place on or after January 1, 2002.

(B) The population growth rate of all metropolitan cities referred to in section 3 shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(ii) cities that were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.

(c) REALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), any amounts allocated to a metropolitan city or an urban county pursuant to the preceding provisions of this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsections (a) and (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Attorney General that they would be adversely affected by the loss of such amounts from the metropolitan area. The amount of the share of funds reallocated under this paragraph for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(2) TRANSFER.—Notwithstanding the provisions of paragraph (1), the Attorney General may upon request transfer responsibility to any metropolitan city for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior

to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(d) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount approved in an appropriation Act under section 4 that remains after allocations pursuant to paragraphs (1) and (2) of subsection (a), 30 percent shall be allocated among the States for use in nonqualifying areas. The allocation for each State shall be based on the population of that State, factoring in the population of qualifying communities in that State, and the population of qualifying communities of all States. The Attorney General shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under such paragraph so that the nonqualifying communities in each State will receive an amount that represents the same percentage of the total amount available under such paragraph as the percentage which the nonqualifying areas of the same State would have received under such paragraph if the total amount available under such paragraph had equaled the total amount which was allocated under such paragraph.

(2) DISTRIBUTION.—(A) Amounts allocated under paragraph (1) shall be distributed to units of general local government located in nonqualifying areas of the State to carry out activities in accordance with the provisions of this Act—

(i) by a State that has elected, in such manner and at such time as the Attorney General shall prescribe, to distribute such amounts consistent with the statement submitted under section 5(a); or

(ii) by the Attorney General, in any case described in subparagraph (B), for use by units of general local government in accordance with paragraph (3)(B).

(B) The Attorney General shall distribute amounts allocated under paragraph (1) if the State has not elected to distribute such amounts.

(C) To receive and distribute amounts allocated under paragraph (1), the State must certify that it, with respect to units of general local government in nonqualifying areas—

(i) provides or will provide technical assistance to units of general local government in connection with homeland security initiatives;

(ii) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(iii) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A).

(D) To receive and distribute amounts allocated under paragraph (1), the State shall certify that each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(3) ADMINISTRATION.— (A) If the State receives and distributes such amounts, it shall be responsible for the administration of funds so distributed. The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of $150,000 plus 50 percent of any such expenses under this Act in excess of $150,000. Amounts deducted in excess of $150,000 shall not exceed 2 percent of the amount so received.

(B) If the Attorney General distributes such amounts, the distribution shall be made in accordance with determinations of the Attorney General pursuant to statements submitted and the other requirements of section 5 (other than subsection (c)) and in accordance with regulations and procedures prescribed by the Attorney General.

(C) Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(D) Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Attorney General under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available.

(4) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Attorney General pursuant to section 3(2) to be treated as a single unit of general local government for purposes of this subsection.

(5) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may deduct an amount, not to exceed 1 percent of the amount so received, to provide technical assistance to local governments.

(6) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(e) QUALIFICATIONS AND DETERMINATIONS.—The Attorney General may fix such qualification or submission dates as he determines are necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(f) PRO RATA REDUCTION AND INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), and funds are not otherwise appropriated to meet the deficiency, the Attorney General shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Attorney General shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).

SEC. 8. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 9. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Attorney General finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Attorney General, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 10. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the close of each fiscal year in which assistance under this Act is furnished, the Attorney General shall submit to Congress a report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General is authorized to require recipients of assistance under this Act to submit to him such reports and other information as may be necessary in order for the Attorney General to make the report required by subsection (a).

SEC. 11. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Attorney General shall consult with the Office of Homeland Security and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 12. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SEC. 13. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) REQUIREMENT.—Grant recipients shall contribute from funds, other than those received under this Act, 10 percent of the total funds received under this Act. Such funds shall be used in accordance with the grantee's statement of homeland security objectives.

(b) ECONOMIC DISTRESS.—Grant recipients that are deemed economically distressed shall be waived from the matching requirement set forth in this section.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. BAUCUS, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMPSON, Mr. BREAUX, Mr. HUTCHINSON, Mr. DASCHLE, Mr. CRAIG, Mr. BINGAMAN, Mr. INHOFE, Mrs. LINCOLN, Mr. HOLLINGS, Mrs. MURRAY, Mr. CARPER, Mr. JOHNSON, and Mr. HATCH):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide regulatory relief appeals process reforms, contracting flexibility, and education improvements under the Medicare Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, I am pleased to join my colleagues Senators MURKOWSKI, BAUCUS and GRASSLEY in introducing the Medicare Appeals, Regulatory and Contracting Improvement Act, MARCIA. This legislation will give health care providers relief from unnecessary and burdensome government regulations that threaten to interfere with the delivery of health care to our nation's Medicare beneficiaries.

Medicare provides health care coverage for over 40 million senior and disabled Americans, relying on thousands of health care providers, including doctors, nurses, hospitals, nursing homes, home care agencies, and hospices, to deliver services, and more than fifty private health insurance companies to process millions of claims. While this public-private partnership forms the linchpin of the Medicare program, it is not as strong as it could be.

Health care providers rightfully complain that Medicare has become too complex, with changes to claims payment systems made so frequently that they can not keep up. Today, Medicare providers are subjected to over 100,000 pages of regulations that are continuously being modified. Many providers complain that they have less time to spend on patient care because they are spending more time trying to understand how to comply with massive amounts of paperwork and constantly evolving regulatory requirements.

The current Medicare appeals process is also problematic. It takes far too long to appeal an incorrect Medicare decision, often taking several years to complete. This system, coupled with some of the tactics used by the Federal Government and its contractors in collecting Medicare overpayments, leaves providers feeling frustrated, confused, and besieged. Regulations necessary to ensuring the integrity and efficiency of the Medicare program must be maintained and enforced, however, the occasionally aggressive means through which these regulations are administered has discouraged many providers from wanting to participate in the Medicare program.

The Medicare Appeals, Regulatory and Contracting Improvement Act, MARCIA, will strengthen the Medicare public-private partnership. The bill has five primary components. First, it relieves burdens on beneficiaries and providers by requiring the Centers for Medicare and Medicaid Services, CMS, to issue new rules and policies in an orderly and reasonable manner. Second, it provides new appeals protections for all Medicare fee-for-service providers and beneficiaries. Third, it allows CMS to use competition to select the best available administrative contractors to serve beneficiaries and providers. Fourth, it requires Medicare contractors and CMS to place a greater emphasis on provider education and outreach. Finally, it makes the Medicare overpayment collection and extrapolation process more fair. The bill accomplishes all of these objectives without undermining the False Claims Act or other Medicare fraud recovery efforts, and I urge my colleagues to join with me to secure its passage.

Mr. MURKOWSKI. Madam President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For these reasons, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

Who are providers? They are the physicians, the hospitals, the nursing homes, and others who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our Nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians is limited and access to quality care is extremely restricted. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Centers for Medicare and Medicaid Services, CMS, and its network of contractors, are working with a system that was designed to block care and micro-manage independent practices. Providers simply cannot afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am pleased to introduce the ''Medicare Appeals, Regulatory and Contracting Improvements Act of 2001.'' I am joined by my colleagues Senator KERRY, Senator BAUCUS, and Senator GRASSLEY. This legislation is a bipartisan compromise, based upon legislation I offered earlier this year. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within CMS. Currently, a provider who allegedly has received an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, providers who choose to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right, to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our Nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a CMS contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

To bring additional fairness to the system, the bill provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. It also requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And most importantly, it reforms the Medicare overpayment collection and extrapolation process. All of this is accomplished without undermining the False Claims Act or current Medicare fraud enforcement efforts.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads us to introduce this bipartisan compromise. This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

Mr. BAUCUS. Madam President, I rise today as a cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act of 2001.

Medicare is one of the Federal Government's greatest successes. It provides health care for nearly 40 million seniors and disabled beneficiaries. Medicare is often considered the gold-standard of health insurance programs around the nation and the world. And it has lifted millions of individuals out of poverty since its enactment in 1965.

Medicare's success is due to its public-private partnership, which is the

foundation of the program. While Medicare is almost entirely federally financed, it relies on thousands of private hospitals, private physicians, and other health care providers and suppliers to deliver health care services. Moreover, it relies on more than 50 private health insurance companies to process millions of claims every year.

Every so often Congress needs to evaluate this public-private partnership to see how its working. And this past year, Senator KERRY, Senator MURKOWSKI, Senator GRASSLEY, and I have undertaken this evaluation.

I have heard from hundreds of health care providers who have levied legitimate complaints about the operation of Medicare. They argue that Medicare has become too complex. Changes to the claims payment systems are made every day, and health care organization simply cannot keep up. This is especially true for small rural hospitals and other health care providers in my state of Montana. They do not have the staff to stay abreast of the constant changes to the Medicare payment systems.

I have also heard from providers about the current Medicare appeals process. The Medicare appeals process is broken. It takes too long to appeal an incorrect Medicare decision. Providers often have to file lengthy and expensive appeals, sometimes taking several years to settle.

And finally, I have heard from health care providers about the aggressive tactics that are sometimes used by Federal Government and its contractors in collecting Medicare overpayments. Medicare needs to realize that mistakes happen, especially with this very complex program. When providers make honest mistakes, they should be treated as mistakes, not criminal fraud.

Earlier this year, my colleagues Senators KERRY and MURKOWSKI introduced a version of this bill, the ''Medicare Education and Regulatory Fairness Act of 2001.'' I commend Senators KERRY and MURKOWSKI for their hard work on this bill; it made a very important contribution to our understanding of this issue and the need for reform. However, I had some concerns with their original bill, namely that it unintentionally created some new loopholes for truly dishonest providers to commit fraud.

Rather than oppose their bill, I asked my staff along with Senator GRASSLEY's staff to work with Senator KERRY and Senator MURKOWKI's office to redraft their bill to address some of my concerns. And I am proud to say that we have developed a bill that everyone can support.

The Medicare Appeals, Regulatory and Contracting Improvements Act of 2001 will make necessary and overdue improvements to the Medicare public-private partnership. The bill does five things. First, it improves the CMS rule-making process, for example, by requiring CMS to publish its regulations on one business day of each month. Second, It provides new appeal protections for all Medicare fee-for-service providers and beneficiaries. Third, it grants new competitive administrative contracting authority to CMS. Fourth, it requires the Medicare administrative contractors and CMS to place a greater emphasis on provider education and outreach. And fifth, it reforms the Medicare overpayment collection and extrapolation process.

The bill accomplishes all five of these important objectives without undermining the False Claims Act of current Medicare fraud enforcement efforts. We have received assurances from the Department of Justice, the HHS Office of Inspector General, and the CMS that this is so.

This is a good bill, a bill that will receive the support of provider groups and the support of the Federal agencies that oversee the Medicare program.

While this bill is primarily focused on health care provider issues, I agree with my colleagues in the Senate and House that Congress also needs to ensure that beneficiaries are able to navigate and understand Medicare. I commend current efforts in the House to include provisions that would guarantee that beneficiaries have the right to find out whether Medicare services are covered before they become financially liable for them. Currently, when a doctor informs a patient that a service may not be covered by Medicare, the patient has no way to verify if this is the case. I will work to include these provisions in any enacted legislation.

I commend my colleagues Senator KERRY, Senator MURKOWSKI, and Senator GRASSLEY for their commitment and their hard work on this bill. As chairman of the Finance Committee, I remain committed to quick consideration of this bill in my committee. I urge all of my colleagues to support it.

Mr. CRAIG. Madam President, I am pleased to join today as an original cosponsor of the Medicare Appeals, Regulatory and Contracting Improvements Act, MARCIA. This legislation represents a clear and useful first step toward serious reform of the way Medicare does business with America's health care professionals and Medicare beneficiaries.

I have heard from literally hundreds of doctors, hospitals, and other health care professionals in Idaho about the truly appalling paperwork and regulatory burdens imposed by the Medicare program, and even more troubling, about how these mounting regulatory burdens are causing many doctors to limit their participation in Medicare or to leave the program altogether.

Also, as ranking member on the Senate's Special Committee on Aging, I have made examination of Medicare's paperwork and provider enforcement systems a key priority. In July, our committee held the first of what I hope may be a series of hearings looking into these problems, and this fall, members of my Aging Committee staff traveled across Idaho, talking with more than 60 Idaho providers about their concerns with Medicare.

Most recently, I was pleased to have Tom Scully, the energetic and thoughtful new administrator of the Centers for Medicare and Medicaid Services, CMS, join me in Boise to talk about Medicare with Idaho health professionals and senior citizens. We heard a great deal of frustration, and not a little anger.

At the same time, it was very clear to me that Tom Scully and the Bush administration are serious about tackling Medicare's many shortcomings. Indeed, Tom Scully and the administration have worked closely with Congress to help develop the legislation we are introducing today.

Today, the number of pages of Medicare rules and regulations is now more than 110,000, approximately three times that of Federal tax laws and regulations. Moreover, for every hour spent on Medicare patient care in outpatient settings, doctors and their staffs now spend approximately 36 minutes on Medicare-related paperwork. And in hospital emergency care settings, that ratio is now 1 hour of paperwork for every 1 hour of patient care.

These problems are genuinely daunting, and today's legislation is not a panacea. Rather, it is a promising beginning in what I hope will be an ongoing cooperative effort to make Medicare more responsive, more rational, and more efficient.

Finally, let me be crystal clear: We must continue to devote significant resources to combating fraud and abuse in the Medicare program. Those who violate the public trust must be punished to the fullest extent of the law, and this legislation would in no way undercut these critical efforts.

Rather, this bill would relieve complex and unreasonable burdens on providers and beneficiaries by requiring CMS to issue new rules in an orderly and reasonable manner, and would provide new appeal protections for many Medicare providers and beneficiaries. Further, this legislation would require CMS to use competition to select the best administrative contractors, and it would require CMS and its contractors to place greater emphasis on provider education and outreach. In addition, the bill would implement needed improvements in the way Medicare oversees alleged provider overpayments, principally by reforming current Medicare overpayment collection and extrapolation processes.

I am pleased to join my colleagues in sponsoring this much needed legislation, and I look forward to continuing progress on these important issues in the coming year.

By Mr. CLELAND:

S. 1739. A bill to authorize grants to improve security on over-the-road buses; to the Committee on Commerce, Science, and Transportation.

Mr. CLELAND. Madam President, I rise today to introduce a bill to help

secure an often overlooked mode of passenger transportation, intercity buses.

In the wake of the current challenge to our Nation's security, it is the duty of Congress to ensure that all modes of passenger transportation, especially mass transportation vehicles including buses, are safe and secure. Already, buses have been assaulted, and innocent passengers have died. While these attacks have not so far been directly linked to the tragic events of September 11, I believe Congress would be negligent if we do not act on this issue while we have this opportunity. Additionally, in many cities, bus terminals share facilities with rail and/or air terminals. The Congress has addressed airport security and the Senate is working on rail security, but this work will not be complete without securing the third component. Therefore, I urge my colleagues to support my legislation to accomplish this goal.

Clearly, bus service, which transports almost 800 million passengers annually, deserves Congress's attention. For many people throughout the country, motorcoaches are the only viable means of transportation. Greyhound, the largest carrier, and its interline partners serve over 4,000 communities, roughly 8 times more than either the airlines or Amtrak. Many of the other bus companies that serve these communities are small businesses with fewer than ten motorcoaches, and these businesses, in particular, are more affected by the decrease in passenger demand due to concerns over safety. While many of these companies have already spent their own funds to upgrade security, they need help to finish the job so that people will feel comfortable returning to bus travel.

One of the main elements of my legislation provides grants for the installation of adequate communications equipment to alert law enforcement personnel if there is an onboard problem. Not only would an alarm be sounded to law enforcement but also current technology would be employed to report the precise location of the bus in question. Speedy deployment to deal with problems as they are happening could save lives. The Commercial Vehicle Safety Alliance, CVSA, an association of State, provincial and Federal law enforcement officials, believes that improved communication capability is among the top goals to improve the safety and security of passenger buses.

The legislation also will provide grants for research into methods to protect the drivers. Some of the recent security incidents involve compromising the safety of the driver. We must find out what options are available to protect and secure the drivers so that a bus can be stopped safely if there are problems. Additionally, these grants can be used to maintain the integrity of bus terminals, facilities, and coaches, and conduct passenger screening, among other things.

This legislation also dedicates $3–5 million annually in funding to the Secretary of Transportation to evaluate and coordinate current public and private efforts to improve bus security and safety by establishing ''best practices,'' including efforts to isolate the driver and to detect potential chemical and biological elements. Portions of this funding could also be used to support additional research and development initiatives, and the recommendations developed could be applied to both over-the-road and transit buses.

This funding is not a government ''handout'' to an industry that has not been acting on its own to improve its facilities, but rather it will supplement ongoing efforts. Since September 11, Greyhound has spent at least $5 million on enhanced security. Steps taken include screening of passengers and baggage at selected terminals; requiring ticket identification; providing cell phones to drivers as an interim emergency communications system; increasing security personnel in terminals; prohibiting passengers from sitting in the first row of seats behind the driver, and establishing information and communications systems to aid and coordinate with law enforcement. My legislation would supplement and expand these initial efforts and assist with implementing these measures at additional terminals.

My legislation also provides needed assistance to an industry that is struggling along with other segments of the travel and tourism sector. After the October 3 Nashville accident that resulted in 7 passenger fatalities, Greyhound's passenger sales dropped 15 percent and remain well below last year's levels. According to a survey conducted by the Travel Business Roundtable, intercity bus transportation is the only mode of transportation that dropped in ''safety perception'' when compared with air, auto, rail, and cruise travel. Incorporating the new security costs, which are necessary to bring passengers back, while revenue is down, will make it difficult for bus companies to maintain current service levels. This Federal support will allow bus companies to dedicate resources to continuing service to smaller communities rather than reducing schedules to cut costs.

Additionally, this legislation instructs the Department of Labor to ensure that grants under this section are certified in an expeditious manner in accordance with its guidelines for processing grants to bus operators. As provided for under the Department's existing guidelines, previously certified arrangements for assistance to intercity bus operators applicable to applicants for security improvement grants, shall be the basis for processing such grants by the Department. The Secretary of Transportation will have the discretion to administer this program directly or through a security administration that may be established at the Department of Transportation.

This bus security legislation is supported by the American Bus Association, Greyhound, the Commercial Vehicle Safety Alliance, Coach USA, and the Amalgamated Transit Union. Protecting bus passengers is a vital part of ensuring a vibrant transportation industry, and it is the third component to the safe passenger transportation equation. I urge my Senate colleagues, all of whom have many communities in your state served by intercity buses, to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1739

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

SECTION 1. EMERGENCY OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

''§ 31109. Over-the-road bus security grant program

''(a) IN GENERAL.—

''(1) FUND ESTABLISHED.—The Secretary of the Treasury shall establish an Over-the-road Bus Security Fund account in the Treasury into which the Secretary of the Transportation shall deposit amounts appropriated under paragraph (2).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, for deposit into the account established under paragraph (1). Amounts deposited into the account shall remain available until expended.

''(b) GRANT PROGRAM.—Without further appropriation, amounts in the Over-the-road Bus Security Fund account are available to the Secretary of Transportation for direct grants to persons engaged in the business of providing over-the-road bus transportation for system-wide security upgrades, including the reimbursement of extraordinary security-related costs determined by the Secretary to have been incurred by such operators since September 11, 2001, including—

''(1) establishing an emergency communications and notification system linked to law enforcement or emergency response personnel;

''(2) protecting or isolating the driver;

''(3) implementing and operating passenger screening programs at terminals and on over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt));

''(4) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

''(5) constructing or modifying terminals, garages, facilities, or over-the-road buses to assure their security;

''(6) training employees in recognizing and responding to terrorist threats, evacuation procedures, passenger screening procedures, and baggage inspection;

''(7) hiring and training security officers;

''(8) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages and over-the-road bus facilities; and

''(9) creating a program for employee identification and background investigation.

''(c) APPLICATIONS.—To receive a grant under subsection (b), an applicant shall submit an application, at such time, in such manner, in such form, and containing such information, as the Secretary may require, and a plan that meets the requirements of subsection (c) for the project to be funded, in whole or in part, by the grant.

''(d) PLAN REQUIRED.—The Secretary may not make a grant under subsection (b) for a system-wide security upgrade project until the applicant has submitted to the Secretary, and the Secretary has approved, a plan for the project, and the applicant has submitted to the Secretary such additional information as the Secretary may require in order to ensure full accountability for the obligation or expenditure of grant amounts.

''(e) FEDERAL STANDARDS.—Section 5333 of this title applies to any work financed with a grant under this section to the same extent as if it were financed with a grant under chapter 53 of this title. The application of that section does not affect or discharge any other responsibility of the Secretary under this title with respect to work financed by a grant under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 311 of title 49, United States Code, is amended—

(A) by striking ''STATE'' in the heading for subchapter I; and

(B) by inserting after the item relating to section 31108 the following:

''31109. Over-the-road bus security grant program.''.

SEC. 2. BUS SECURITY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation may use not less than $3,000,000 and not more than $5,000,000 of the amounts deposited in the Over-the-road Bus Security Fund account established under section 31109 of title 49, United States Code, for research and development of security recommendations for over-the-road buses (as defined in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 nt)), including—

(1) a review of actions already taken to address identified security issues by both public and private entities;

(2) research on engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(3) compilation, review, and dissemination of industry best practices.

(b) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. BAUCUS, Mrs. CLINTON, Mr. DOMENICI, Mr. FEINGOLD, Mr. KENNEDY, Mr. JOHNSON, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. HARKIN, Mr. MILLER, Ms. SNOWE, Mr. INOUYE, Mr. SMITH of Oregon, Ms. CANTWELL, Mr. INHOFE, Ms. LANDRIEU, Mr. COCHRAN, Mrs. BOXER, Mr. MURKOWSKI, Ms. MIKULSKI, and Mr. GRASSLEY):

S. 1741. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Prevention and Treatment Act of 2000; considered and passed.

Mr. BINGAMAN. Madam President, due to a jurisdiction concern raised with the committee referral of S. 535, I am reintroducing the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 today with Senator MCCAIN and 23 other bipartisan cosponsors.

To ensure the availability of life-saving breast and cervical cancer treatment to American Indian and Alaska Native women, I urge the bill's immediate passage.

I request unanimous consent that a fact sheet and the text of the bill be printed in the RECORD.

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

S. 1741

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 ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001''.

SEC. 2. CLARIFICATION OF INCLUSION OF INDIAN WOMEN WITH BREAST OR CERVICAL CANCER IN OPTIONAL MEDICAID ELIGIBILITY CATEGORY.

(a) TECHNICAL AMENDMENT.—The subsection (aa) of section 1902 of the Social Security Act (42 U.S.C. 1396a) added by section 2(a)(2) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381) is amended in paragraph (4) by inserting '', but applied without regard to paragraph (1)(F) of such section'' before the period at the end.

(b) BIPA TECHNICAL AMENDMENTS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 702(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–572) (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by redesignating the subsection (aa) added by such section as subsection (bb).

(2) Section 1902(a)(15) of the Social Security Act (42 U.S.C. 1396a(a)(15)), as added by section 702(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–572) (as so enacted into law), is amended by striking ''subsection (aa)'' and inserting ''subsection (bb)''.

(3) Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)), as amended by section 702(c)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–574) (as so enacted into law), is amended by striking ''1902(aa)'' and inserting ''1902(bb)''.

(c) EFFECTIVE DATES.—

(1) BCCPTA TECHNICAL AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354; 114 Stat. 1381).

(2) BIPA TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–572) (as enacted into law by section 1(a)(6) of Public Law 106–554).

FACT SHEET—NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Sens. Jeff Bingaman (D–NM), John McCain (R–AZ), and 23 additional bipartisan cosponsors are reintroducing the ''Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.'' The bill is identical to the original bill, S. 535, and makes a simple but extremely important technical change to the ''Breast and Cervical Cancer Treatment and Prevention Act'' (P.L. 106–354) to ensure the coverage of breast and cervical cancer treatment for American Indian and Alaska Native women.

NEED FOR LEGISLATION

The ''Breast and Cervical Cancer Treatment and Prevention Act,'' which passed the Senate by unanimous consent and had 76 cosponsors, gives states the option to extend coverage to certain women who have been screened by programs operated under Title XV of the Public Health Service Act (the National Breast and Cervical Cancer Early Detection program) and who have no ''creditable coverage.'' The term ''creditable coverage'' was established by the Health Insurance Portability and Accountability Act of 1996 (HIPPA). Under the HIPPA definition, creditable coverage includes a reference to the medical care program of the Indian Health Service (IHS). In short, the reference to ''creditable coverage'' in the law effectively excludes Indian women from receiving Medicaid breast and cervical cancer treatment as provided for under this Act.

The Indian health reference to IHS/tribal care was originally included in HIPPA so that members of Indian Tribes eligible for IHS would not be treated as having a break in coverage (and thus subject to pre-existing exclusions and waiting periods when seeking health insurance) simply because they had received care through Indian health programs, rather than through a conventional health insurance program. Thus, in the HIPPA context, the inclusion of the IHS/tribal provision was intended to benefit American Indians and Alaska Natives, not penalize them.

However, use of the HIPPA definition in the recent ''Breast and Cervical Cancer Treatment and Prevention Act'' has the exact opposite effect. In fact, the many Indian women, who rely on IHS/tribal programs for basic health care, are excluded from the new law's eligibility for Medicaid. Not only does the definition deny coverage to Indian women, but the provision runs counter to the general Medicaid rule treating IHS facilities as full Medicaid providers.

The legislation would resolve these problems by clarifying that, for purposes of the ''Breast and Cervical Cancer Prevention and Treatment Act,'' the term ''creditable coverage'' shall not include IHS-funded care so that American Indian and Alaska Native women can be covered by Medicaid for breast and cervical cancer treatment. Since a number of states are currently moving forward to provide Medicaid coverage under the state option, the need for this legislation is immediate to ensure that American Indian and Alaska Native women are not denied from receiving life-saving breast and cervical cancer treatment.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 86—EXPRESSING THE SENSE OF CONGRESS THAT WOMEN FROM ALL ETHNIC GROUPS IN AFGHANISTAN SHOULD PARTICIPATE IN THE ECONOMIC AND POLITICAL RECONSTRUCTION OF AFGHANISTAN

Mr. DODD (for himself, Mr. KERRY, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mrs. HUTCHISON, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 86

Whereas until 1996 women in Afghanistan enjoyed the right to be educated, work, vote, and hold elective office;

Whereas women served on the committee that drafted the Constitution of Afghanistan in 1964;

Whereas during the 1970s women were appointed to the Afghan ministries of education, health, and law;

Whereas in 1977 women comprised more than 15 percent of the Loya Jirga, the Afghan national legislative assembly;

Whereas during the war with the Soviet Union as many as 70 percent of the teachers, nurses, doctors, and small business owners in Afghanistan were women;

Whereas in 1996 the Taliban stripped the women of Afghanistan of their most basic human and political rights;

Whereas under Taliban rule women have become one of the most vulnerable groups in Afghanistan, accounting for 75 percent or more of all Afghan refugees;

Whereas a study conducted by Physicians for Human Rights and released in May 2001 indicates that more than 90 percent of Afghan men and women believe that women should have the right to receive an education, work, freely express themselves, enjoy legal protections, and participate in the government; and

Whereas restoring the human and political rights that were once enjoyed by Afghan women is essential to the long-term stability of a reconstructed Afghanistan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a portion of the humanitarian assistance provided to Afghanistan should be targeted to Afghan women and their organizations;

(2) Afghan women from all ethnic groups in Afghanistan should be permitted to participate in the economic and political reconstruction of Afghanistan; and

(3) any constitution or legal structure of a reconstructed Afghanistan should guarantee the human and political rights of Afghan women.

Mr. DODD. Madam President, I rise today, along with my colleagues Senators KERRY, MCCAIN, CLINTON, CANTWELL, SNOWE, MIKULSKI, BOXER, and HUTCHISON to submit a resolution expressing the sense of Senate that women from all ethnic groups should participate in the economic and political reconstruction of Afghanistan. This is an issue we feel strongly about, and it is my hope that the Senate will soon take up this important issue. Let me also thank Congresswoman CONNIE MORELLA for her work on this matter and for introducing companion legislation in House.

As you know, since the Taliban seized control of Kabul in 1996, women and girls living under this regime have been subjected daily to an array of human rights violations, from lack of access to education and health care to outright violence. They have been denied equal protection under the law, and have struggled to survive without the same professional or financial opportunities afforded the men in their country.

Certainly, even before the rise of the Taliban, Afghanistan was in many respects a country in crisis, facing drought, ethnic conflict, and uncertain leadership. It was the women and children of this troubled country that bore the brunt of this suffering. However, despite these many hardships, the women of Afghanistan persevered, and played a large and meaningful role in Afghani society. Prior to the rule of the Taliban, women had the right to vote, served as cabinet ministers, enjoyed rich professional careers, and indeed constituted a majority of country's lawyers, doctors, teachers, and business owners. Women participated in every aspect of Afghani life, and were fully integrated into its cultural, political, and economic fabric. However, since the Taliban regime came to power, conditions for women and children have worsened drastically. Stripped of their basic human rights and freedoms, they have fought hard to provide for themselves and their families, and to weather the many abuses suffered at the hands of the oppressive fundamentalist regime. Many women studied and taught in secret, determined to retain something of the life they knew before they were forced to retreat behind the burka.

In response to this humanitarian crisis, United States policy in Afghanistan has been guided, in part, by overwhelming concerns about these and other gross human rights violations. Now that we are in midst of military action against the Taliban in response to the horrific attacks on American civilians on September 11, we have the opportunity to help restore to the Afghani women the basic freedoms and opportunities which should be available to all citizens of the world. In addition, I believe that long-term stability in Afghanistan is contingent upon a full and expeditious renewal of these rights. The people of Afghanistan, both men and women, believe overwhelmingly that there is a place for Afghani women in Islamic society that affords them opportunities for meaningful professional and political roles in the rebuilding of their country. The reconstruction of Afghanistan, both politically and culturally, will require the insight and dedication of all of the people of Afghanistan, and women must not be excluded from this vital process. They must be included as equal partners as this nation begins to recover and rebuild.

In many ways September 11 has become a turning point for the United States. It has been one of sorrow, and it has been a wake-up call that we need to guard our rights and our way of life. But it also an opportunity for the yoke of oppression to be once and for all lifted from the Afghani people, particularly the women and children who have suffered so much over the last decade. I urge my colleagues to support this resolution.

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE REGARDING THE USE OF CONTENT LABELING FOR INTERNET WEB SITES OF SENATORS

Mrs. LINCOLN (for herself, Mr. ALLEN, Mr. CONRAD, Mr. BROWNBACK, Ms. LANDRIEU, and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 184

Whereas Internet content labeling and filtering tools are valuable resources for safe use of the Internet by children; and

Whereas it is in the public interest that Senators configure their Internet web sites in a manner consistent with such tools in order to make the Internet safer for children while protecting freedom of expression: Now, therefore, be it

Resolved, That it is the sense of the Senate that each Senator should provide for the labeling of the content of the Internet web site of such Senator in a manner consistent with the labeling system utilized by the Internet Content Rating Association (ICRA) and other recognized voluntary Internet content filtering organizations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2169. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 703, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 14, insert the following new section:

SEC. 2. FISHING CAPACITY REDUCTION PROGRAM.

Section 144(d)(4)(A) of division B of the Miscellaneous Appropriations Act, 2001 (as

enacted into law by section 1(a)(4) of Public Law 106–554; 114 Stat. 2763A–242) is amended—

(1) by striking ''in equal parts through a reduction loan of $50,000,000'' and inserting ''through any combination of a reduction loan of up to $100,000,000''; and

(2) by striking ''and $50,000,000'' and inserting ''and up to $50,000,000''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Madam President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will hold a hearing on Wednesday, December 5, 2001, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following nominations: Margaret S. Y. Chu to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy; Beverly Cook to be an Assistant Secretary of Energy (Environment, Safety and Health), Department of Energy; Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Rebecca W. Watson to be Assistant Secretary of the Interior (Land and Minerals Management), Department of the Interior.

Those wishing to submit written testimony for the hearing record on any of these nominations should e-mail it to amanda goldman@energy.senate.gov or fax it to 202/224–9026.

For further information, please call Sam Fowler or Amanda Goldman at 202/224–4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, December 6, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the negotiations for renewing the Compact of Free Association.

Because of the limited time available for the hearing, witnesses may testify by invitation only. Those wishing to submit written testimony for the hearing record should e-mail it to shelly brown@energy.senate.gov or fax it to 202/224–4340.

For further information, please contact Kira Finkler of the committee staff at (202) 224–8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CLELAND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Department of Justice Oversight: Preserving Our Freedoms While Defending Against Terrorism,'' Wednesday, November 28, 2001 at 9 a.m. in Dirksen room 226.

TENTATIVE WITNESS LIST

Panel I: Michael Chertoff, Assistant Attorney General, Criminal Division.

Panel II: William Barr, former Attorney General of the United States; Philip B. Heymann, James Barr Ames Professor of Law, Harvard Law School, former Deputy Attorney General of the United States; Griffin Bell, Senior Partner, King & Spalding, former Attorney General of the United States; Scott L. Silliman, Executive Director, Center on Law, Ethics and National Security, Duke University School of Law; Kate Martin, Director, The Center for National Security Studies; and Neal Katyal, Visiting Professor, Yale Law School, Professor of Law, Georgetown University.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CLELAND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet to conduct a closed hearing on Intelligence Matters on Wednesday, November 28, 2001 at 2:30 p.m.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, 572 and 575; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF THE TREASURY

James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

NOMINATIONS DISCHARGED

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: ENI FALEOMAVAEGA and STEVEN CHABOT to be Representatives of the United States to the Fifty-sixth Session of the General Assembly of the United Nations.

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

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIVE AMERICAN BREAST AND CERVICAL CANCER TREATMENT TECHNICAL AMENDMENT ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1741 introduced earlier today by Senator BINGAMAN.

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

The assistant legislative clerk read as follows:

A bill (S. 1741) to amend title XIX of the Social Security Act to clarify the Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1741) was passed.

(The text of (S. 1741) is printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MEASURE READ THE FIRST TIME—H.R. 2983

Mr. REID. Madam President, I understand that H.R. 2983, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2983) to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes.

Mr. REID. Madam President, I now ask for the bill's second reading and object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard.

Under the rule, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, NOVEMBER 29, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, Thursday, November 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 10, with 60 minutes of debate, beginning at 9 a.m., prior to the cloture vote, equally divided between the two leaders or their designees, with the mandatory quorum being waived.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Thursday, November 29, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 28, 2001:

THE JUDICIARY

FRANCIS L. CRAMER, III, OF NEW HAMPSHIRE, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE JULIAN L. JACOBS, TERM EXPIRED.

DEPARTMENT OF STATE

KENNETH P. MOOREFIELD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 28, 2001:

DEPARTMENT OF THE TREASURY

JAMES GILLERAN, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 23, 2002.

EXECUTIVE OFFICE OF THE PRESIDENT

RANDALL S. KROSZNER, OF ILLINOIS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

ENI F.H. FALEOMAVAEGA, OF AMERICAN SAMOA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

STEVEN JOSEPH CHABOT, OF OHIO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EXTENSIONS OF REMARKS

TRIBUTE TO THE STUDENTS OF MARYVILLE ELEMENTARY SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of Maryville Elementary School in Maryville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of Maryville Elementary School heard and met that challenge. They sponsored a school-wide fundraising effort—spearheaded by their Citizenship Committee—during this last October and November. Once they were finished, several of their students visited my Collinsville office to present me personally with their donation: $198.20, which I have passed on to the Fund here in Washington, D.C.

The students, parents, faculty, and members of the Maryville community should be recognized for their fine efforts. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocent of Afghanistan. Nothing else could better show how utterly al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, ''One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people.'' The children of Maryville Elementary have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

HONORING LEBANESE INDEPENDENCE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BONIOR. Mr. Speaker, I am pleased to join the Lebanese American community in celebrating the 58th anniversary of Lebanese independence.

On November 22, 1943 Lebanon obtained its independence from France. Shortly thereafter, Lebanon became a founding member of both the United Nations and League of Arab States. Signaling its commitment to the idea that human rights were global and that is was ready to be a full-partner in the post World War II world, Lebanon played an integral part in the drafting of one of the UN's most distinguished documents—the Universal Declaration of Human Rights.

As one of the world's early cradles of civilization, Lebanon has long been held up as an example of prosperity and perseverance. In its recent history, Lebanon has suffered a great deal, but to truly understand the spirit of the Lebanese people one only need to look at the way in which they have rebuilt their nation. While much remains to be done, the nation's progress is an example from which we can all learn.

The United States and Lebanon have been blessed by a historically strong friendship, owing in part to the emigration of Lebanon's sons and daughters. They embraced America with open arms and their contributions helped build a greater nation. This relationship is best exemplified by the following familiar words, first spoken by a proud Lebanese American: ''Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country?'' Those are the words of Kahlil Gibran, a poet who frequently wove beauty and justice into his work and in the process touched the heart and meaning of America.

Today, I think we have reason to reflect on another of Gibran's contributions, one that holds a great lesson for us all. ''To be a good citizen is to acknowledge the other person's rights before asserting your own, but always to be conscious of your own.''

Since 1965, nearly 100,000 new immigrants have come from Lebanon. My home state of Michigan has one of the largest Lebanese American communities in the country and it has been actively involved in the life of our great state. The Lebanese community willingly shares its culture and values not only with Michigan, but with the entire nation. The result has been innumerable contributions to the arts, sports, medicine, politics, education, science and industry.

Mr. Speaker, I join the people of Lebanon, those of Lebanese ancestry around the world and the Lebanese American community in celebrating Lebanese Independence Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

CONGRATULATING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dr. Pete Mehas on the occasion of his recognition as the 2001 Breaking Barriers for Children Award Honoree. Break the Barriers, Inc., partners able-bodied performers with disabled youth to explore and break barriers and celebrate all levels of victories and achievements. This award is intended to honor the contribution of an outstanding individual who has made service to children a priority in his or her life.

Dr. Mehas has a lengthy list of credentials and service to the community, State of California, and our great Nation. He has promoted education under governors and presidents alike. His expertise and advice are sought by leaders from all levels of government.

His resume includes service under former California Governor Deukmejian as the director of the Governor's Office of Education Planning and Policy Committee and on the State Board of Education. Dr. Mehas has also served on the U.S. Secretary of Education's National Advisory Committee on Accreditation and Institutional Eligibility and former President George Bush's advisory committee on Latino education. He has received numerous awards and was elected Fresno County Superintendent of Schools in 1990 and is currently serving his third consecutive term with unanimous support from Fresno area Democrat and Republican legislators.

Mr. Speaker, it is an honor to recognize Dr. Pete Mehas for this award. I invite my colleagues to join me in congratulating this dedicated educator and wishing him many more years of continued success as he receives the 2001 Breaking Barriers for Children Award.

A TRIBUTE TO STEPHANIE S. RUDY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am especially pleased to rise today to acknowledge Stephanie S. Rudy for the depth and diversity of contributions she has made to so many local organizations in Colorado.

Stephanie's energy is boundless, her smile matchless, and her compassion far-reaching. She is a dedicated advocate for the arts and one of the rarest and most wonderful talents in our community. This year she was selected by the Denver Foundation as the recipient of the ''Minoru Yasui Community Volunteer Award,'' which recognizes individuals who have made outstanding contributions to the city of Denver and their community through volunteerism. She also was chosen by the Boulder Chamber of Commerce to receive the ''Women Who Light Up The Community'' honor.

Among the many organizations Stephanie has enriched with her talents are the ''Open Studios'' for artists and art lovers throughout the Boulder area, the Colorado Music Festival, the Conference on World Affairs at the University of Colorado, the Boulder County Safehouse for women and children, the Boulder Community Hospital, and the Boulder Police Department. To serve so broadly, so successfully, and with such grace, heart, and spirit is deserving of recognition.

I first met Stephanie when, as a representative of ''Open Studios,'' she enlisted my help in inviting Mr. William Ivey, chairman of the National Endowment for the arts, to visit Colorado. Through her coordinating genius with the Colorado Council on the Arts, the Colorado Business Committee for the Arts, the Arvada Center for the Arts, Chairman Ivey's office and my staff, Stephanie booked the chairman to speak before full audiences in Denver, Arvada, and Boulder. This special engagement with the chairman was a triumph only to be dreamed of by others in Colorado.

For the past 4 years Stephanie has been the personable Steering Committee Chair in charge of Publicity and Marketing for ''Open Studios.'' This program is a self-guided tour of over 130 studios of Boulder's finest visual artists. Under her inspired direction, attendance has increased nearly thirty percent, and ''Open Studios'' has garnered generous coverage in local and national newspapers and magazines. Her creativity in designing the unique Press Kits has generated remarkable public participation in this exceptional annual event.

In addition to the incomparable work Stephanie does for ''Open Studios,'' she also serves as a member of the Board of the Colorado Music Festival. This festival orchestra has been described as ''the best orchestra is Colorado,'' and ''the most important orchestra between Chicago and Los Angeles.'' To celebrate the Colorado Music Festival's 25th Anniversary, Stephanie graciously gave me the tremendous honor of having the U.S. flag presented to the festival's accomplished young conductor, Mr. Michael Christie, for his debut season.

Stephanie has also been a member of the General Committee for the Conference on World Affairs, an annual event held at the University of Colorado each April. She has been in charge of publicity for this conference that is attended annually by over 50,000 people. She has recently been asked to use her extraordinary skills as a member of the committee to plan the World Affairs Athenaeum.

The Boulder Police Department has benefited for three years from her volunteer work as a Victim's Advocate. This program requires Stephanie to respond to the scene of a crime and inform victims and witnesses of their rights, give them resources, and help them find constructive ways to cope with incidents. She has dealt sympathetically with victims of sexual assault, assault, bank robberies, domestic violence, and harassment. She has also worked sensitively with groups of people affected by the suicide of others.

Stephanie has enhanced the ''Chocolate Lover's Fling,'' among other projects for the Boulder Country Safehouse, a human service organization serving women and children victimized by domestic violence. She cochairs the arts committee of ''Wine Women and Food,'' an event sponsored by the Boulder Community Hospital.

Mr. Speaker, I ask my colleagues to join with me in expressing our gratitude to Stephanie Rudy for touching our community socially, culturally, and artistically. Her constant and loving contributions go beyond reckoning, and I wish her good health and happiness in the future.

PARAGUAY: A TERRORIST UTOPIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker. With the United States war on terrorism gaining steam, Paraguay, a nation with a disturbing Pro-Nazi past, could become a country of increasing importance for United States foreign policy makers due to the high volume of narcotics traffickers now occurring there as well as various militant movements in that nation, producing an alarmingly volatile situation, according to United States officials. Ross Knutson, Research Associate at the Washington-based Council on Hemispheric Affairs (COHA), has recently authored an article of utmost importance entitled, Paraguay: A terrorist's utopia. The article examines United States monitoring of the clandestine activity in Paraguay that has been occurring for a number of years there. For a long time, the United States as well as the intelligent services of a number of Southern Cone countries has known about the involvement of radical Islamic terrorist organizations in the tri-border region, where Paraguay borders Argentina and Brazil. There is very strong evidence indicating that such extremist groups authored the bombing of two Jewish facilities in Buenos Aires in the early 1990s with the loss of over 100 lives.

In the wake of the terrorist strikes in the United States, Paraguay's recent history of serving as a staging ground for such militant Islamic groups as Hezbollah and the Islamic Jihad will certainly deserve closer scrutiny. Paraguayan authorities as well as the governments of Brazil and Argentina are beginning to take a more active role in monitoring these groups especially around Cuidad del Este, a well-known Paraguayan hub for such alleged terrorist activity.

Despite such efforts by the tri-border countries, U.S. authorities are becoming increasingly worried over the lack of local control over the region's numerous airstrips and waterways which terrorist groups could use to communicate and move operatives and supplies with near anonymity. As such, the United States is beginning to take greater action, with Washington offering its Special Forces to train and advise the Paraguayan military and national police on a variety of antiterrorism and antidrug tactics. This step is associated with the United States implementing a crackdown on the drug trade by way of its increased efforts through Plan Colombia. If the war on terrorism lasts for years, as the Bush administration has stated it will, the United States could soon find itself involved in a series of protracted and complicated campaigns in countries such as Paraguay. As such, Knutson's article is of utmost importance since any U.S activities in that country appear to be long-stayed.

THE COUNCIL ON HEMISPHERIC AFFAIRS

The Council on Hemispheric Affairs (COHA), a nonprofit, tax-exempt independent research and information organization, was founded at the end of 1975 to promote the common interest of the hemisphere, raise the visibility and increase the importance of the inter-American relationship, as well as encourage the formulation of rational and constructive U.S. policies towards Latin America. In 1982, COHA's board of trustees voted to expand its mandate to include monitoring Canadian/Latin American relations. Since its inception, COHA has been one of the most active and broadest-based U.S. private bodies dealing with the entire spectrum of political, economic and diplomatic issues, as well as the economic and political challenges confronting the Inter-American nations.

From its founding, COHA's board consisted of the leadership of some of this country's most important trade unions, professional organizations and religious groups, as well as distinguished civic and academic figures who joined together to advance their common belief in support of representative government and pluralistic institutions throughout the hemisphere.

COHA subscribes to no specific political credo nor does it maintain partisan allegiances. It support open and democratic political processes just as it consistently has condemned authoritarian regimes of any stripe that fail to provide their populations with even minimal standards of political freedoms, economic and social justice, personal security and civic guarantees.

COHA is entirely staffed by a professional core, who contribute their services, supplemented by a large number of volunteer graduate and undergraduate students who often receive academic credit from their home institutions for the experience gained through their work here. Over the years, retired government employees also have cooperated with COHA in preparing monographs on such topics as regional development, trade policies, technology transfer, the operations of multinational corporations and the controversial development strategies of the international agencies. The staff is assisted by a number of extra-mural professionals coming from an academic background who serve as COHA senior research fellows, who are generally considered to be leaders in their respective fields of expertise.

COHA's analyses are frequently sought after by the major media, with its long-time director, Larry Burns, as well as other senior personnel regularly being called upon by the major national and international press, along with network radio and TV public affairs programs, to provide commentary on breaking regional issues. COHA contributors also appear regularly in the opinion columns on editorial pages throughout the country, and its findings frequently have been heard and seen over the BBC, Voice of America, CBC, Radio Marti, Radio Havana and U.S. radio programs. COHA personnel also have appeared one or more times on CNN, C–Span, Firing Line, CrossFire, Nightline, the CBS, ABC and NBC evening news, as well as the network Larry King program, ''Good Morning America'' and the ''Today Show,'' and many National Public Radio public affairs programs.

COHA's personnel have been interviewed, or the organization's findings have been referred to in such publications as Time, Newsweek, the Atlantic Monthly, U.S. New and World Report, New York Magazine, Harper's, the New Yorker, the New Statesman, Barron's and Maclean's. On almost a daily basis, the results of COHA's work appear in the press of Latin America and Europe. COHA also has been cited in numerous occasions in the New York Times, the Washington Post, Los Angeles Times, the Christian Science Monitor, the London Observer, the Boston Globe, the Miami Herald, the Toronto Globe and Mail, the Toronto Star, the London Independent and the Guardian, among many other newspapers.

COHA has been referred to in the floor of the Senate as ''one of our Nation's more respected bodies of scholars and policymakers.''

PARAGUAY: A TERRORIST'S UTOPIA

The coming months should bring an increased focus on Paraguay. In reaction to the growing U.S. presence in Colombia and other South American nations, drug traffickers as well as various militant movements are gradually fanning out, establishing what is an alarming presence, according to U.S. officials. Unstable institutions, rampant corruption and a struggling economy make Paraguay an attractive venue for would-be terrorists and drug smugglers to establish their operations.

U.S, agencies have been monitoring clandestine activity in Paraguay for a number of years. However, only recently have they begun to increase their physical presence. According to reports, the DEA (Drug Enforcement Agency) has more than doubled the size of its office in Asuncion. In the wake of the terrorist strikes in the U.S. Paraguay's recent history of severing as a staging ground for militant Islamic groups such as Hezbollah and the Islmaic Jihad will certainly draw closer scrutiny.

Terrorist Cells

The U.S. as well as the Southern Cone countries have long known about the involvement of radical Islamic terrorist organizations in the tri-border region, where Paraguay borders Argentina and Brazil. Now, as the result of increased U.S. pressure, Paraguayan authorities, and to a lesser extent, the governments of Brazil and Argentina, are beginning to take a more active role in monitoring these groups. In response to the terrorist attacks on September 11, Brazil and Argentina bowed to FBI requests to tighten its borders with their neighbors. Paraguay, worried over its reputation as a country harboring terrorists, has announced that it would temporarily would severely restrict issuing visas and increase security along its borders, particularly focusing on the eastern portion of the country, an area with a large Arab community. On September 21, foreign affairs ministers from the OAS nations met to discuss terrorism-related hemispheric security concerns. Portions of the talks dealt with the Southern Cone countries' long-standing belief that Paraguay has shown little concern in addressing the terrorist elements operating within its borders. For instance, Argentina has maintained that Hezbollah terrorists used Ciudad del Este, Paraguay's principle city in the tri-border area, as headquarters for their attacks on the Israeli Embassy in 1992 and a Buenos Aires' Argentine-Israeli Community Center in 1994. A trial involving 20 low-level defendants accused of assisting the attackers recently began, with some hoping that more knowledge will be reveled concerning who supervised the terrorists. Argentine pressure is mounting, with Enrique Mathov, its new Internet Security Secretary, calling the ''triple border'' area a ''hot zone.'' Indeed, it is possible that the U.S. will step up pressure on the tri-border countries to clean up this area and eliminate ''rouge elements.''

U.S. Involvement

President Bush's call to sustain the war ''until every terrorist group of global reach has been found, stopped and defeated'' indicates that U.S. authorities will certainly increase this country's monitoring of developments in the area. Triple-frontier countries have indicated that they intend to fully cooperate in helping the U.S. eliminate any terrorist threat in the region. Although Brazil and Argentina have increased their border security, Paraguay has perhaps taken the strongest position in support of the U.S. anti-terrorism efforts by asking the OAS to firmly support any U.S.-led retaliation.

Nevertheless, rhetoric and a strong anti-terrorism stance by these nations are not deemed sufficient by U.S. authorities to quell their fears about the potential terrorist threat in the region. Paraguay's foreign minister, Jose Antonio Moreno, stated that 40 FBI agents have arrived in Paraguay and were headed to Ciudad del Este, ''transit point for shadowy groups.'' Many experts foresaw this increased U.S. presence as inevitable; however, a deployment of this magnitude was certainly accelerated by the recent terrorist attack. The inevitability of U.S. involvement in the area was reflected in statements made by the State Department and former director of the FBI, Louis J. Freeh. The FBI's concern is rooted in a trip that Freeh took to South America in 1998 to assess security concerns. At the time, Freeh called for a multinational crackdown on crime, something he saw as an important step to establishing a hemispheric police alliance. He called the tri-border region ''a free zone for significant criminal activity, including people who are organized to commit acts of terrorism.'' Last April, the State Department warned that the governments of Paraguay, Brazil and Argentina are not capable of preventing Islamic terrorist originating from Paraguay's hub of militancy, Ciudad del Este.

A primary Washington concern has been the lack of control of the region's numerous airstrips and waterways. Using these modes of transportation, terrorist groups can communicate and move operatives and supplies with near anonymity. To reassert proper governmental control, the U.S. is offering its Special Forces to train and advise the Paraguayan military and national police on a variety of anti-terrorism and anti-drug tactics. U.S. Special Forces already have made their presence felt in Paraguay earlier this year by participating with the country's military on a ''training exercise'' focused on combating drug traffickers. Many thought that the ''training exercise'' closely resembled a counter-insurgency operation. This could signal a change in U.S. military policy in Paraguay, as further training could focus on counter-intelligence operations and counter-terrorism tactics. If the war on terrorism lasts for years, as the Bush administration has stated it will, the U.S. could soon find itself involved in a series of protracted and complicated campaigns in that nation.

HONORING RON WALTERS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today in order to honor a man in the City of Petaluma, where I proudly reside, who embodies the spirit and best qualities of that town. He is a man who attracts people through his gift of music and humor, and has used his special voice to make Petaluma a better place to live. Petalumans would know that I'm talking about Ron Walters.

Ron Walters' was born in Ute, Iowa on Thanksgiving Day in 1932 and from the beginning people have been thankful for his giving nature. Growing up in the depression, Ron migrated to California in 1936 with his parents, grandparents, aunts and uncles in car hauling a homemade house trailer filled with all their worldly possessions. After graduating from high school in Healdsburg he attended several colleges where he excelled in sports, music and drama. Ron graduated from Gonzaga University in Washington state where he starred in varsity basketball and also set records as the sole representative of the University's unofficial track team.

After graduation, Ron returned to California where he held several jobs and met and married Judy Paige and soon was the father of three lovely daughters, Leigh, Juli and Erin. Then in October 1963 Ron, who was looking for a way to apply his love of music, walked into the KTOB radio station in Petaluma and asked for a job, which he thought he didn't get. But the next day, the station owner called to ask, ''How come you're not a work?'' Ron started work the same day.

At KTOB, Ron quickly became the ''Voice of Petaluma,'' with a regular morning program. He quickly put his humor and homespun sensibilities to use. He used his microphone to raise money for efforts including Pop Warner Football, the Petaluma Boys Club (which was in dire financial straits), medical costs for an injured high school football player and many, many other worthy causes. He was a staunch supporter of Petaluma beautification projects and played an important role in Petaluma's historic preservation efforts which has preserved much of the city's Victorian architectural heritage, including his own home.

Ron not only played music on the radio, he also taught music at Sonoma State University and was a performer. He starred in local productions of Broadway musicals including acting and singing the role of the Professor Harold Hill in the ''Music Man'' three times, a very appropriate role for an Iowa boy who lived in a town nicknamed ''River City.'' Ron also performed vocal jazz with the Harmoneers and Harmonettes and sang with various local bands including those of Ernie Walker, Peter Welker, Walt Oster and Bill Sax. Ron was a featured performer at Carnegie Hall last year with the jazz group, Take Note, and will sing there again next year.

Ron Walters' voice hasn't disappeared into the airwaves. The lessons he taught about civic involvement, philanthropy, and support for youth and the arts strongly reverberates in Petaluma and will do so for a long time to come.

Ron Walters always signed off his radio programs saying, ''This is Ron Walters saying thanks a heap and don't forget what I told you yesterday.''

Mr. Speaker, I would like to say to Ron on behalf of all the people his life has touched, ''Thanks a heap, and no, we won't forget.''

TRIBUTE TO THE STUDENTS OF SOUTH FORK SCHOOL SYSTEM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of South Fork School System in Kincaid, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of South Fork School heard and met that challenge. I recently received a check of $533.00, made out to America's Fund for Afghan Children—that's more than one dollar for each student in South Fork, and more than our President requested.

The students, parents, faculty, and members of the Kincaid community should be recognized for this fine effort. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, ''One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people.'' The children of South Fork have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

HONORING ALBANIAN FLAG DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BONIOR. Mr. Speaker, I am pleased to join the Albanian American community in celebrating the 89th anniversary of Albanian Flag Day which symbolizes Albania's independence.

On November 28, 1912 Albanian declared its independence by raising its flag in the coastal town of Vlora. Since that glorious day, Albania has endured many hardships but has managed to persevere. The conflict that occurred in Kosova only a short time ago tested Albania and its people. Albania and its proud citizens are entering into a new era of political, social, and cultural growth. They possess a focused vision of their future and will do all they feel is necessary to ensure prosperity.

The United States relationship with Albania is strong and growing stronger. This was evident when Albania pledged its support to us in the wake of the terrorist attacks on September 11, 2001. Today, the United States is enriched by the many Albanian Americans living here. They have made major contributions to nearly every facet of American society. The Albanian community adds to the wonderfully diverse American culture by sharing with us their customs and beliefs.

Mr. Speaker, I join the people of Albania, those of Albanian ancestry around the world and Albanian Americans in celebrating Albanian Flag Day. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

HONORING DERAN KOLIGIAN AS AGRICULTURIST OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Deran Koligian on the occasion of his recognition by the Greater Fresno Area Chamber of Commerce as the Agriculturist of the Year.

Mr. Koligian serves Fresno County's first district on the Board of Supervisors and was recently elected to serve as the Board's chairman for 2001. In addition to being a County Supervisor, he also serves on a myriad of commissions including the Economic Development Commission, Central Valley Project Authority Advisory Committee, Pleasant Valley Habitat Plan Board of Directors and Steering Committee, Southeast Regional Solid Waste Commission, and Water Resources Management Executive Committee.

Supervisor Koligian, born and raised in Fresno, is an ardent supporter of agriculture in the largest agricultural producing county in the nation. He has blended his dedication to agriculture and public service in a most beneficial and effective manner. Fresno County has been enriched by his commitment to agriculture and the community.

Mr. Speaker, I am honored to recognize Deran Koligian as the 2001 Agriculturist of the Year. I invite my colleagues to join me in congratulating Mr. Koligian and wishing him many more years of continued success.

STATEMENT IN SUPPORT OF THE CONFERENCE REPORT FOR H.R. 3150

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LANGEVIN. Mr. Speaker, today I wish to congratulate my colleagues, especially the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), on reaching an aviation security agreement that will provide unprecedented protection to our Nation's passengers and airways.

As we enter the holiday season, it is essential that the flying public feel confident about air travel, and today's agreement will restore full faith in flying. Aviation security is of particular concern in Rhode Island, where our State airport is located in a populated urban area. We must safeguard this facility and all of our Nation's airports from potential threats, not only for the benefit of passengers and workers, but also to allay the fears of people in neighboring homes and businesses. H.R. 3150's provision requiring all checked baggage to be screened by explosive-detection devices is an important step to enhance security and guarantee peace of mind to the traveling public.

H.R. 3150 will also provide a well-timed and much needed boost to the travel and tourism sector, which is the second largest industry in the State of Rhode Island. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents, and restaurant owners. We all agree that Congress must restore confidence in air travel in order to boost our nation's flagging economy.

Finally, this legislation includes a provision to federalize airport security, which is one of the most important commitments we can make to air travelers. Countless constituents have contacted me in support of a federal aviation screening force, and I am pleased that H.R. 3150 reflects the will of the American people.

Today's bipartisan legislation is an example of good government at work, and I urge my colleagues to vote for final passage.

IN TRIBUTE TO REV. VERNON MCGOWEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. PALLONE. Mr. Speaker, I would like to call to the attention of the chair and my colleagues a distinguished minister from the city of Neptune, NJ, Rev. Vernon McGowen.

Reverend McGowen has served as the minister of the Martin Luther King Jr. Presbyterian Church in Neptune for the past 25 years. On Sunday, November 18, 2001, his church will recognize his illustrious career and dedication to the Neptune and Asbury Park communities.

A Houston native, McGowen moved to New Jersey to attend the Princeton Theological Seminary where he earned his masters of Divinity Degree. While at Princeton, through the urging of a professor and mentor, he started preaching at Martin King Jr. Presbyterian Church. His dedication and compassion were evident after only 2 years of service, at which time the Church invited him to become the church's permanent pastor.

Throughout his tenure as pastor, he has been an outspoken advocate for people who normally have no way of making themselves heard. As a highly regarded leader in the black community, he has dealt with issues ranging from teenage pregnancy to the hiring of more blacks in county offices. Over the years, he has been recognized as a leading advocate of judicial reform and encouraging greater opportunities for blacks in the legal system. In short, parishioners of his church not only found a religious figure, but a civil rights leader.

Reverend McGowen practices what he preaches, using his talents to reach out to the segments of the community that need him the most. Through his tireless efforts, he helped Lawerence Lawson gain the appointment of assignment judge, the first black person to achieve this esteemed position.

Through his ministry he spreads the word of God and provides spiritual leadership, while simultaneously, he fights to improve the social well-being of all. Now entering his 25th year of service, I would like to congratulate Rev. Vernon McGowen on this momentous occasion.

MENTAL HEALTH AND THE WORLD TRADE CENTER CRISIS: THE IMPACT ON NEW YORK

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. MALONEY. Mr. Speaker, on October 2, 2001, I introduced H.R. 2992, the Mental Health Parity Enhancement Act of 2001. Clearly, we all have come to understand mental health is critical to the health and well being of our country and all Americans. I rise today to submit compelling, timely remarks

about the mental health impact of terrorism as extraneous materials to the CONGRESSIONAL RECORD.

On October 3, 2001, during the American Psychiatric Association's Annual Mental Illness Awareness Week Congressional Luncheon Symposium, in which they are joined by the National Alliance for the Mentally Ill, one of my most dedicated and brilliant constituents, Herb Pardes, M.D., President and CEO of New York Presbyterian Hospital, gave an enlightening and heartfelt presentation about the New York hospital system's response to the World Trade Center crisis. He discussed the phenomenal emergency medical services provided to victims by the New York healthcare system and also the resulting impact on the mental health of New York City and our Nation.

Allow me to include excerpts of Dr. Pardes' October 3 remarks into the RECORD:

There are many perspectives on this tragic situation. First, it is probably the most horrendous tragedy I, and I am sure many others, have ever had the misfortune to experience. The disaster for me started while I was in my office and heard that a plane had crashed into the World Trade Center. I could see it on television and also see the World Trade Center from my office. I could watch it in both places. It was unreal, unbelievable, but we had to snap into action.

Hospitals in New York, ours included, went into emergency status immediately. And that meant we stopped elective clinics and elective surgery, and tried to increase our capacity in anticipation of seeing a large number of patients coming.

We have a phenomenal emergency medical services team. Many of them were at the World Trade Center within eight or nine minutes of the crash. Tragically, they got caught when the buildings fell. We lost three heroes! You cannot ask for finer people and losing them is a deep tragedy for all of us.

We prepared teams of doctors and nurses in the emergency room. We decanted patients to other facilities to increase capacity. We arranged for staff to be able to stay at the hospital, in the event that we needed them, because we did not want them to go home and not be able to get back. Volunteers came from everywhere. People by the thousands wanted to donate blood.

People were calling looking for their relatives. A friend of mine, Neil Levin, the head of the Port Authority of New York and New Jersey was lost in this tragedy. His wife was sending pictures around, so we could determine whether it matched any of the unidentified people who were already in our burn unit.

We had a number of staff meetings to keep people informed and to make sure we were well coordinated. The healthcare people responded magnificently. Everybody was trying to help. Any preexisting tensions between people were set aside and instead people tried to be helpful and collaborative.

We had good responses from many, many different hospitals, from the Greater New York Hospital Association, which set up a 24-hour coordinating post, from the State Commissioner of Health's Office, from the City Office of Emergency Management, and others. State Commissioner Antonia Novello came to visit us several times and helped us with replacement staffing, especially for nurse specialists.

We received calls from the Boston teaching hospitals, from the Air Force, from David Nexon in Senator Kennedy's office, offering help for burn victims with skin replacements from a biotech company in Massachusetts.

Our government officials were sensational—our Congressional people, our Senators—Senator Clinton, Senator Schumer, the Congressional representatives, Mayor Giuliani, Governor Pataki. People volunteered every conceivable way they could.

Several thousand patients apparently were seen for health care in the first 48 hours. We saw close to 800. In addition, there were a thousand or so people who came for help with decontamination and another 4000 people who were seen for behavioral health visits related to the impact of stress. Of course, there were many others who went directly to their own doctors' offices. These data still have to be confirmed, but they give you some indication of the numbers involved.

Our greatest disappointment was that we did not have more survivors. We were ready, the teams wanted to work, and they felt extraordinarily frustrated and impotent at not being able to do more.

This disaster has had quite an impact on the hospitals. We, of course, spent money on additional supplies; we had 7 of our ambulances and 2 vans destroyed when the buildings came down. We had to pay for additional staff, for overtime.

Also, the hospitals are very volume sensitive. When we stopped all our elective and routine work and then did not have all the emergency work we thought we would get, we sustained a substantial financial hit. This decline lasted for a number of days. Then, for the next few weeks with all the transportation lines clogged, the hospitals' availability for health services was made difficult. People could not get to us. Around the City there was a sharp drop in healthcare activity.

Hospitals cannot cut expenses so suddenly. The New York City hospitals face a big financial problem, which, I think, will be in the range of $300-400 million over a period of several months. This problem will continue until we attain a return to normal function.

With regard to the impact on people, which is perhaps the most important, it was remarkable how many people were filled with disbelief. I mentioned impotence before. They have had every feeling you could imagine. Anxiety, frights, depression, a feeling of being dazed, a feeling that they could not get themselves going.

This was true of our staff, it was true of patients who came in, it was true of family members, it was true of everybody.

The psychiatric needs were considerable and increased over time. We set up two 24-hour counseling services and staff saw people on site and other places. They saw relatives; they saw psychiatric patients who had become destabilized as a result of the tragedy. They went to business friends who lost numbers of employees and those who did not but who had suffered massive stress. Our staff went to schools; they went to fire departments.

There were people who were in buildings adjacent to the crash who were terribly shocked and stressed even though no deaths occurred in that particular business.

Our burn unit admitted 25 patients. Some had moderate or minor burns and so they did not stay very long. But, we had a number who were serious. One died before arriving at the hospital. Three more have died since. We still have about fourteen who are seriously burned and we are hoping to bring all of them to recovery.

Our first patient with serious burns was discharged on Tuesday, October 2nd. Most remarkable, when you listen to him as well as many others, is the pressure of survivor guilt. His focus was: ''What couldn't I help other people, why did this happen?'' He feels he has a second chance. He was very appreciative to the people who had been helpful to him. He was modest, and came across in a serene and endearing way.

We have had others: a woman whose husband found her in the street after her back was burned and her Achilles tendon severed. She could barely walk; he helped pick her up and take her to an ambulance and get her out of there just in time. There were many, many stories like that.

In summary, this is a tragedy of unspeakable proportions, whose impact I think is being realized in increasing increments as each day goes by.

The one bright light, you can say, is the tremendous response and sense of unity, of cooperation. We have a terrific pride in our Country and our fellow citizens and our health providers. Everybody pitched in.

I feel that everyone is affected by this disaster. On the other hand, the thing that disturbs us most is that there were not more survivors. I am thankful that a lot of people did get out. We wanted all to be survivors; we wanted to be there to care for them.

There is also a severe jolt to the New York health system. The hospitals have already been too heavily stressed. We have to wonder whether we have left ourselves with such little elasticity in healthcare capacity that, if there were another tragedy involving many people needing care, whether we could handle it.

We have to make sure our hospitals and health systems stay strong. We must insure that they are not constantly undermined by budget cuts, so they can be there when we need them. We particularly need specialized services like burn centers when we have major disasters. When they happen, the services need to be in place. Such services are usually in academic health centers, and they are vital.

We also need to have mental health services both financially supported and provide insurance coverage so people can get services. That means broad coverage and parity for mental health. Going forward, we are not sure what we are in for, but it is important for this Nation to stay strong—for people to be powerfully together—and for us to have a health system that can be there when the need arises.

TRIBUTE TO THE STUDENTS OF MEMORIAL SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of Memorial School in Taylorville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of Memorial School heard and met that challenge. The students of Memorial raised over $160.00 for the Fund for Afghan Children. Two students—Brandom Reber and Robbie Spurling—headed up a fund raising drive that collected donations from every single student in the school. In all, they received over $160 dollars for the fund to help the children of Afghanistan.

The students, parents, faculty, and members of the Taylorville community should be

recognized for this fine effort. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, ''One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people.'' The children of Memorial School have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

GUATEMALA'S 36-YEAR CIVIL WAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, the genocide that was committed during Guatemala's 36-year civil war, although far exceeding the death tolls reached in Bosnia, as well as in El Salvador, Nicaragua, Argentina and Chile combined, has yet to receive proper attention from the international community. Fortunately, the slow march of justice may finally be reaching Guatemala, as indigenous Mayan survivors of over a dozen massacres—out of an estimated 600 committed during that era—are speaking out, accusing former dictator Efrain Rios Montt of genocide, crimes against humanity and war crimes.

An association of surviving indigenous Maya is specifically suing the ex-general on charges related to the massacres in which 1,200 lives were lost. At these bloodlettings, which occurred between March and December 1982, peasants throughout the Mayan highlands were raped, tortured and murdered, with their bodies tossed into the large pits serving as mass graves. The locations of these ossuaries were known for years, but left undisturbed until recently.

During Guatemala's bloody three-decade old civil war, more than 200,000 died and millions were displaced as Rios Montt rose to power, eventually leading a military coup that seized control of the government in 1982. Once in office, Rios Montt took the civil war to new levels of violence by attacking the thousands of indigenous Maya who he claimed comprised the bulk of the revolutionaries. Under the ensuing reign of terror, he utilized notorious Civil Defense patrols and ''model'' villages (officially known as social re-adaptation centers), which were akin to concentration camps. Males thirteen and older were required to serve in Civil Defense patrols, which operated as paramilitary units supervised by the army, with their mission being to act as informants and kill suspected guerrillas. The most devastating of Rios Montt's actions was the implementation of the ''scorched earth'' policy, which called for hundreds of villages to be burned to the ground and thousands of innocent people to be tortured and murdered.

To this day, Rios Montt continues to retain plenary power within Guatemala's government, as president of Congress and de facto president of the country, by controlling the country's nominal president, Alfonso Portillo, who has been denounced for alleged corruption by many Guatemalans. Furthermore, since the initiation of the case against Rios Montt, terror and incessant threats have followed those pursuing justice.

Observers feel that if successfully argued, the case against Rios Montt could form the basis of hope for national reconciliation regarding the bitter memories of the victims of the atrocities committed against the Mayan community during the 36-year conflict. To only bring the case to trial would represent a most notable victory for those involved, as well as for the country's otherwise discredited judicial system, setting a precedent that hopefully could serve as a formidable deterrent for those contemplating the future use of terror against the public.

THE COUNCIL ON HEMISPHERIC AFFAIRS

The Council on Hemispheric Affairs (COHA), a nonprofit, tax-exempt independent research and information organization, was founded at the end of 1975 to promote the common interest of the hemisphere, raise the visibility and increase the importance of the inter-American relationship, as well as encourage the formulation of rational and constructive U.S. policies towards Latin America. In 1982, COHA's board of trustees voted to expand its mandate to include monitoring Canadian/Latin American relations. Since its inception, COHA has been one of the most active and broadest-based U.S. private bodies dealing with the entire spectrum of political, economic and diplomatic issues, as well as the economic and political challenges confronting the Inter-American nations.

From its founding, COHA's board consisted of the leadership of some of this country's most important trade unions, professional organizations and religious groups, well as distinguished civic and academic figures who joined together to advance their common belief in support of representative government and pluralistic institutions throughout the hemisphere.

COHA subscribes to no specific political credo nor does it maintain partisan allegiances. It supports open and democratic political processes just as it consistently has condemned authoritarian regimes of any stripes that fail to provide their populations with even minimal standards of political freedoms, economic and social justice, personal security and civic guarantees.

COHA is entirely staffed by a professional core, who contribute their services, supplemented by a large number of volunteer graduated and undergraduate students who often receive academic credit from their home institutions for the experience gained through their work here. Over the years, retired government employees also have cooperated with COHA in preparing monographs on such topics as regional development, trade policies, technology transfer, the operations of multinational corporations and the controversial development strategies of the international lending agencies. The staff is assisted by a number of extra-mural professionals coming from an academic background who serve as COHA senior research fellows, who are generally considered to be leaders in their respective fields of expertise.

COHA's analyses are frequently sought after by the major media, with its long-time director, Larry Birns, as well as other senior personnel regularly being called upon by the major national and international press, along with network radio and TV public affairs programs, to provide commentary on breaking regional issues. COHA contributors also appear regularly in the opinion columns on editorial pages throughout the country, and its findings frequently have been heard and seen over the BBC, Voice of America, CBC, Radio Marti, Radio Havana and U.S. radio programs. COHA personnel also have appeared one or more times on CNN, C-Span, Firing Line, Crossfire, Nightline, the CBS, ABC and NBC evening news, as well as the network Larry King program, ''Good Morning America'' and the ''Today Show,'' and many National Public Radio public affairs programs.

COHA's personnel have been interviewed, or the organization's findings have been referred to in such publications as Time, Newsweek, the Atlantic Monthly, U.S. News and World Report, New York Magazine, Harper's, the New Yorker, the New Statesman Barron's, and Maclean's. On almost a daily basis, the results of COHA's work appear in the press of Latin America and Europe. COHA also has been cited in numerous occasions in the New York times, the Washington Post, Los Angeles Times, the Christian Science monitor, the London Observer, the Boston Globe, the Miami Herald, the Toronto Globe and Mail, the Toronto Star, the London Independent and the Guardian, among many other newspapers.

COHA has been referred to in the floor of the Senate as ''one of our Nation's most respected bodies of scholars and policymakers.''

GUATEMALA'S FOUR DECADES OF TERROR

(By Chanin Webb)

Genocide committed during Guatemala's 36-year civil war, although far exceeding the death tolls reached in Bosnia, as well as in El Salvador, Nicaragua, Argentina and Chile combined, has not received proper notice from the international community. Fortunately, the slow march of justice may finally be reaching Guatemala, as indigenous Mayan survivors of over a dozen massacres—out of an estimated 600 committed during that era—speak out, accusing former dictator Efraín Ríos Montt of genocide, crimes against humanity and war crimes.

Supported by the Center for Human Rights Legal Action (CALDH), a local NGO which serves as a co-prosecutor in the case and offers legal council to the victims, an association of surviving indigenous Maya is suing ex-General Ríos Montt on charges related to the massacres in which 1,200 lives were lost. At these bloodlettings, which occurred between March and December of 1982, peasants throughout the Mayan highlands were raped, tortured and murdered, with their bodies tossed into the large pits serving as mass graves. The locations of these ossuaries were known for years, but left undisturbed until recently, due to fear of retaliation. The indictment against Ríos Montt is based on the testimonies of the survivors, as well as the deceased, in the form of these recently uncovered burial sites.

RÍOS MONTT'S TERRORIST NETWORK

Shortly after the CIA's sponsored coup in 1954, which toppled the democratically-elected government of Jacobo Arbenz and placed the country under military rule, revolutionary groups began being formed to combat authoritarian rule. The result was a civil conflict which lasted for 36 years, leaving more than 200,000 dead and millions displaced. It was during this bloody conflict that Ríos Montt rose to power. By 1972, he had achieved the rank of brigadier general, and was, at the time, already being accused of using his new authority to orchestrate the 1973 massacre of over 100 indigenous Maya. In 1982, Ríos Montt led a military coup that seized control of the government, overthrowing Gen. Lucas Garcia (who also has been accused of major war crimes).

Many hoped that, due to his evangelical background, Ríos Montt would reduce the cruelty; instead, he took the war to new levels of violence by attacking the thousands of indigenous Maya who allegedly comprised the bulk of the revolutionaries. Ríos Montt believed that other Maya were providing the guerrillas with food and shelter, thus making them collaborators and subversives. According to CIA records released in February of 1998, under the Ríos Montt dictatorship, there was a marked increase in military violence and destruction of Mayan villages.

Under the ensuing reign of terror, Ríos Montt utilized notorious Civil Defense patrols and ''model'' villages (officially known as social re-adaptation centers) which were akin to concentration camps, housing the survivors from various Mayan communities decimated by the armed forces. Males thirteen years and older were required to serve in Civil Defense patrols, which operated as paramilitary units and were supervised by the army. Their mission was to act as informants and they were expected to kill suspected guerrillas as need be, as well as fellow villagers. According to Andrea Leland, author of A Long Road Home, these civil patrols put the indigenous boys and men in the forefront of danger, compelling them at times to kill members of their community, consequently destroying the fabric of their Mayan heritage.

The most devastating of Ríos Montt's actions was the implementation of the ''scorched earth'' policy, which called for hundreds of villages to be burned to the ground and thousands of innocent people to be tortured and murdered. One documented incident of this policy in action took place in the village of El Quetzal on July 17, 1982. Soldiers divided the families, placing the men in the local schoolhouse and the women and children in the church. After several hours, the soldiers took a group of men from the schoolhouse and executed them with stones and machetes; those remaining were killed when the military threw grenades into the building. The younger women were raped, tortured, and killed, while the older women were murdered with their children, when the military threw grenades into the church. In all, over 360 people died in this tragic event.

In another massacre, which took place at the Mayan community of San Francisco, more than ten thousand villagers were displaced, aside from those brutally murdered. The random cruelty of the military is revealed by the fact that children were found with their stomachs cut open, while others had been grabbed by their legs and smashed against trees and upright beams within their houses. At the time, the Ríos Montt administration blamed the attacks on radical right-wing vigilante groups; however, then-U.S. ambassador to Guatemala, Fredric Chapin, noted in CIA records that ''I am firmly convinced that the violence is government of Guatemala ordered and not ''right-wing violence'' and that these were not rightist militant squad executions, but again executions ordered by armed service officers close to President Ríos Montt.'' On August 1983, Ríos Montt was himself dethroned by a military junta lead by General Mejia Victores. During Ríos Montt's short rein as dictator, thousands of victims were added to the death toll fact sheet.

BRINGING DOWN A TYRANT

To this day, Ríos Montt continues to retain plenary power within Guatemala's government, as president of Congress and de facto president of the country, by controlling the corrupt nominal president, Alfonso Portillo. The latter was elected on the Frente Republicano Guatemalteco (FRG) ticket, which is led by its founder, Ríos Montt. The FRG controls congress and has quickly become one of Guatemala's most corrupt regimes in recent history, according to CALDH's director, Frank La Rue. The case against Ríos Montt is consistent with the conclusions of the Commission for Historical Clarification (the UN-sponsored Truth Commission), which stated ''Guatemalan authorities must prosecute those with the main responsibility for the serious human rights violations.'' Newly appointed prosecutor Mario Leal, assisted by CALDH and the association of Mayan victims, continues to push the genocide case against Ríos Montt forward. Since 1973, under Guatemalan criminal law, there is no immunity from prosecution for those who have committed crimes of genocide, war crimes and crimes against humanity, meaning that Ríos Montt cannot hide behind his current incumbency.

Since the initiation of the case against Ríos Montt, terror and incessant threats have followed those pursuing justice. This past July, Anselmo Roldán, representative of the communities that filed that legal case against Ríos Montt, was attacked and seriously wounded by Santiago Emilio Pérez, who escaped by hiding in the house of a FRG supporter. But with this increased level of danger, the case is moving forward, according to CALDH, which believes Mr. Leal's team will begin taking testimonies of the eyewitnesses to the massacres this month. They believe it is possible to have the investigation completed by July 2002.

Observers feel that this case could form the basis of hope for national reconciliation regarding atrocities committed against the Mayan community during the 36-year conflict. To only bring it to trial would be a most notable victory for those involved, as well as for the country's otherwise discredited judicial system, setting a precedent that hopefully will serve as a formidable deterrent for those contemplating the future use of terror against the public.

TRIBUTE TO FIREFIGHTER ANGEL JUARBE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Firefighter Angel Juarbe of FDNY Ladder 12, a national hero who gave his life to save many others during the September 11th attack on the World Trade Center.

Angel Juarbe, a valiant firefighter, was a Bronx native and resident for his short 35 years of life. Members of his community and family have felt a gaping hole in their lives since Angel's passing. They are not alone, and like the thousands of other family members and friends of those lost in the national tragedies, they have become survivors of September 11th. One of Angel's brothers, Ed, said of him, ''He always wanted to help the less fortunate.'' Another of Angel's brothers, Charles, is a New York City Police officer who searched desperately for his brother after the second World Trade Center tower came down. Angel Juarbe was a beloved son, brother, and uncle.

Mr. Speaker, Angel had entered a hotel connected to the second tower, moments after the first had gone down. He and fellow firefighters rescued a number of people trapped in the building and as they moved up floors, made the judgement call to disencumber themselves for easier maneuvering by leaving behind some of their emergency equipment, namely their large supply of rope. After an undiscernible amount of time, the firefighters were called to evacuate the structure. Before they could all escape the collapsing building, staircases crumbled and Angel and his comrades realized that they needed the rope to rappel down to safety. Angel and a fellow firefighter retrieved the rope and made their way back up to the stranded men. On the way, they came across another firefighter in peril and while they assisted this individual, the second World Trade Center tower collapsed bringing down the joined hotel.

Shortly before his tragic death on that infamous day, Angel had become a momentary television star thanks to his stint on Fox's reality show ''Murder in Small Town X.'' Angel emerged the victor of this program which placed regular individuals in the roles of investigators in a fictitious town beleaguered by a serial murderer. Angel earned quite a few fans throughout the airing of the show and today a number of webpages are dedicated to his memory by these devoted fans who felt like they knew the charming New Yorker. Angel, who solved the mystery and caught the ''killer,'' was awarded $250,000 and a brand new Jeep Cherokee. He told a reporter after winning the show that he was giving part of his winnings to his father so that he could retire. He said that another part was going to help his nieces and nephews with their educations.

Mr. Speaker, the number of heroes emerging from the events on September 11th continues to grow. Our firefighters, police officers, and rescue workers who risked their lives daily before September 11th and have everyday since, are national treasures. I ask my colleagues to join me today in commemorating one of these treasured heroes; Angel Juarbe.

CLEAN DIAMOND TRADE ACT

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 2722, the Clean Diamond Trade Act, and I thank Congressmen HOUGHTON, RANGEL and HALL for their dedication to finding a consensus on this issue. Thanks to their work, the diamond industry, human rights organizations and American consumers can rest assured that their government is dedicated to eliminating the funding of civil war, and of terrorist organizations from diamond profits.

H.R. 2722, prohibits the importation of rough diamonds, or polished diamonds, into the United States unless the exporting country has a system of controls, consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000, or that is consistent with an equivalent international agreement. This bill also prohibits the Overseas Private Investment Corporation and the Export-Import Bank of the United States from engaging in projects involving the mining, polishing or sale of diamonds in a country that fails to meet these same requirements.

I believe this bill will finally address the massive human suffering that has occurred as a result of the trade of conflict diamonds in Africa. This tragedy, which has driven over 6 million people from their homes and resulted in over 2 million deaths, has gone unaddressed for too long. I encourage all my colleagues to support H.R. 2722, so the association between diamonds and Americans can once again be love, not violence.

HATE CRIMES PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CONYERS. Mr. Speaker, since the April 3, 2001 introduction of H.R. 1343, the Hate Crimes Prevention Act, 199 members from both sides of the aisle have added their voices to the call for comprehensive legislation that will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes.

The events of September 11th have demonstrated the destructive power of hate to rend the fabric of a community and a nation. Domestically, hate crimes statistics are a disturbing barometer of the state of the nation. In spite of national success in lowering overall crime rates, hate crimes have proven resistant to that trend. Data collected for 2000, pursuant to the 1990 Hate Crimes Statistics Act, documented 8,152 hate crimes, an increase of 3.5 percent from 1999 figures.

Overall, racial bias accounted for 54.3 percent of incidents, with religious bias accounting for 16.5 percent, sexual orientation 16 percent and ethnicity 12.4 percent of incidents. Notably, anti-black bias accounted for 35.6 percent of all racial bias and anti-Semitism accounted for 75.5 percent of all religious bias incidents.

In the wake of terrorist attacks, the Arab-American Anti-Discrimination Committee has investigated, documented and referred to federal authorities over 450 incidents. These incidents include the murders of a Muslim Pakistani store owner in Dallas, TX, and an Indian-American gas station owner in Mesa, AZ, where a suspect was arrested shouting, ''I stand for America all the way.''

The Department of Justice, however, has initiated only approximately 40 investigations of hate crimes directed against institutions or people of Arab or Middle-Eastern decent. As the James Byrd and Matthew Shepard tragedies suggest, the investigation and prosecution of this flood of hate crimes will strain the resources of state and local law enforcement agencies.

Current law limits federal jurisdiction to federally protected activities, such as voting for even covered classes of persons, so all these incidents will not be subject to federal jurisdiction. Moreover, current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that ten states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

Our bill will remove these hurdles, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes. Through an Intergovernmental Assistance Program, federal authorities will be able to provide technical, forensic or prosecutorial assistance to state and local law enforcement officials. In addition, the legislation authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Hate Crimes Prevention Act of 2001 is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. It is vital that both government and individuals distinguish the beliefs of the Arab-American and Muslim communities from the perpetrators of September 11th's violence, and recognize that these Americans share our values and contribute significantly to our communities.

All Americans should stand to condemn any acts of bigotry, violence or discrimination against Arab-Americans, South Asians and American Muslims and call upon Americans of every faith and heritage to stand together in this time of national crisis. Our sense of community with fellow Americans of Arab and South Asian decent and those of the Islamic faith should not be counted as another casualty of September 11th's senseless violence.

MEDICARE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT OF 2001

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. POMEROY. Mr. Speaker, I rise today with my friend and colleague from Illinois to introduce a bill that will provide Medicare beneficiaries with direct access to qualified physical therapists. I join Mr. CRANE today in introducing the ''Medicare Patient Access to Physical Therapists Act of 2001,'' a bill that is patient-focused, patient-friendly, and puts the patient first. This legislation will enhance access to quality health care services for Medicare beneficiaries under Part B and expand choices for Medicare beneficiaries.

The time is right for this legislation, Mr. Speaker. Thirty-four states currently allow direct access to physical therapists without a referral requirement. The citizens of my own State of North Dakota have been able to directly access their physical therapists since 1989 without limitation. Under this provision of State law, my constitutes have enjoyed nearly unfettered access to the expertise of licensed physical therapists without the delay or added cost of a physician referral. This is especially important to rural areas of this country where we are frequently underserved by health care professionals. Physical therapists in North Dakota are able to treat many impairments, functional limitations, disabilities, and changes in health status for our residents, and as such, they contribute to making our population more productive and healthy.

Access to physical therapist services without a referral requirement already has been successful around the country. Studies conducted by Johns Hopkins and Georgetown University researchers demonstrate that utilization of services was actually lower in episodes of care initiated without referral than episodes initiated with a physician referral. My constituents—who incidentally make up the largest population of seniors per capita—are entitled to the same access under Medicare as the rest of the citizens in North Dakota and across the country. North Dakotans and all Medicare beneficiaries should have better access to qualified health care providers, and physical therapists can be instrumental in this role.

Finally, I think it is important to recognize that this bill will raise the standard, domestically and internationally in effect, for qualified physical therapists. The new standard endorsed by the American Physical Therapy Association requires a master's or doctoral degree, which I believe will serve to improve patient care across the country.

Through better access to highly qualified health care professionals, we ensure enhanced care and services for all Americans. Mr. Speaker, I ask for my colleagues' consideration and support for this important legislation to provide direct access to physical therapists under Medicare.

TRIBUTE TO THE CHILDREN OF GOOD SHEPHERD LUTHERAN SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHIMKUS. Mr. Speaker, I rise to pay tribute to the children of Good Shepherd Lutheran school in my home town of Collinsville, IL, and their heartwarming actions in the wake of the September tragedy.

Roughly 2 months ago I received a package of letters from the students at Good Shepherd. In the aftermath of the terrorist attacks, the children were scared and confused; but the teachers calmed them, and asked those who wished, to put their thoughts on paper. The result was truly inspiring—over seventy cards, hand drawn by the children with pictures of crosses and flags and hearts. Inside them were notes of support and caring, as the children put their faith in God, America, and Congress to make things right in the world. As one young girl wrote, ''We will pray to Jesus that Congress makes the right decisions. God bless America.''

Mr. Speaker, some of these cards I shared with the Members from New York; the others I placed on the wall in my office. There they serve as a powerful reminder to me, not only of the faith that some people place in us as Representatives, but also of exactly for whom we are fighting this war. It is my sincere hope that when these children grow up and look back on this time, they will feel their faith in us was justified. It is my hope that we will have left them a better world.

Mr. Speaker, the students and the faculty of Good Shepherd School deserve our thanks—not only for their cards, which have touched my heart and the hearts of other Congressmen and women, but also for their great spirit as Americans. Their faith in God and Country is admirable; their faith in us as a legislative body is humbling. May God bless them, and may God bless our country.

ANTHRAX ISN'T THAT RISKY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LAFALCE. Mr. Speaker, I would like to share with my colleagues the following article, which appeared in the Wall Street Journal on October 22, 2001. The article underscores the importance of putting into perspective the relatively small risk to average Americans posed by the threat of anthrax and bioterrorism, and the need for Americans to continue to go about their daily lives as before.

[From the Wall Street Journal, Oct. 22, 2001]

CHILL OUT: ANTHRAX ISN'T THAT RISKY

(By Ezekiel J. Emanuel)

My brother's business partner, a well-educated Hollywood agent, called to say that he just purchased $1,900 worth of Cipro to protect his wife and two kids. Knowing there was a threat of anthrax out there, he couldn't sleep comfortably without Cipro at home.

The fear of anthrax, and the public response to it, has so far reflected bad math, bad medicine and bad public health. We cannot continue to let confusion determine how we act. It may hurt us badly.

First, the bad math. Anthrax is out there. Letters containing spores are a real threat. But the question is: How big a threat? So far one person has died of inhaled anthrax, and several others have cutaneous anthrax—from which they will probably recover uneventfully with treatment. Several hundred more people have been exposed, but far fewer than 100 have tested positive for having anthrax without being infected. For the family of Robert Stevens, who died in Florida, it is a terrible tragedy. But for the rest of us, anthrax is not a public-health menace that should drive us to do crazy things.

The risk of dying of anthrax needs to be put into perspective. One death among 280 million Americans is a miniscule risk. It is less than the risk of dying from driving just one mile. To put it another way, 280 people would have to die of anthrax to equal the risk of driving 50 miles in a car (about one in a million). How many Americans refuse to drive because of the risk of dying in a car accident?

More important, the risk is hardly random. There may be call for people working on Capitol Hill or at the White House or federal agencies or major news organizations to be concerned. But for average Americans the chance of an anthrax-filled letter is less than one in a billion, substantially less than the risk of being struck by lightening (about one in 600,000 in a year).

There are many reasons we react more strongly to the risks of anthrax than to the risks of driving. We are used to driving; we are habituated to the risks. We take precautions—we buckle up, we don't drink and drive. But anthrax is new, unexpected, outside our routine, and therefore scary.

Also, it is not the single death from anthrax that really worries us but the unknown possibility of a full-scale bioterror attack. But here we need to rationally consider the risk of a large attack and the likely harm it will cause. It takes a great deal of sophistication to generate the right-sized spores and, even more challenging, the right way of aerosolizing them over a large area. Spiked letters are not terribly effective at spreading anthrax to thousands, let alone millions, of people. During the Cold War, it took the U.S. and the Soviet Union decades to work out the details of biological warfare with anthrax. Is it likely a terrorist group could do the same in a few weeks or even years?

Also, anthrax does not kill instantly. It takes several days. With the nation on high alert to the threat, any large-scale dissemination would be detected and people in the exposed area would be monitored and treated. The risks of dying of anthrax are simply not very high.

Stocking up on Cipro is bad medicine. First, children should not take Cipro; it can damage the development of their joints. Second, while relatively safe, Cipro, like all drugs, has side effects, some of which can be serious. Besides minor annoyances of nausea, diarrhea and rashes, Cipro can cause the inflammation and rupture of tendons. Prolonged use—like the 60 days of treatment necessary for prophylaxis against anthrax—can cause superinfections with very serious and even life-threatening bacteria. It also can have serious, potentially fatal, interactions with other drugs, such as the asthma drug theophylline.

And spending $1,900 on Cipro for anthrax is foolish. There are many other drugs that are just as effective against anthrax, safer for children and considerably cheaper, including penicillin, erthyromycin and doxycycline.

Cipro is a prescription drug. It should be used when there is a medical indication for its use, making the benefits of specific treatment favorable compared to the risks of the drug. Physicians should not dispense it as a way of calming worry. Real facts, not the prescription pad, are the right treatment for the insomnia of my brother's partner and his wife.

Bad medicine produces bad public health. The dispensing of antibiotics for colds, sore throats, the flu and other minor viral infections has created a serious problem; many bacteria are becoming resistant. We have been able to stay ahead by developing new antibiotics, but we are losing the race. The bacteria are able to mutate to outsmart our drugs faster than our pharmaceutical companies can develop, test and market and market new antibiotics. The result is a danger to us all. The next infection we get may be harder—or, God forbid, impossible—to treat because the bacteria no longer respond.

Millions of Americans self-medicating with Cipro is a real threat to public health. In the years since it has been on the market, bacteria have become resistant to Cipro. Widespread use serves no medical purpose, but only increases the chances of other bacteria—more threatening than anthrax—becoming resistant. We would end up protecting ourselves against the miniscule risk of anthrax, only to make ourselves more vulnerable to more common everyday bacteria. Not a good bargain.

My advice to my brother's partner: Take the Cipro to the pharmacy and get your money back. Keep driving your car and be sure you buckle up every time. Stop asking for antibiotics for every cold. And keep alert, contacting your local health department, hospital or physician if there is a credible threat.

CONGRATULATIONS TO SIX ALUMNI RECIPIENTS OF 2001 GEORGE ESTABROOK DISTINGUISHED SERVICE AWARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. ISRAEL. Mr. Speaker, I am extremely pleased to rise today to offer my sincere congratulations to the six alumni recipients of the 2001 George M. Estabrook Distinguished Service Award. These six individuals are receiving Hofstra University's most prestigious alumni award for all of their excellence in the categories of career and service to society.

Thomas J. McAteer, Honorable John Pessala, Edward P. Mangano, Mindy Dragovich, Lauren Hanley and Steven B. Aptheker all represent an extremely impressive group and truly deserve their award tonight, December 1, 2001 at the Hofstra Annual Alumni Award Dinner.

Congratulations again to this fine and outstanding group of candidates.

SAVE-A-FRIEND NATIONAL HOTLINE PROGRAM

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. FOLEY. Mr. Speaker, I am pleased to rise today concerning the Save-A-Friend national hotline program. The need for a national school violence hotline to help prevent tragedies in our nation's schools is extremely pressing. These senseless acts of violence against children must be stopped. While hotlines at the state and local level are useful, a national hotline must be implemented in order to better combat the problem of school violence.

I am pleased that the concept of Save-A-Friend has been supported by so many and I plan on making a request to the United States Department of Justice recommending a total of $500,000 in grant funding for the study and preliminary design of a Save-A-Friend National Hotline Program. This hotline should be staffed by trained professionals, 24 hours a day, 7 days a week, and ensure timely interaction between schools, local police organizations, the FBI and other federal law enforcement agencies. My request will ask the Department of Justice to report back its plan and budget to implement such a program on a national basis next year. This report will be submitted before the Fiscal Year 2003 budget process.

TRIBUTE TO THE HILL VIEW TREE FARM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to share some exciting news from my district. I am delighted to report that the official White House Christmas tree is coming from a farm in my district. Specifically, the White House Christmas tree has been chosen from the Hill View Tree Farm in Middlecreek, PA, which is owned and operated by Janice Bowersox and her son and daughter-in-law, Darryl and Aimee Bowersox.

In order to achieve the honor of being designated the farm to supply the White House Christmas trees, the Bowersox family entered the national Christmas Tree contest, an event sponsored by the National Christmas Tree Association. The Bowersox family won the contest at the national convention in August 2000,

where they were named Grand Champions. As the winner, Hill View Tree Farm became the chosen supplier of two Christmas trees for the White House.

One tree will be set up in the Yellow Oval Room to serve as the tree for the Bush family. This is the tree under which members of the first family are likely to put their presents. This tree, from the Hill View Farm, is about 8 feet tall and has been growing in the field since 1989. The larger tree, which will be placed in the Blue Room, must be at least 18½ feet high. This larger tree will be the official White House Christmas tree. It is being supplied for Hill View Farm by Donald Craul of Lewisburg, Pennsylvania.

The two trees will be cut and delivered to the White House the week after Thanksgiving. Janice, Darryl and Aimee Bowersox will present the official White House Christmas tree to first lady Laura Bush at the White House on the morning of November 28.

Hill View Tree Farm was founded in 1954. The farm has about 150,000 Christmas trees growing on 120 acres. The Bowersox family grows Douglas fir, Colorado spruce, white pine, and concolor fir trees. According to Janice Bowersox, winning the White House Christmas tree contest has long been a family goal. Janice Bowersox said she and her family are honored to be presenting this year's tree and thrilled to have received the top honor in the Christmas tree industry.

I am delighted that a farm from my district was chosen to be a part of the White House Christmas tree tradition. I am happy for the Bowersox family, and I hope that the Christmas tree chosen for the White House will bring joy to the President and Mrs. Bush and their family.

THE TRANSPORTED AIR POLLUTION MITIGATION ACT OF 2001

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CONDIT. Mr. Speaker, today I introduce ''The Transported Air Pollution Mitigation Act of 2001.'' This bill holds upwind air districts responsible to neighboring downwind air districts for the impacts of transported air pollution.

The Clean Air Act requires States to address the impact of air pollution that is transported between States. It is silent, however, about addressing transported air pollution within a State or what mitigation measures are imposed when transported pollution occurs between States. This oversight allows upwind air districts—because of prevailing wind patterns—to transport locally generated emissions to neighboring downwind air districts and only requires them to address the emissions that remain in the upwind district.

Transported pollution impacts the environment, public health, and economies in the downwind air districts. Pollution knows no political boundaries. A case in point is the San Francisco Bay Area. The California Air Resources Board has classified the San Francisco Bay Area as an ''overwhelming'' ozone contributor to each of the four neighboring air districts surrounding it—Sacramento, the San Joaquin Valley, Southern Sonoma, and the Monterey Bay-Central Coast region. This classification means that air quality monitoring data has shown there are days in which the downwind air district is in violation of quality standards because of emissions generated by the upwind air district.

This bill is a matter of fairness and equity. It requires those areas that are responsible to be accountable for the public health, environmental and economic impacts to their downwind neighbors.

CLEAN DIAMOND TRADE ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to express my support for the ''Clean Diamond Trade Act,'' and, additionally, to express my support for those diamond-producing nations like Botswana that have served as a positive example during the development of this important legislation.

The move to prevent so-called conflict diamonds from reaching U.S. markets has never been so important. Illegal diamond smuggling has helped prolong conflicts in which millions have been displaced, and millions more have been killed in brutal conflicts that have ravaged sub-Saharan Africa. Additionally, recent reports in the Washington Post by editor Steve Coll and other news services that rebel warlords in nations such as Sierra Leone are mining diamonds for sale to the al Queda terrorist network have highlighted the need for this important legislation. Thus, efforts restricting this source of funding to blood-thirsty factions that are running roughshod over the inalienable human rights due to the citizens of these war-torn nations are both highly commendable and exceedingly necessary. They serve to protect the lives of innocent African civilians, cut the funding sources of terrorist organizations, and thereby serve to protect the lives of innocent Americans.

My only concern is that in this drive to cut war-mongering factions off from the funding that sustains them, Congress ensures that law-abiding nations whose diamond industries support stable democracies not be a casualty of this very important and honorable piece of legislation.

In April, some of my colleagues and I had the opportunity to visit Botswana, a country whose growing economy is inextricably linked to its legitimate diamond mining industry. During my visit, we met American ambassador John Lange, His Excellency President Festus Mogae, and Health Minister Joy Phumanbi, along with many other dignitaries and government officials. We toured the Jwaneng Mine and the Princess Marina Hospital. These meetings made a strong impression on me, particularly the tour of the hospital. It was a clear indication of the strides that Botswana has been able to make in its fight against AIDS and HIV infection through the revenue generated by its diamond industry.

In these times of conflict and the proliferation of the AIDS pandemic that is devastating many sub-Saharan African Nations, Botswana stands out as an example of democracy in action. Its diamond industry and sound financial management has made Botswana's economy one of the fastest growing in the world. Botswana's successful development of its diamond industry has translated into the resources needed to bolster its democracy and fight the scourge of AIDS that is spreading so rapidly throughout the region.

As a member of the Congressional Black Caucus, these issues are of particular importance to me. The CBC has long focused on stabilizing the region and increasing economic growth and trade opportunities for sub-Saharan Africa. The protective language in section 4 of H.R. 2722 is vitally important to achieving those ends. It establishes a framework under which diamonds from legitimate, law-abiding governments are separated from those originating in conflict zones. The legislation allows the president to import diamonds only from those countries that take effective measures to stop trade in conflict diamonds.

Under the act, effective measures are defined as those that either (1) comply with the requirements of U.N. Security Council Resolutions on conflict diamonds, (2) meet the requirements of an international arrangement on conflict diamonds (provided that arrangement comports with Security Council Resolutions), or (3) contain certain ''minimum standards'' (e.g., the country requires that all rough diamond exports are packaged securely with officially validated documentation certifying country of origin, total carat weight, and value). Under this new framework, the Administration would have the authority to bar rough diamond imports from any country that does not have an effective system of rough diamond controls.

This is imperative because it allows those who are lawfully engaged in building stable industries to support their economies to continue to grow and provide for the welfare of their citizens. To penalize countries who are legitimately mining diamonds to build vital infrastructure that provides better services and more opportunities to its citizens in order to punish those who would smuggle diamonds to achieve more sinister aims throws the baby out with the bath water. Any legislation dealing with the diamond trade must make a distinction between the two. Indeed, by drawing this bright line, Congress will not only cut funding to war criminals. Congress will have succeeded in supporting and bolstering trade opportunities with countries that can be held up as examples of success in this troubled region.

This body will be well apprised of further successes. The bill requires that the President submit to Congress regular reports identifying countries involved in conflict diamond trade and describing actions taken by the United States and other countries to stop trade in conflict diamonds. Additionally, the bill specifies that the GAO transmit a report on the effectiveness of the Act within three years of its effective date.

I commend Congress for addressing this very critical issue in such a responsible and effective manner. It is consistent with other Congressional initiatives to combat the AIDS pandemic and seek resolution to the numerous conflicts in the area. By singling out the export of so-called ''blood diamonds'' for sanction, this act will enhance the ability of legitimate diamond industries in the area to flourish, providing a much needed foundation on which economic and political stability can be built.

SIKHS MUST HAVE A FREE KHALISTAN, ALL OTHER RELIGIOUS GROUPS HAVE THEIR OWN COUNTRIES, SIKHS ARE SEPARATE RELIGION, CULTURE, LANGUAGE, AND PEOPLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, all over the world, religious and ethnic groups have their own countries. There are numerous countries dominated by Christians and as we have recently been reminded, there are numerous Muslim countries as well. The Hindus rule India and a few other countries. There are a number of Buddhist countries. The Jewish people have Israel. Only the Sikhs do not have their own country.

Sikhs declared their independence from India on October 7, 1987, naming their country Khalistan. Unfortunately, Khalistan continues to live under a brutal occupation by India that has cost a quarter of a million Sikhs their lives since 1984. Earlier this year, the Movement Against State Repression issued a report showing that India is holding at least 52,268 Sikh political prisoners, by their own admission, in illegal detention without charge or trial. Some of them have been held since 1984. Former Member of Parliament Atinder Pal Singh noted that ''there is no family in the 12,687 villages of Punjab of which one or the other Sikh member has not been killed by the police.''

As I have previously said, ''The mere fact that they have the right to choose their oppressors does not mean they live in a democracy.'' My colleague, the gentleman from California, Mr. Rohrabacher, has said that for Sikhs and Kashmiris, ''India might as well be Nazi Germany.'' I cannot make a better statement of how brutal India's occupation of the Sikh homeland is. A new Indian law makes any act a ''terrorist offense'' to ''threaten the unity or integrity of India.'' Under this law, anyone who peacefully advocates independence for Khalistan or any of the minority nations such as predominantly Christian Nagaland, Kashmir, or any other can be held as a ''terrorist'' for as long as it suits the Indian government to do so. This is not democracy, Mr. Speaker.

When India got its independence from Britain, Sikhs were one of the three nations that were to receive their own sovereign state. Muslims got Pakistan, Hindus got India. Sikh leaders stayed with India because Mr. Nehru and Mr. Gandhi promised them that they would enjoy ''the glow of freedom'' in Punjab and no law would pass affecting Sikhs without their consent. However, as soon as the ink was dry on the agreement for Indian independence, the Indian government put out a memo describing Sikhs as ''a criminal class'' and began the tyrannical harassment of the Sikhs. Accordingly, no Sikh representative has ever signed the constitution of India.

Sikhs ruled Punjab as an independent country from 1765 to 1849, when the British conquered the subcontinent. Punjab was recognized by most of the major countries at that time. Under Sikh rule, Punjab was a secular state in which Sikhs, Muslims, Hindus, and Christians all had a part in the government. The people prospered.

In June 1984, the Indian government attacked the Sikh religion's most sacred shrine, the Golden Temple in Amritsar, the Vatican or Mecca of the Sikhs. Sant Jarnail Singh Bhindranwale, a leader of the Sikh freedom movement had warned that ''If the Indian government attacks the Golden Temple, it will lay the foundation of Khalistan.'' After the Golden Temple attack, the movement for an independent Sikh country, Khalistan, took on steam. As a result, India stepped up the repression. In the words of Narinder Singh, a spokesman for the Golden Temple who appeared on NPR in August 1997, ''The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority.''

Mr. Speaker, this is unacceptable. I must join Atinder Pal Singh, the former Member of Parliament in asking, ''why can't the Khalistan, Sikhistan, or whatever name you might like to give it be formed for the Sikhs?''

India claims to be ''the world's largest democracy.'' If that is so, then why can't India do the democratic thing and let the people of Khalistan and the peoples of all the minority nations have a free and fair plebiscite, with international monitoring, to decide the question of independence? Isn't that the democratic way? The United States does it for Puerto Rico, Canada does it for Quebec. Why can't ''the world's largest democracy'' do it for the people of Khalistan, Kashmir, Christian Nagaland, and all the other minority nations? Only when these nations are free will the repression of minorities in India end.

The U.S. Congress should go on record in support of self-determination for all the people of South Asia and we should stop American aid to India until the repression ends. The only answer is freedom. Let's do what we can to support it and expand it.

TRIBUTE TO KAREN STEIN—OUTGOING MAYOR, CITY OF CORONA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well-being of my hometown of Corona, CA, is exceptional. The city of Corona has been fortunate to have dynamic and dedicated business and community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Karen E. Stein is one of these individuals.

On December 4, 2001, Karen Stein will be honored as the outgoing 2001 City of Corona Mayor, after serving two terms on the city council. Currently serving on the Corona City Council's Infrastructure and Economic Development Committees, Karen was first elected to the Corona City Council in 1994. Previously she was a member of the Corona/Norco Unified School District Board of Trustees, the Corona Parks and Recreation Commission and the Corona Chamber of Commerce.

As a past chairwoman of the Regional Water Quality Control Board-Santa Ana Region, Karen Stein spearheaded a successful effort in 1995 to expand the city of Corona's wastewater treatment plant.

Karen Stein's leadership has been instrumental in strengthening the bonds between the city and business community. A person with passion and principles, who has strived to have a positive effect upon her local community, her other community activities include: the Fender Museum of the Arts Foundation Board of Directors, member of the Corona Historic Preservation Society, charter member of UNITY (United Neighbors Involving Today's Youth) and more.

Unquestionably a leader of women in her community, Karen has received numerous awards including being named ''Woman of Distinction'' by the Inland Empire Business Press and Soroptimist International.

Karen's tireless, engaged action have propelled the city of Corona forward in a positive and progressive manner. Her work to promote the businesses, schools and community organizations of the city of Corona make me proud to call her a fellow community member, American and friend. I know that all of Corona is grateful for her contribution to the betterment of the community and salute her as she departs. I look forward to continuing to work with her for the good of our community in the future.

RECOGNIZING VICKI WILLIAMS AND DEBBIE McMICHEN, BOSTON ELEMENTARY SCHOOL, CHEROKEE COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BARR of Georgia. Mr. Speaker, the teachers of today are extraordinary human beings, dedicated to educating America's youth. Today I would like to recognize two teachers in Georgia who are a step above extraordinary, especially to one little boy.

Just before 8:00 a.m. during the before-school program at Boston Elementary School in Cherokee County, Georgia, Vickie Williams looked over the children watching television and noticed that something was not right with one of the first-grade boys. When the boy began to clutch his throat and became discolored, Ms. Williams realized the child was choking; she responded immediately. While Ms. Williams preformed the Heimlich maneuver, Ms. Debbie McMichen dialed 911 and alerted the appropriate individuals. The two teachers, both CPR certified, successfully dislodged a small hairclip from the first-grader's throat.

Both Mrs. Vickie Williams and Ms. Debbie McMichen were recognized at a Board of Education meeting on October 9, 2001, and today I recognize them for not only being extraordinary teachers, but now, life-savers.

METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing the ''Metropolitan Washington

Regional Transportation Act'' with my colleagues Delegate NORTON and Representative WYNN.

Mr. Speaker, the metropolitan Washington D.C. region now faces some of the longest and most expensive commutes in the nation. The commuting hours have grown in length to include not just morning and evening rush hour but a growing segment of the entire workday and weekends as well. Moreover, our congestion problems are more than just a transportation problem. They are an economic problem, a quality of life issue, and now, an environmental issue as well. Automobile exhaust is now complicating this region's compliance with requirements of the Clean Air Act.

Unfortunately, as we look to the future, the situation only grows worse. For the period of 1990 through 2020, this region can expect both a 43 percent increase in population and 43 percent increase in employment. This growth and increased dependency on the automobile is expected to increase by 79 percent the number of vehicle miles traveled in the region by 2020. The Metropolitan Washington Council of Government estimates that transportation spending is falling short of this region's transportation needs by more than $1.43 billion annually.

Any solution to current and future congestion demands strategic investment in both our road and mass transit system. It demands better land use and planning decisions and better interjurisdictional cooperation. And, it also demands that this region come together and raise additional revenue to finance priority transportation projects that will provide immediate congestion relief. Now, may finally be the time for this region to come together in a shared vision to raise new revenue and finance specific congestion relief projects that otherwise will not be built.

It may not be a popular idea, but this region needs to do more. I think the key to public support is identifying a list of priority projects that could be completed on a fast track providing the public with the assurances that their additional tax dollars will buy specific congestion relief. A large number of urban communities have already established a dedicated funding source for their transit systems. Where is this region's?

This region needs to look long term and embrace the vision its predecessors did when they created the regional agreements and compacts that created Metro or the Metropolitan Washington Airports Authority. The Metropolitan Washington Regional Transportation Act I am introducing today will help fulfill a new vision and help bring relief to the current gridlock:

(1) It empowers the National Capital Region Transportation Planning Board in consultation with local jurisdictions and the public to produce a list of critical transportation projects and revenue sources that will address this region's growing congestion crisis;

(2) It establishes a Corporation with the power to accept revenue and issue debt to provide timely funding for projects that have been agreed to by the region;

(3) It grants congressional approval of a regional compact needed to help meet the region's long-term transportation needs; and

(4) It provides $60 million in matching federal grants as an incentive to encourage the creation of the federal corporation.

The Metropolitan Washington Regional Transportation Act will help create the political structure and funding priorities needed to implement a new vision.

WORLD PEACE PRIZE AWARD FOR 2001

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LEACH. Mr. Speaker, today the World Peace Prize Awarding Council will award its highest honor, the World Peace Prize, to the Vice President of Taiwan, Annette Lu. The Vice President will be the first woman to receive the award.

Ms. Lu has had a distinguished career in public service, and has been concerned in particular to promote democracy and open, accountable government in Taiwan and to further women's rights. In 1979, when Taiwan still had an authoritarian government, she made a brief speech on human rights during a public demonstration later known as the Kaohsiung Incident. Along with many other opposition figures, she was sent to prison for 12 years. After five years in prison she was released to undergo medical treatment, and promptly resumed her campaign for progressive political change on Taiwan. By the early 1990s, Taiwan had largely completed its successful transition to democratic governance. Ms. Lu entered politics in 1993 and became Vice President in March 2000—the highest-ranking woman to be elected to office in 5,000 years of Chinese history.

While Ms. Lu has taken a controversial position on Taiwan independence, one which from a U.S. perspective is beyond the contemplation of the three communiques and the Taiwan Relations Act that underpin U.S.-China relations, the heroic commitment she has made to the democratic evolution on Taiwan deserves the commendation of the world community. We honor Vice President Lu for her commitment to democracy and congratulate her for receiving the World Peace Prize.

TURKEY'S SUPPORT CRUCIAL TO SUCCESS IN AFGHANISTAN—AND BEYOND

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HOUGHTON. Mr. Speaker, as we stand here today, the political rule of the Taliban is over. They have been defeated in the north. They have fled from Kabul. They are heading for the hills.

Winston Churchill noted more than 60 years ago as Britain withstood the ravages of the German bombing attacks, this is not the beginning of the end but rather, ''the end of the beginning.''

We too, are at the end of the beginning of our worldwide effort to combat terrorism. It is a job that we must lead, but it is a job that we cannot do alone. In the earliest moments after September 11th it seemed that just a few nations would stand with us publicly and actively. One of those nations was our longtime friend and ally, Turkey.

Turkey is no stranger to terrorism. For more than 10 years it waged a fight against internal terrorists who murdered its diplomats and killed its citizens. Over the space of that decade, more than 30,000 Turks lost their lives. Yet, Turkey never hesitated in its support to us.

Within days, Turkish airspace, infrastructure and military organization was pledged in aid to the United States. Turkey went farther. On November 1st, Turkey became the third nation, after the United States and Britain, to commit ground forces in Afghanistan. It dedicated a 90-person special operations group to the ground effort.

This gesture is more than symbolic. It is real. These troops have engaged in short and long term reconnaissance missions. They have served as guides for other allied forces. They provide military assistance to humanitarian relief efforts. They work to protect citizens from harm. Turkey's knowledge of Afghanistan and its longstanding links to anti-Taliban forces make this small unit an important cog in our coalition machine.

Moreover, Turkey's commitment sends a larger signal to the Muslim world. As a democracy, indeed as the only secular democracy in the Muslim world, Turkey sends a signal that Islam and democracy are not incompatible. It is an important one for the millions of Muslims worldwide who wonder whether this effort is a disguised attack on their religion.

Mr. Speaker, as important as Turkey's decision was to send troops to Afghanistan, it should not surprise anyone. Turkey has been with us for 50 years in peace and in conflict. They stand with us today, and for that we should be grateful.

HONORING EDDY AND SALLY ARNOLD ON THEIR 60TH WEDDING ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CLEMENT. Mr. Speaker, as the United States Congressman representing Nashville, Tennessee, I rise today to honor country music legend Eddy Arnold and his wife Sally on the occasion of their 60th wedding anniversary.

My father, Governor Frank G. Clement, enjoyed a unique friendship with Arnold throughout his lifetime. In fact, my brothers and I considered him to be a ''second father'' to our family, offering advice and wisdom about many issues. His family values remain strong today, as does his status as a living legend.

A native of Henderson, Tennessee, Arnold is a member of the Country Music Hall of Fame, having sold more than 85 million records in his career. As one of the top country music performers of all time, Eddy Arnold holds a number of records in the industry, such as being the only performer to chart on Billboard in seven consecutive decades. Further, he is still ranked as the Top Country Recording Artist of All Time and holds the record for Most Country Records on the Charts.

Known as the Ambassador of Country Music, he has received numerous prestigious awards including the Country Music Association's Entertainer of the Year Award, the Academy of Country Music's Pioneer Award, and

the President's Award from the Songwriter's Guild. Because of continued devotion to fans, his fan base around the globe remains loyal and strong after 55 years in the music industry.

There is no doubt Arnold's impressive success can be equally shared with Sally, his wife and partner of 60 years, who has remained by his side throughout both rich and lean times. It is this partnership of which I stand to honor today.

IN MEMORY OF NAZAR SINGH FAGOORA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. TOWNS. Mr. Speaker, recently Nazar Singh Fagoora, a Sikh leader from Fresno, California, passed away. December 3 would have been his 86th birthday. I was informed of his passing by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, to whom he was an advisor.

Nazar Singh Fagoora believed deeply in freedom for all people. He supported the struggle to free the Sikh homeland, Khalistan, with financial contributions and with his political support. In the Fresno Gurdwara, he would post letters from the Council of Khalistan on the bulletin board to inform his fellow Sikhs of what was going on back in Punjab, Khalistan, and to encourage them to get involved in the freedom movement.

Nazar Singh Fagoora was a committed, dedicated Sikh, and a staunch Khalistani. He led a simple life. He was active in many efforts to help his fellow Sikhs, whether by trying to help people in the local community or by his financial, moral, political, and personal support of the freedom movement. I know that his family, friends, and the members of his Gurdwara will greatly miss him. Let him serve to remind us all of what it is to be a good citizen. I know I speak for everyone here when I say let God bless him and his family.

Mr. Speaker, the Council of Khalistan issued a press release in Mr. Fagoora's memory. I would like to place that in the RECORD at this time.

SIKH NATION MOURNS PASSING OF S. NAZAR SINGH FAGOORA

FRESNO SIKH WAS DEDICATED SERVANT OF KHALSA PANTH AND ALL PEOPLE

WASHINGTON, DC, November 20, 2001.—The Sikh Nation is mourning the loss of Sardar Nazar Singh Fagoora, a dedicated Sikh leader from Fresno, California, who died at the age of 85. He was a dedicated servant of the Khalsa Panth, and he will be greatly missed.

''Sardar Nazar Singh was a great human being, a committed, dedicated Sikh, and a staunch Khalistani,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization leading the Sikh Nation's struggle for the independence of the Sikh homeland. Khalistan is the name of the independent Sikh homeland declared on October 7, 1987.

''Sardar Nazar Singh gave large amounts of money in support of the struggle to liberate Khalistan. He led a simple fulfilling life, according to the principles laid down by our Gurus,'' Dr. Aulakh said. ''He was a true follower of Guru. He was a truly noble and dedicated Sikh,'' Dr. Aulakh said.

''Sardar Nazar Singh really served the Guru very well by serving the Khalsa Panth,'' Dr. Aulakh said. ''He was active in many ways in efforts to help the Khalsa Panth, whether by trying to help people in the local Sangat or by his financial, moral, political, and personal support of the freedom movement,'' he said. ''In the Fresno Gurdwara, he made sure every letter written by this office was posted on the walls of the Gurdwara as soon as it arrived. The Sangat would browse through those documents carefully,'' Dr. Aulakh said. ''I know that I will miss his counsel and advice. I don't see anyone in this country who can fill the vacuum created by his departure,'' Dr. Aulakh said.

''Sardar Nazar Singh understood that Sikhs will continue to suffer oppression in India and will continue to be misunderstood in this country as long as we do not have our own country,'' said Dr. Autakh. ''This kind of repression will continue as long as Khalistan continues to live under Indian occupation,'' he said. ''Only in a sovereign, free Khalistan will Sikhs live with honor and dignity where the Sikh religion can flourish,'' he said. ''Nations that do not have political power vanish.''

The Indian government has murdered over 250,000 Sikhs since 1984. More than 52,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Over 200,000 Christians have been killed since 1947 and over 75,000 Kashmiri Muslims have been killed since 1988. The Indian Supreme Court described the situation in Punjab as ''worse than a genocide.'' As General Narinder Singh has said, ''Punjab is a police state.'' U.S. Congressman Dana Rohrabacher has said that for Sikhs, Kashmiri Muslims, and other minorities ''India might as well be Nazi Germany.''

''Sardar Nazar Singh will be greatly missed by his family and by all Sikhs who care about freedom and about the dignity of the Khalsa Panth,'' Dr. Aulakh said. ''May Guru give peace to this departed, noble soul,'' Dr. Aulakh added.

HONORING THE EMPLOYEES OF THE U.S. POSTAL SERVICE ATLANTA DISTRICT NORTH METRO PROCESSING AND DISTRIBUTION CENTER

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BARR of Georgia. Mr. Speaker, employees of the United States Postal Service have long been irreplaceable components in our country's system of commerce and communication, Since the September 11th terrorist attacks, and and the subsequent Anthrax threats, our postal workers have been asked to step up to the front lines in protecting the citizens of the United States. That is why I would like to highlight one of the foremost distribution centers of Georgia, the Atlanta District North Metro Processing and Distribution Center.

There are over 1700 workers at the North Metro Center, who distribute over 3,000,000 pieces of mail a day. Since the September 11th attacks, their working environment has been turned upside down with threats of Anthrax, suspicious packages, and evacuations. Employees have been asked to protect themselves every day against the dangers of bioterrorism by wearing gloves and masks.

Postal workers have been called on by their country to be watchdogs for the terror we now face as a nation. They are asked every day to take on workplace challenges and pressures they probably never thought about before. The postal service has become an invaluable asset against the acts of terrorism that has plagued our country for the past two months and its workers have stepped up to protect their fellow Americans without hesitation. That is why I ask my fellow members to rise and give thanks to the workers at the Atlanta District North Metro Processing and Distribution Center for their bravery and dedication to serving their community and America.

TRIBUTE TO CHRISTIAN BROTHERS UNIVERSITY FOR 130 YEARS OF SERVICE

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. FORD. Mr. Speaker, I rise today to pay recognition to Memphis' Christian Brothers University as the school marks its 130th year of service.

After nearly a decade of work and persuasion by citizens across the Memphis and Mid-South community, November 19, 1871, finally arrived. On that day, a procession of celebrants made the storied trek from St. Peter's Catholic Church to the Memphis Female College, changing the name of the destination to Christian Brothers College.

From the beginning, this institution stood as part of the continuing legacy of St. John de la Salle, whose founding of the Institute of the Brothers of Christian Schools, or Frates Scholarum Christianarum, continues as one of the world's prolific educational systems. With the death of de la Salle in 1719 and his canonization in 1900, this system flourished to, by the middle of the 20th century, include more than 20,000 brothers teaching nearly half a million students worldwide.

In Memphis, the students who attended the first day of classes at the newly formed institution numbered 26.

The first president, Brother Maurelian, served two terms for 33 years. It was during these formative years that the institution made several changes and transition that further distinguished it as an educational institution of great worth.

The school functioned as a combined elementary school, high school and college, granting high school diplomas as well as bachelor's and master's degrees. This continued from 1871 until 1915, when the college had to close its college division temporarily due to the inordinate amount of students that enlisted for the war effort.

Following this period, the school reopened as a Junior College, granting Associate of Arts Degrees beginning in 1942. Some 11 years later, the Junior College was expanded into a 4-year institution offering bachelor's degrees to students once again.

Since this time of renewal, the college has expanded tremendously in size and coursework offered. The Master's Program was reinstated in 1987 with exponential growth in size, as reflected by the official change of the school to Christian Brothers University.

CBU today holds the distinction as one of the most diverse college communities in the Mid-South in terms of coursework offered and student population.

For CBU's record of excellence and for the responsible role of leadership it has taken in the academic community, I ask you and my colleagues in the U.S. House of Representatives to join me in saluting the legacy of this flagship institution of higher learning, Christian Brothers University.

TRIBUTE TO DR. FRED SAALFELD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of science and technology is coming to an end. Dr. Fred Saalfeld will retire as Executive Director and Technical Director of the U.S. Navy's Office of Naval Research (ONR).

Dr. Saalfeld has been a popular and highly respected scientist at the Office of Navy Research for 40 years. Dr. Saalfeld's academic career began at Southeast Missouri State University and concluded with a Ph.D. from Iowa State University, specializing in physical chemistry, inorganic chemistry and math. Soon after, his career at the Office of Navy Research began. He developed the Central Atmosphere Measuring System, now in service on the Navy's nuclear submarines. He was also instrumental in developing a new secondary ion mass spectroscopy technique that is widely used in molecular biology and medical research. After these technical successes, Dr. Saalfeld became manager of the Department of the Navy's Science and Technology research at ONR.

As Executive Director and Technical Director of ONR, Dr. Saalfeld was responsible for the entire naval research enterprise. He oversaw the development of the Research Opportunities for Program Officers program, which affords Program Officers an opportunity to undertake ''bench science'' in their area of scientific specialty while simultaneously managing their program. He also pushed to establish the naval research Young Investigator Program, which identifies new university faculty that posses the qualities to impact our Naval Forces. Dr. Saalfeld was instrumental in creating ONR's diversity committee and developing the ONR Corporate Diversity Plan.

Over the course of his career, he authored and co-authored more than 500 research papers, reports and presentations. He has been recognized by universities, scientific societies, the Navy, Department of Defense, and Presidents Carter, Reagan, Bush, and Clinton.

Mr. Speaker, Dr. Saalfeld shepherded Navy Science and Technology through trial and triumph for 40 years, ensuring the best was available for our fleet. I know the Members of the House will join me in paying tribute to this exceptional American and wish him all the best in his retirement.

AIRLINE SECURITY LEGISLATION (H.R. 3150)

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. PELOSI. Mr. Speaker, today the American public has achieved an important victory. At long last, more than two months after September 11, Congress has bowed to our true leaders, the American people, and agreed to take airline security out of the hands of the private contractors who failed so miserably to protect us.

H.R. 3150 also will ensure that all baggage is screened for weapons and explosives, cockpit doors are reinforced, airport workers are properly screened and trained, and more air marshals are stationed on our flights. Unfortunately, the bill also requires all security screeners to be U.S. citizens. Legal permanent residents serve in the armed forces, fly airplanes, work as flight attendants, and repair airplanes. Qualified legal residents should be allowed to serve as screeners too.

Mr. Chairman, our sadness is renewed by the new tragedy in New York. But now we can travel to our Thanksgiving destinations with a greater sense of security, give thanks for the loved ones gathered safely around us.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this important bill.

Over the past few months, I have come to the House Floor to emphasize the suffering conditions Afghan women have been forced to endure over the past 5 years and have urged the world to recognize the need to restore the rights of all people in Afghanistan.

Thanks to my colleagues on both sides of the aisle and to the strong voices in the administration, the plight of Afghan women have been highlighted and addressed in the past weeks.

We have all learned that under the oppressive Taliban regime:

All schooling was forbidden to girls over the age of eight.

The women's university was shut down.

Women were restricted access to medical care.

But with today's bill, we will reverse the tragedies suffered by so many. This bill, introduced and supported by women, ensures that women and children living in Afghanistan will receive the proper education and health care they desperately need and deserve.

In addition to restoring these basic rights, it is essential that women be incorporated in any coalition that is assembled to run Afghanistan.

Mr. Speaker, many Afghans have been celebrating since the liberation of Kabul, Mazar-e Sharif, and other Afghan cities that were once under Taliban control. However, women are reluctant to join in the celebration as it is unclear how the Taliban's collapse may impact their lives. Women's involvement in reconstruction and peace negotiations is essential to rebuilding that country. It will be impossible for the United States to achieve its long term goals for Afghanistan without restoring the social, human, and political rights that have been taken from women. Women must be guaranteed that their human rights are included in the constitution or legal structure of a new government in Afghanistan. This is why Congresswoman CONNIE MORELLA and I have introduced H.R. 3342, the Access for Afghan Women Act.

H.R. 3342, which I encourage my colleagues to cosponsor, proposes that aid from the United States will ensure that the economic, social, and political rights of women are recognized.

After all, excluding more than half of the Afghan population from the reconstruction process jeopardizes the long-term stability of the region.

We must ensure that Afghan women are included at each stage of the peace process and the creation of a new government of Afghanistan includes women—they are entitled to it.

INTRODUCTION OF THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS, FARMERS, COMMUNITIES AND FIRMS ACT OF 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to introduce the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001. This thoughtful and innovative legislation was originally introduced in the other body by Senators BINGAMAN, BAUCUS and DASCHLE as S. 1209, and I am pleased to introduce it in the House today along with my colleague ANNA ESHOO.

On balance, the United States benefits significantly from increased trade. Increasing productivity and enhanced means of production through new investment in plants and equipment have provided the U.S. with a comparative advantage in many sectors of our domestic economy. However, too often, proponents of trade liberalization turn a blind eye toward those sectors of our economy which do not benefit, especially our workers. Existing programs designed to help such workers are lacking and outdated. Since its enactment in 1962, trade adjustment assistance (''TAA'') has been designed to help American workers cope with the changes that occur as a result of international trade. Trade adjustment assistance is based on a simple, yet important concept: that the federal government has an obligation to assist workers who lose their jobs as a direct result of U.S. trade policy. Under TAA, workers are eligible for up to 52 weeks of income support, provided they are enrolled in re-training. The program also provides job search and relocation assistance. Despite low unemployment through the second half of the 1990s, the number of workers eligible for TAA has increased. In 2000, approximately 35,000 workers received TAA benefits. However, many affected workers either exhaust benefits too soon, don't qualify or don't participate.

TAA is in need of significant reform and modification. For instance, under the existing program, the criteria for the TAA benefits are too restrictive, and excludes too many workers who are clearly dislocated by trade and need assistance, including secondary workers—such as those working for companies that supply factories or manufacturing facilities that go out of business as a result of trade. Secondly, the program contains a confusing variety of eligibility requirements, depending on which form of TAA is desired—including those under the NAFTA–TAA program, which is designed to assist workers dislocated specifically because of NAFTA. Third, the current program provides 2 years of training, but only 18 months of COBRA assistance over that same period of time. Too often when the payments stop, people are forced to discontinue their training. Fourth, if a person goes back to work at a part-time job, he or she loses eligibility for TAA training, which is contrary to recent trends in other forms of public assistance. Finally, one of the most difficult problems displaced workers face is that their next job often pays much less than their previous job. About one-third of such workers face this circumstance, and older workers are especially hard hit.

This legislation proposes improving upon the current system in a number of ways, including the establishment of allowances, training, job search, relocation and support service assistance to secondary workers, and workers affected by shifts in production. This measure would also harmonize existing TAA and NAFTA/TAA programs to provide more effective and efficient results for individuals and communities. Realizing the difficulty for older workers to change careers, this legislation would facilitate on-the-job training and faster re-employment by providing wage insurance for up to 2 years for part of the gap between old and new earnings levels. Additionally, this legislation would increase income maintenance from 52 to 78 weeks, substantially increase funds available for training, and ensure that workers who take a part-time job don't lose training benefits. This legislation would also provide a tax credit for 50 percent of COBRA payments, increase assistance for job relocation, and link TAA recipients to child care and health care benefits under existing programs. This bill would also recognize the special circumstances faced by family farmers, ranchers and independent fishermen, and would seek to provide assistance and consulting before they lose their businesses. In addition to current practice, the President, the Senate Finance Committee, and the House Ways and Means Committee would be able, by resolution, to initiate a TAA certification process for an affected industry.

To help communities respond to job losses more quickly and efficiently, this bill would strengthen the state-based Workforce Investment Act (''WIN'') programs to expedite trade adjustment assistance applications. As a part of TAA reform, this measure would encourage greater cooperation between federal, state, regional, and local agencies that deal with individuals receiving trade adjustment assistance. At present, individuals receiving trade adjustment assistance can obtain counseling from one-stop shops in their region, but typically this is limited to information related to allowances and training, Information concerning funds available through other Federal departments and agencies is frequently not available, including information on health care for individuals and their families. To prevent the creation of duplicative programs and to use the funds that are currently available, this legislation would establish an inter-agency working group on trade adjustment assistance be created and that a inter-agency database on Federal, State, and local resources available to TAA recipients be established.

Mr. Speaker, passage of this legislation is extremely important, as it directly addresses the question of how Congress will assist those workers and communities negatively impacted by international trade. It is also long overdue, as Congress has discussed reform of the trade adjustment assistance programs for a number of years. I believe it is time to act, and I think we have a unique opportunity to act in that there is interest both in Congress and the Administration to improve the trade adjustment assistance programs in a fundamental and a beneficial way. Congress should pass legislation that will make these improvements in the trade adjustment assistance program, and I ask my colleagues to support this bill.

INTRODUCTION OF THE FEDERAL ADVISORY COMMITTEE TRANSPARENCY ACT OF 2001—THE F.A.C.T. ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MATSUI. Mr. Speaker, I am pleased to join today with Congressman HENRY WAXMAN, the Ranking Member of the Government Reform Committee, to introduce legislation that will require the President's Commission on Social Security to keep their meetings free and open to the public.

The Federal Advisory Committee Act (FACA), which governs the President's Social Security Commission, requires all meetings to be open to the public. However, under guidance issued quietly by the General Services Administration last summer, this Commission and others governed by FACA have been allowed to meet in secret subgroups. This was never the intention of FACA. The F.A.C.T. Act will close this loophole.

The President's Commission on Social Security has taken advantage of this loophole on at least two occasions. Each time, Mr. WAXMAN and I have written to the Commission expressing our deep concern for these secret subgroup meetings, to no avail. The Commission has refused to open its subgroup work to the public, necessitating introduction of this legislation.

Social Security Reform affects the lives of millions of Americans and is a critical source of income for retirees, disabled workers, and surviving spouses and children. The privatization of Social Security makes the financial challenges of the system substantially worse, necessitating large cuts in these critical benefits. Deliberations and decisions that result in this outcome should not take place behind closed doors. There is too much at stake for America's families.

HUMAN EMBRYO CLONING

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SHOWS. Mr. Speaker, the cloning of a human embryo goes far beyond the fact that it is bad public policy. We are not a society, I say we are not a creation of God, that would make a life in order to kill it. This is what is happening and this is what we must stop now. The farming of human embryos, human lives, for use as laboratory test rats is a frightening and destructive direction this nation, this society, would take.

The single responsible measure we can take is to stop human cloning now before a slow numbing acceptance takes place.

Douglas Johnson at National Right to Life said, ''Each of us began our individual life as an embryo. We were human when we were embryos, and these cloned embryos are human lives too. Once begun, human lives—including human lives begun by cloning—should be protected, not killed to provide biological raw material.'' He is right.

We must expand on the Human Cloning Prohibition Act, H.R. 2505, passed in July and make human embryo cloning completely illegal.

RECOGNIZING DIANE CAREY WOODRUFF

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Diane Carey Woodruff, who is retiring after 13 years of service with Napa Valley College.

She joined the campus in 1988 and served as Vice President of Instruction and Student Services for five years. In 1992 she was selected President of the College, the first and only woman to achieve this honor in the school's 60-year history, and has served her community with distinction.

Under her leadership, a second campus was built, as were four other buildings at the main campus, the Child Care Center, the Community Education Center, the Trefethen Family Viticultural Center, and the Napa Valley Vintners Teaching Winery. The latter two facilities were 100 percent funded through community contributions.

President Woodruff also successfully persuaded employers in the community to fund five faculty positions.

During her tenure, the Napa Valley College Foundation became one of the top ten community colleges foundations in California in terms of providing mini grants, equipment, scholarships, and an endowed chair to the college.

President Woodruff also developed a ''Naming Opportunities Program'' to develop new programs and to increase financial support for the college. The Belle Rhodes Teaching Kitchen, the Elizabeth Brereton Conference room, the Jess and Mary Doud Distance Learning Center, the Virginia Murdoff Counseling Center, and the Ann Marie Koropkin Student Center have all benefited under her leadership.

President Woodruff has received recognition from the community for her work to increase diversity on campus, including the Award of Merit from Napa County Landmarks for her leadership in establishing the Native American Dedication Garden at the Upper Valley Campus.

Among her innovations, she developed programs in paralegal services, viticulture, computer networking, culinary arts and a Fish and Game Academy. She also developed and implemented a comprehensive technology plan to better serve the students, faculty, and staff, including on-line non-credit classes and live interactive classes between the two Napa Valley campuses.

President Woodruff has also been an active participant in the community with such organizations as Napa Rotary, Leadership Napa Valley, the Culinary Institute of America, the Napa Valley Opera House, Queen of the Valley Hospital, the Napa Chamber of Commerce and the Napa Valley Symphony.

Mr. Speaker, President Diane Carey Woodruff has served her college and her community tremendously well. Therefore, it is appropriate that we honor her today for her many contributions and wish her well in her retirement.

IN HONOR OF SERGEANT WESLEY R. CALLOWAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sergeant Wesley R. Calloway of the Jersey City Police Department for his years of distinguished service on behalf of the citizens of Jersey City, NJ. Sergeant Calloway will be honored at a special retirement ceremony on Thursday, November 29, 2001, to commemorate his 28 years as a Jersey City Police Officer. The ceremony will take place at Puccini's Restaurant in Jersey City, NJ.

As an experienced veteran of the Jersey City Police Department, Sergeant Calloway has enjoyed a successful law enforcement career that included numerous awards and acclamations. During his extensive career, he has received a Commendation, two Class D Awards, and four Excellent Police Service Awards.

A graduate of Snyder High School and the Teterboro School of Aeronautics, Sergeant Calloway also served honorably in the Jersey City Army National Guard from 1969 until 1975. While in the National Guard, he was the recipient of the Army Service Ribbon and the New Jersey Good Conduct Medal.

Throughout his career, Sergeant Calloway has successfully balanced his professional responsibilities with his civic duties. He currently serves as a member of the New Jersey Police Honor Legion and is a Boy Scouts of America Troop Leader.

Sergeant Calloway and his wife Vivian are the proud parents of their son Brandon.

Today, I ask my colleagues to join me in honoring Sergeant Wesley Calloway for his selfless and committed service on behalf of the residents of New Jersey's 13th Congressional District.

HONORING THE DENVER POST'S EDITORIAL WRITER PENELOPE PURDY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to congratulate Penelope Purdy, a member of the editorial board of the Denver Post. Ms. Purdy's columns and editorials on land and natural resource protection issues were recently recognized by The Wilderness Society, which selected her has the 2001 recipient of the Aldo Leopold Award for Editorial Writing.

This award was established by The Wilderness Society in 1998. It is given to an editorial writer ''who has produced editorials forcefully making the case for protecting America's remaining wild lands.'' It is named for Aldo Leopold, a celebrated conservationist and a founder of The Wilderness Society whose book ''A Sand County Almanac'' has come to be viewed as one of the leading guides for the establishment of an environmental ethic focused on the conservation of landscapes and ecosystems. I can think of no one who is more deserving of this award than Penelope Purdy.

Ms. Purdy's body of work is impressive. She holds a masters degree in international and intercultural communications, and writes on a wide variety of domestic and foreign-policy issues. But her contributions on environmental topics are especially noteworthy. She has come to be seen as an expert on these issues, which run the gamut of Superfund cleanups, forest policies, public land recreational use, growth and open space management, federal land agency budgets and pollution of the atmosphere and water.

Her insights on these issues—so important for all of us in Colorado and the west—have had a very beneficial effect on the shaping of public policy. But it is her work on lands protection—the work that drew the attention of The Wilderness Society—that is especially extensive and distinguished.

Through a number of columns, she has effectively and forcefully promoted the practical virtues of protecting special, vanishing lands in Colorado and throughout the west. She is not simply an automatic proponent of any and all lands protection proposals, but evaluates each one on its individual merits and doesn't hesitate to make suggestions based on on-the-ground realities and real world politics. Her well-reasoned arguments have in fact helped persuade others to join in the efforts to preserve what is left of the stunning and majestic landscapes in Colorado.

I have heard it said that while good poetry is emotion recollected in tranquillity, good journalism is more like apathy stung awake in a beehive. In either case, the best writing requires passionate involvement. And the quality of Ms. Purdy's prose is no exception. It obviously arises from her own passion and perspectives as a person who combines intelligence and understanding of complex issues with the personal and emotional values that come from experiencing the outdoors. She has personally visited many of the special places—in Colorado and elsewhere—that have been the subjects of her writings. This personal touch helps inform her views and leads to an enhanced understanding of her subject matter.

To illustrate, I am attaching two of her columns. One is an informative discussion of the complex realities of the Rocky Mountain Arsenal. The other gives a glimpse of Ms. Purdy's mountain-climbing experiences. The first is a matter of great importance to all Coloradans, while the latter has a particular resonance with those of us who have also spent time seeking to reach a summit or two.

In conclusion, I again congratulate Ms. Purdy on her well-earned award, and look forward to many more insightful, well-written contributions from her on important issues facing Colorado and the nation.

[From the Denver Post, Nov. 28, 2000]

ARSENAL'S HARSH REALITY

(By Penelope Purdy)

The Rocky Mountain Arsenal exudes such a warm, fuzzy image as a wildlife refuge that Coloradans sometimes forget it's still one of the most polluted landscapes in America.

In recent weeks, workers at the federal property north of Aurora discovered six bomblets that may contain sarin, a nerve gas so deadly just a drop will kill a person—and each grapefruit-sized mini-bomb could hold 1.3 pounds. Arsenal officials admit more unpleasant surprises might be unearthed as cleanup crews pick through the site's hazardous garbage.

That confession may surprise folks who view the arsenal as a place scout troops and school groups take guided tours to gawk at bald eagles and 300 species of birds, mammals and reptiles that make their home there.

But many of these creatures live on the arsenal simply because its 27 square miles represent some of the last open prairie in the metro area. It's a sad comment on the destructive impacts of urban sprawl that wild animals prefer to live atop chemical waste than amid endless strip malls.

Yet the animals' presence doesn't erase harsh facts about the land they inhabit:

Starting in 1942, the U.S. Army used the place to manufacture hideous weapons including sarin, mustard gas and wheat rust, a biological agent capable of wiping out crops.

From 1952 to 1988, Shell Oil Co. used the same property to make pesticides, some now outlawed as too dangerous.

For 40 years, the feds and Shell dumped deadly liquid and solid wastes into unlined pits.

Some of these pits, or basins, eventually leaked, letting poisons seep into the drinking water of nearby communities.

The government didn't keep proper tabs on where it tossed unused munitions, so sarin bomblets and other explosives may be strewn around several parts of the arsenal.

Worst of all: The 1996 pact between the feds and the state of Colorado really doesn't insist on decontaminating the land. It just calls for the feds and Shell to dig up the worst toxic goo and rebury it elsewhere on the property. So the pact is less a cleanup plan than a reburial plot.

Changing the signs at the arsenal from army post to wildlife refuge didn't erase decades of lies, delays and political hardball that the feds used to stop Colorado from getting a more thorough cleansing of the place.

The feds cornered Colorado into this unhappy position despite bipartisan efforts to make the Army do better. In 1987, then-State Attorney General Duane Woodard, a Democrat, sued the federal government to force a cleanup. When Republican Gale Norton succeeded him in 1990, she pursued the case with gusto. Indeed, Colorado won several big federal court decisions.

But the Army maneuvered to stall and complicate the case. Meantime, Congress

grew alarmed at how much a full-blown decontamination of the site would cost—estimates ranged up to a mind-boggling $20 billion. Congress would never approve such a massive amount.

So by 1995, then-Lt. Gov. Gail Schoettler, another Democrat, tried to bust loose the logjam. She got a deal inked by the state, the Army, Shell, the U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency.

The planned cleanup will cost about $2 billion, of which more than $700 million already has been spent.

Now the job of holding the feds' feet to the fire has fallen to Gov. Bill Owens, a Republican who shows the same high level of concern.

And rightly so, for the 1996 deal gave Colorado half-a-loaf. For example, Adams County communities whose drinking water was ruined by the arsenal's runoff had been promised clean water. But they'll get only 4,000 acre-feet annually instead of the 10,000 acre-feet they need.

Yet, without the 1996 pact, toxins might still be oozing into the environment; lawyers certainly would still be arguing; and Congress could still be refusing to fund any real cleanup work.

As it is, some progress has been made. The feds built systems to stop pollution from reaching drinking water supplies. Some chemicals have been incinerated. A vast vat of toxic sludge called Basin F has been dug up, and its materials moved to a more stable containment site. And arsenal workers are investigating suspected problem areas—which is how they found the sarin bomblets.

Much more work lies ahead. In fact, the 1996 plan envisioned the cleanup taking at least 10 years.

Even when the plan is fulfilled, though, the place will still be polluted by substances that require decades, sometimes centuries, to break down into less toxic forms.

So despite the eagles and tour groups, here's the harsh reality about the arsenal: It will harbor deadly wastes for longer than our great-grandchildren will be alive.

[From the Denver Post, Sept. 18, 1994]

TRIUMPH ON THE SEVENTH TRY

(By Penelope Purdy)

A rainbow had decorated the previous evening. At dawn, the air's chill reminded us that autumn was peeking around the corner of the calendar. Now, in mid-morning, the cobalt September sky turned hot. Dark glasses replaced head lamps.

At about 13,000 feet above sea level, I paused and wondered when tenacity mutates into obsession.

During journeys to this valley near Westcliffe in south-central Colorado, my boots had trod many summits—Kit Carson, Challenger Point, Humboldt Peak, Crestone Needle, all of them over 14,000 feet in elevation. Crestone Peak, however, had eluded me. Six times I had been turned back from its top by lightning, fatigue and route-finding errors.

This commonly climbed mountain should not have stirred such strong emotions. I really had nothing to prove, with a Himalayan ascent, two summits in the Andes, and 52 of Colorado's 54 ''14-ers'' to my credit. Yet I returned repeatedly to battle this heap of loose rock.

''We've got it now,'' said the fellow with twinkling eyes who stood by my side. John was his name, and he had already been up this mountain, as he had all Colorado's ''14-ers'' and most of the state's summits over 13,000 feet. He was here this day because he likes the mountains, and because he knew how important this peak was to me.

For nearly a decade, we had shared a rope, a tent, and many peaks and valleys. The years and the memories had molded a relationship as close as two people can share without physical intimacy.

''Yeah, well, partner, I never say we have it until we really have it. I think it's bad karma,'' I said.

''I don't believe in karma,'' he replied. As we trudged up the next 500 vertical feet, we debated the relative merits of karmic Buddhism vs. rational empiricism.

He had saved my hide more times than I could count: grabbing me when I slipped on a slick log bridge so I didn't pitch head-first into a roaring stream with a full pack; carrying me to safety when I had broken a bone in a wilderness fall . . .

I remembered how on Kit Carson Peak, he and I were with another friend who was an inexperienced climber, and who had grown nervous at a certain tough spot. John had said, ''Steve, if you don't think you can cut the mustard, I have some right here''—and John whipped out of his coat pocket a deli-sized packet of Grey Poupon. Steve's nervousness evaporated into laughter.

Now, on Crestone, partner John was jesting again, venting his Walter Mitty day dreams, pretending we were grappling with some huge Himalayan summit alongside the great names of mountaineering: Messner, Bonnington, Scott. Perhaps they were souls only other climbers revere, but they were real people, real legends, real inspirations to all weekend warriors in all the world's great ranges.

As we clambered up the rubble-strewn gully, John began to move faster and so at one point he pulled ahead.

Looking at his boot soles reminded me of an episode on Mount of the Holy Cross. He and I had finished a splendid early summer ascent of the snow-filled east gully, but during the descent found ourselves traveling over snow so soft it wouldn't support our weight. Underneath this rotten layer hid a hard ice sheet. John slipped, slid, and couldn't stop himself with his ice ax. My choices: step out of the way and let my partner smash into the rocks below, or thrust myself into his path to check his fall. Our chests slammed into each other, and I staggered back, grateful his sharp-pointed crampons had missed my ribs. Friendship is the instinct that overwhelms selfishness.

Crestone Peak is split like a gun sight, so when we topped the gully we peered down the steep other side. Then it was a short scramble to the top, with its grand views of other high summits and the Great Sand Dunes. The raptor who had been feuding with ravens had flown off, but we still could see the big horn sheep far below. No other humans were in view.

With the help of a great soul mate, I'd finally triumphed on the seventh try. Now it was clear which was the most important, the peak or the friendship.

As we descended, I remembered an old climber's saying: you never really conquer a mountain. You stand on its summit for a few moments, then the wind blows your footprints away.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained this morning. Had I been present, I would have voted ''yes'' on rollcall 451. In addition I would have voted ''yes'' on rollcall No. 448, but was also unavoidably detained.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 450, I was unavoidably detained on official business. Had I been present, I would have voted ''yea,'' and I ask unanimous consent that this statement be placed in the appropriate portion of the RECORD.

Mr. Speaker, on rollcall vote No. 449, I was unavoidably detained on official business. Had I been present, I would have voted ''yea.''

IN HONOR OF DEPUTY POLICE CHIEF THOMAS P. KANE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and pay tribute to Deputy Police Chief Thomas Kane of the Jersey City Police Department. On Thursday, November 29, 2001, Thomas Kane will celebrate his retirement with family, friends, and colleagues at Puccini's Restaurant in Jersey City, NJ.

As a 28-year veteran of the Jersey City Police Department, Thomas Kane has enjoyed an extensive and successful career as one of Jersey City's finest. In 1973, Thomas Kane joined the Jersey City Police Department. Quickly earning the respect and admiration of his peers and supervisors, he was promoted to the rank of Sergeant in 1979. In 1985, Thomas Kane was again rewarded for his hard work and commitment, when he was appointed to the rank of Lieutenant. Between 1992 and 1994, Officer Kane served as a Commander in the Records Bureau and North District Divisions. Following his assignment in the Records Bureau and North District, he was promoted to Inspector and headed up the Inspectional Services Unit in the Office of the Chief of Police. In 1997, Mr. Kane assumed the rank of Deputy Chief.

A graduate of St. John's Grammar School and St. Michael's High School, Thomas Kane received his Bachelors of Arts in Economics from New Jersey City University. He later continued his studies at New Jersey City University by acquiring his Master's Degree in Criminal Justice.

An active community leader and role model for Jersey City youths, Thomas Kane serves as a member of the Jersey City Police Emerald Society and the Police Department's We Care Basketball Team. In addition, he serves as Executive Vice President of the Deputy Chiefs of Police Association of the State of New Jersey.

Thomas Kane and his wife Pamela are the proud parents of two daughters, Tara and Erin.

Today, I ask my colleagues to join me in honoring Thomas Kane for his commitment to helping others and for his years of distinguished service in the Jersey City Police Department.

TRIBUTE TO RIVERSIDE COMMUNITY HOSPITAL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CALVERT. Mr. Speaker, I rise today to congratulate Riverside Community Hospital, which will observe its 100th anniversary on December 2. For the past century, Riverside Community Hospital has been committed to delivering the very best healthcare to the people of Riverside and the Inland Empire.

One hundred years ago, local physicians in Riverside, concerned by the lack of available healthcare facilities and the performance of surgeries in private homes, formed what would become Riverside Community Hospital. In a meeting at the home of Dr. C. Van Zwalenburg, these local physicians pledged their own money to convert a 12-room house at the southwest corner of Eleventh and Orange Streets as the first hospital.

Shortly after the hospital opened, it was bursting at the seams and the construction of a new building was desperately needed. The citizens of Riverside generously provided much-needed financial assistance for the building's construction. In May 1904, a brand new two-story hospital building opened on Walnut Avenue, which would later become Brockton, between Eleventh and Twelfth Streets. The Riverside Daily Press described the new hospital as ''a handsome two-story building with pebble dash finish and a handsome pillared portico.''

Over the last 100 years, Riverside Community Hospital has seen its community change quite a bit. When it first opened the area was full of orange groves and people from Los Angeles drove east to take in the winter sun. A lot has changed since then but one thing has remained constant, Riverside Community Hospital's dedication to its friends and neighbors.

Riverside Community Hospital has demonstrated an ability to meet whatever challenges its faces: its staff has successfully adapted to a rapidly growing community; secured financial resources to meet the community's health demands; as well as, kept pace with scientific advances and technological changes.

On behalf of the citizens of the 43rd congressional district of California, as well as the countless number of patients they have served, I would like to extend my heartfelt thanks and congratulations to the Riverside Community Hospital for their 100 years of outstanding service to the community.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall vote No. 459, H.R. 1259, the Computer Security Enhancement Act. Had I been present, I would have voted ''yea.''

I was unavoidably detained for rollcall vote No. 450, S. Con. Res. 44, expressing the sense of the Congress regarding National Pearl Harbor Remebrance Day. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. GOSS. Mr. Speaker, I was unavoidably detained on my return from my overseas travel, as a result, I was not able to be present for rollcall votes 449 and 450. Had I been present, I would have voted ''yes'' for rollcall vote 449 and ''yes'' for rollcall vote 450.

A TRIBUTE TO THE VICTIMS OF SEPTEMBER 11TH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HORN. Mr. Speaker, the tragedy of September 11th touched all Americans in some way. Many of us in Congress lost people from the districts we represent. Some we knew personally. Others we wish we'd had a chance to meet.

I rise today to honor three heroes whom we lost on September 11th. Dorothy DeAraujo, Christopher Newton, and Marie Pappalardo.

Dorothy DeAraujo, was an aspiring artist whom I knew while serving as the president of California State University, Long Beach. She worked as the business manager's assistant, on campus she earned her Bachelors Degree in the Arts at age 69. I remember Dorothy as a delightful person who was always painting.

Dorothy was aboard United Airlines flight 175 that hit the south tower of the World Trade Center. She was returning from a visit with her son at Bedford, Massachusetts.

At the age of 80, Dorothy was still an avid painter. She lived in the Naples water-based community within Long Beach. She spent her time tending to her garden and painting vibrant watercolor scenes.

Dorothy often painted famous Long Beach landmarks such as the Queen Mary. She enjoyed traveling to places such as France, Australia, and Italy for their scenery and museums. She will always be remembered by her friends and neighbors as ''our artist.''

Christopher Newton, a Long Beach native, was a passenger aboard American Airlines flight 77 that crashed into the Pentagon. The morning of September 11th Chris boarded his flight for L–A–X with two objectives. Officially he was on business, but he also was returning to southern California to retrieve the family dog.

Chris and his wife Amy had recently moved their young family from southern California to his northern Virginia headquarters.

Friends remember Chris as a devoted family man. He also had a quick sense of humor. Chris gratefully valued his family.

An Eagle Scout at 13, Chris was both a Scoutmaster and Little League manager for his children, 8-year-old Sarah, and 11-year-old Michael. Parents reported that Chris was the kind of scoutmaster who treated all the boys as if they were his own.

Marie Pappalardo was a passenger aboard the Los Angeles bound United Airlines flight 175—the same flight that carried Dorothy DeAraujo. Marie was returning from her annual visit to Methuen, Massachusetts for her daughter's 33rd birthday.

Marie lived in the city of Paramount with her husband Steven Santoyo. The couple worked together at A–L–A Foods and shared a love for horse racing. Marie's family and friends remember her as a wonderful woman who was dedicated to her family and her three teenage stepdaughters.

THE FEDERAL ADVISORY COMMITTEE TRANSPARENCY ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. WAXMAN. Mr. Speaker, I rise to introduce the Federal Advisory Committee Transparency Act. I am joined by my colleague Representative ROBERT MATSUI who serves as the Ranking Democrat on the Ways and Means Subcommittee on Social Security. Also cosponsoring this bill are Representatives SCHAKOWSKY, OWENS, KANJORSKI, MALONEY, DOGGETT, POMEROY, and BECERRA.

Concern over the number of advisory committees and the lack of balanced advice and public participation began during the Kennedy administration. President Kennedy issued Executive Order 11007 requiring agencies to be accountable for an orderly process of seeking outside advice. That executive order became the foundation for the Federal Advisory Committee Act of 1972. The goal was to assure that in meetings special interests would not unduly influence the operations of government. The Act was passed to prevent the government from consulting only with energy company executives when developing energy policy. The Act was passed to prevent mining companies from being the sole source of advice on mining in wilderness areas. Unfortunately, the intent of that legislation has been reversed by regulations issued last summer.

Twice now, the President's Commission on Social Security has met behind closed doors. There was no announcement that these meetings were taking place, and no record of who came before the commission members in these secret meetings. There are no minutes that record the subcommittee deliberation of the members as they chart the future of the Social Security system. That is a clear violation of the intent of the Federal Advisory Committee Act, but permissible under the new regulations issued by the Bush Administration.

The Bush regulations allow advisory committees to establish subcommittees, which are not subject to the sunshine provisions that the full committee must follow. An advisory committee doesn't have to tell the public when it creates subcommittees. Those subcommittees can meet in private with whomever they choose without public notice. The Social Security Commission split into two groups—half of the members in one and half in the other—allowing them to meet as subcommittees without public scrutiny.

Secret meetings breed suspicion. The issues before the Social Security Commission are serious and difficult ones. If reform of the Social Security system is necessary, and the Commission so recommends, the public must be certain that the proposed changes have been developed after careful deliberation of all

points of view. We don't know who is attending these secret meetings, and consequently, don't know who or what arguments are shaping the commissioners' opinions.

To maintain confidence in the fairness of these deliberations, the Social Security Commission should immediately stop its secret meetings. To assure the public that no special interest group is shaping the conclusions, the Commission should immediately disband these artificial groups. Sound public policy is best made with full public involvement. This bill will both strengthen the advisory committee process, as well as restore integrity to the efforts to strengthen the Social Security system.

MEDICARE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CRANE. Mr. Speaker, I am pleased to rise today with my friend and colleague, Mr. POMEROY, to introduce the Patient Access to Physical Therapists Act. This bill allows Medicare beneficiaries direct access to qualified physical therapists without a physician referral.

Currently, Medicare beneficiaries must visit a physician before being allowed to then visit a physical therapist. This burdensome requirement in Medicare is a regulation whose time has passed. The referral mandate is unnecessary and limits access to timely and medically necessary physical therapists' services. Providing Medicare beneficiaries with direct access to physical therapists is critical as Congress looks to modernize the Medicare program.

All health care consumers should have the ability to choose the health care services they want when they need it. Allowing Medicare beneficiaries to have direct access to physical therapists will help achieve that goal. Currently, thirty-four states, including my home state of Illinois, allow for direct access to physical therapists without the added cost of a physician referral. Congress must consistently balance three factors with regard to Medicare: patient safety, accessibility of services from qualified providers, and cost or financial stability to the Medicare program.

Direct access to physical therapists allows for improved access to quality health care services. A study of BlueCross BlueShield insurance claims in Maryland indicates that when a patient has direct access to physical therapists, services are not over-utilized nor do they result in higher costs for physical therapy. State boards that regulate physical therapy confirm that patient safety is not compromised by the elimination of the referral requirement. With this in mind, the policy of improved access to physical therapists is healthy for the Medicare program and its beneficiaries. It is clear that improved access to physical therapists will maintain this critical balance of patient safety, cost to Medicare program, and improved beneficiary service. Medicare beneficiaries should have the same access to physical therapists as the rest of patients in Illinois and thirty-four other states.

Providing better access to qualified physical therapists will help ensure patients receive quality health care for all Americans. Mr. Speaker, I ask for my colleagues for their consideration and support of the Patient Access to Physical Therapists Act.

LUMEN CHRISTI HIGH SCHOOL FOOTBALL TEAM, JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SMITH of Michigan. Mr. Speaker, I rise today to call special attention to the achievements of the Lumen Christi High School football team of Jackson, Michigan. On Saturday, November 24, Lumen Christi won the Football State Championship for the second year in a row. Led by the 2001 season's coach of the year Herb Brogan, the Lumen Christi team with a record this year of 14–0, has now won 28 consecutive games, being one of the top teams in all classes in the state of Michigan.

Mr. Speaker, at this time, I would like to recognize all the 2001 Lumen Christi High School football team for their dedication to the team and their commitment to the hard work it takes to win a championship: Matt Hohne, Greg Wolvin, Kevin Coffman, Ted Piepkow, Corey Crowley, Matt Bigelow, Drew Morgan, Adam Hudechek, Paul Gross, Travis Warner, Nate Lefere, Michael Ellis, Eric Adamczyk, Brad Chase, Justin Whitney, Michael Devine, Gaelen Callahan, Ron Davis, K.C. Kutyna, Matt Kuhl, Peni Sete, Scott Ball, Matt Ojeda, Erik Wilson, Joe Smigielski, Derek Tracy, Josh Hunt, John Gonzales, Matt Walker, Casey Thompson, Clayton Richardson, David Dailey, Nick Mangas, Andy Gorczyca, Kyle Ruge, Tim Gonzales, Thomas Dailey, Andy Foster, Mike Todaro, Kyle Martin, Johnny Fry, Andy Walsh, Rob Cole, Thomas Wheeler, Patrick Daly, Adam Bowditch, Bryce Brown, Mike Frey, Chris Putra, Chris Fouty, Nick Stieber, Joel Chase, Bryan Chase, Jeremy Schrot, Thomas Devine, Quentin Wheeler, Ryan Daniel Karasek, and Jim Devine.

Head Coach Herb Brogan was assisted by his fine coaching staff: Joe Williams, Dan Crowley, Bryan Ziegler, Pat Laughlin, Pete Lefere, Mike Armeli, Joff Marcantel, Sean Brogan, Tim Sullivan, Frank Slaby, Pat Neville, Ted Cole, Mike Tash, and Jerry Sykes, and the team managers Sara Duffy, Lisa Booth, and Crystal Carlson, and trainer Carrier Stevens.

Finally, I would like to offer my thanks and congratulations to the Lumen Christi High School community—the students, alumni, faculty, staff and all the supporters from the Jackson area. As principal Father Thomas Reiden knows well, this championship could not have been accomplished without their unshakable commitment to the team this year and the many previous years. We are proud of all the Lumen Christi players and coaches for their accomplishments.

ARTICLE BY FORMER SENATOR ALAN DIXON REGARDING TERRORISM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LIPINSKI. Mr. Speaker, I rise now to bring attention to an article written by my friend and former colleague, the Honorable Senator Alan Dixon while he was co-chair of the Anti-Terrorism caucus. His article, entitled ''The Terror Next Time,'' is a fascinating prediction that causes us to reflect on our current situation, and gives us insights that are valuable in the war on terrorism.

Senator Dixon's advice on combating both international and domestic terrorism was truly visionary. This is apparent by the fact that more than fifteen years after articulating a plan of action for preventing terrorism, Senator Dixon's blue-print is identical in many ways to the one that is currently being employed. As Dixon wrote, we should, ''convene an International Congress of Terrorism to develop cooperative, multinational programs for locating, apprehending, and bringing to justice those responsible for the deaths of thousands of innocent people. On a broader level, America must develop with its allies strategies to isolate state sponsors of terrorism, strategies to our financial and commercial ties with terrorist regimes.'' He continued by advocating detailed measures that need to be taken, such as suspending arms exports to nations that support terrorism, improving extradition procedures, tightening immigration laws, promoting multilateral cooperation among police and security organizations, and creating awareness, confidence, and determination amongst our citizenry. These measures, Dixon said, would preserve and protect our democracy.

Mr. Speaker, while we cannot turn back the clock to avert the tragedy of September 11th, 2001, we can take comfort in the fact that Senator Dixon's warnings and advice are currently being heeded. I pray that such wise words are never left by the wayside again, and that the good judgment, determination, and foresight of men such as Senator Dixon guide our nation, to victory over the cowardly forces that promulgate terror. If anyone is interested in reading the full article, please feel free to call my staff at 225–5701.

TRIBUTE TO HERSCHEL FARMER OF SILVER SPRING, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. MORELLA. Mr. Speaker, it is my pleasure to pay tribute to one of my constituents, Herschel Farmer of Silver Spring, MD. At the end of this year Mr. Farmer will be retiring after more than 31 years of dedicated service with the United Parcel Service (UPS).

Mr. Farmer was born in Pulaski, VA, in 1947 and graduated from Pulaski High School in 1965. He began his UPS career in 1970 as a car washer. Less than 2 months later Mr. Farmer was promoted to the position of Package Delivery Driver.

In 1975 Herschel began his career in UPS management when he was promoted to full time manager in the UPS Atlantic District. His management career has taken him across the country from Virginia to Iowa, to Texas, and finally to Maryland. During this period he has served primarily in Operations and Labor Relations capacities.

Mr. Farmer currently serves as the Chief Operating Officer of the Metro DC District which encompasses Northern Virginia, Maryland, and Washington, DC—including our offices here in the House of Representatives. Congratulations Mr. Farmer on a long and distinguished career. Best wishes to you and your family and enjoy your retirement.

MILITARY ORDER OF THE PRESIDENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. KUCINICH. Mr. Speaker, I rise to express my concern about the military order of the President issued on November 13, 2001 and titled ''Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.''

Under this military order the President declared an ''extraordinary emergency'' that enables him to order military tribunals for suspected international terrorists and their collaborators, bypassing the American criminal justice system, its rules of evidence and its constitutional guarantees.

The creation of military tribunals would permit secret arrests, secret charges using secret evidence, secret prosecutions, secret witnesses, secret trials, secret convictions, secret sentencing, and even secret executions. The Fifth Amendment to the Constitution establishes that ''No person shall * * * be deprived of life, liberty, or property, without due process of law.'' It is therefore a matter of protecting our Constitutional rights that defendants in terrorism cases receive full due process under the law.

Furthermore, failure to subject suspected terrorists to the Constitutionally-based American system of justice will cause America to lose moral standing in the world. For years the State Department has strongly opposed the use of secret courts in countries such as Russia, China, Egypt, Peru—and Columbia. Just this summer China held secret trials of several US based scholars on espionage charges. One of the scholars was a U.S. citizen and another two were U.S. permanent residents. We demand full due process for Americans charged with a crime in a foreign country and we should not set a different standard for our non-citizens.

Just days ago Spain announced that it will not extradite eight men charged with complicity in the Sept. 11th attacks unless the United States agrees to try the suspects by a civilian court and not by a military tribunal. According to an article in the New York Times on Nov. 24, 2001, ''A senior European Union official * * * said he doubted that any of the 15 nations—all of which have renounced the death penalty and signed the European Convention on Human Rights—would agree to extradition that involved the possibility of a military trial.

Noted conservative columnist, William Safire, put to rest the erroneous argument that the establishment of military tribunals was consistent with military justice. According to Safire, ''Military attorneys are silently seething * * * The Uniform Code of Military Justice demands a public trial, proof beyond reasonable doubt, an accused's voice in the selection of juries and the right to choose counsel, unanimity in death sentencing and above all appellate review by civilians confirmed by the Senate. Not one of these fundamental rights can be found in (the Administration's) military order setting up kangaroo courts for people he designates before ''trial'' to be terrorists.''

We can not, and should not, let the actions of terrorists cause us to degrade our American system of justice.

TRIBUTE TO THE VICTIMS OF SEPTEMBER 11TH

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. HORN. Mr. Speaker, the tragedy of September 11th touched all Americans in some way. Many of us in Congress lost people from the districts we represent. Some we knew personally. Others we wished we'd had a chance to meet.

I rise today to honor three heroes whom we lost on September 11th. Dorothy DeAraujo, Christopher Newton, and Marie Pappalardo. Dorothy DeAraujo, was an aspiring artist whom I knew while serving as the president of California State University, Long Beach. She worked as the business manager's assistant on campus, while she earned her Bachelors Degree in the Arts at age 69. I remember Dorothy as a delightful person who was always painting. Dorothy was aboard United Airlines flight 175 that hit the south tower of the World Trade Center. She was returning from a visit with her son in Bedford, Massachusetts. At the age of 80, Dorothy was still an avid painter. She lived in the Naples waterbased community within Long Beach. She spent her time tending to her garden and painting vibrant watercolor scenes. Dorothy often painted famous Long Beach landmarks such as the Queen Mary. She enjoyed traveling to places such as France, Australia, and Italy for their scenery and museums. She will always be remembered by her friends and neighbors as ''our artist.''

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STATEMENT IN HONOR OF NANCY H. BECHTLE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Nancy Hellman Bechtle for her longstanding commitment to the San Francisco Bay Area community. For the last fourteen years, Nancy Bechtle has served as the President of the San Francisco Symphony. On December 3, 2001, the Board of Governors of the San Francisco Symphony, civic leaders, elected officials and friends and fans will gather for a tribute dinner and concert in Nancy's honor, to recognize what her Presidency and overall leadership has meant to the community.

A fourth generation San Franciscan and alumna of Stanford University, Nancy Bechtle comes from a family tradition which has blessed California with its philanthropy and civic involvement and she is passing this legacy on to her children. Nancy Bechtle has been a member of the Symphony's Board of Governors since 1984. Elected in 1987, she is the second woman to hold the position of President of the San Francisco Symphony.

Mrs. Bechtle's tenure was one of the most successful in the Symphony's history, highlighted by the appointment of Michael Tilson Thomas as Music Director, the completion of an acoustic renovation of Davies Symphony Hall, a major touring program that has taken the Symphony throughout Europe, Asia and the United States and the release of numerous Grammy Award winning recordings. Mrs Bechtle, with her grace and strength, negotiated a historic six year labor agreement signed in January of 1999. As a result of these efforts, the San Francisco Symphony is considered one of the world's premiere orchestral ensembles. In addition, Mrs. Bechtle has illustrated her commitment to the San Francisco community by establishing annual outdoor concerts as well as expanding the Symphony's education program for youth, Adventures in Music. Mrs. Bechtle has been recognized with numerous awards for her outstanding service to the community.

I am proud to Join my constituents in thanking and praising my friend Nancy Bechtle for her fourteen extraordinary years as President of the San Francisco Symphony. We have been truly blessed by her leadership, will miss her as President, and wish her well in all her endeavors, including her continued service on the Board of Directors of the San Francisco Symphony.

FLOOR STATEMENT FOR REP. ELLEN TAUSCHER

HON. ELLEN D. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mrs. TAUSCHER. Mr. Speaker, we have mourned. We have remembered. And we have flown the flag.

We have done a lot to honor those lost.

But we can do more to honor the men and women who became some of the greatest heroes in American history on September 11.

Many families are still searching for peace of mind and for how to explain to their children that their moms or dads aren't coming home. One of those people is Deena Burnett, who lost her husband Tom on flight 93. Another is Laurie Hart, whose husband John was in the World Trade Center September 11.

These two men are shining examples of the American spirit, and of our bravery and values as a Nation.

Nothing will ever bring back Tom or John, but we must do everything we can to help their families keep their memories alive.

Deena Burnett would like to hear the recording from flight 93's cockpit recorder. And I believe we owe that to her.

These families know the tape might not give them all the answers they're looking for. But many believe it's the only way to cement in their minds what they already know in their hearts—that their husbands and fathers and best friends died as heroes, selflessly doing everything they could to protect their fellow Americans.

Mr. Speaker, I have urged the FBI to immediately consider letting Deena Burnett hear this tape. For 7 weeks I have waited for an answer. Even worse—so have all those families.

And while Deena Burnett and all these other people have been waiting, someone shared information about their loved one's final moments with reporters. But the families'requests still go unanswered. This is heartless, and it is unacceptable.

The FBI can no longer delay making this important gesture to respect and honor the families of these American heroes.

Please, Mr. Speaker, help us give these families the best holiday gifts they could receive—the memories of those they lost.

U.S. CONGRESS MUST SUPPORT AMERICAN STEEL INDUSTRY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. LIPINSKI. Mr. Speaker, since 1998, foreign governments have been masterfully propping up their inefficient domestic steel producers. The result to the United States has been disastrous. In three years, 26 domestic steel companies have either been forced into bankruptcy proceedings or shut down altogether, amounting to 40 percent of America's former steel production capacity. The number of American workers who have lost their jobs, due to no fault of their own, stand at 28,000 and rising. Currently, foreign steel making corporations produce 300 million metric tons per year—nearly double the annual U.S. consumption.

Unfortunately, this problem is nothing new. Ever since the United States began to abandon its protective anti-dumping laws, American steel and steelworkers have been hung out to dry. In 1980, there were 547,500 American steelworkers; today there are 211,300.

This problem hits too close to home for the residents of my Congressional district. For example, last week, LTV Corporation petitioned a federal bankruptcy judge to close its coke plant at 11600 S. Burley in Chicago. This closing alone will send 3,500 employees in the Chicago area a pink slip just in time for Christmas. Last month, Acme metals of Riverdale shut down and resulted in 1,100 unemployed steelworkers.

Perhaps more damaging to my district is the fact that retired pensioners risk losing their negotiated benefits and health insurance. In 1993, when U.S. Steel closed its Southworks plant on 89th Street in Chicago, hundreds of my constituents were forced into early retirement. Today, they worry their retirement pensions will not be subject to another broken promise. Locally, 4,600 former LTV and Acme employees will join their ranks, hoping that their struggling former companies will at least be able to pay out health and pension annuities.

I would like to thank Congressman VISCLOSKY from my neighboring state of Indiana for bringing forth his Steel Industry Relief legislation to the floor of the House today. As numerous steel companies begin to move from Chapter 11 to Chapter 7 bankruptcy, it is becoming obvious that pension and health commitments will fall with the corporations. His amendment will address the needs of retired workers and allow steel companies to merge and restructure to survive in the predatory world steel market of the 21st century.

Mr. Speaker, the Steel Industry Relief legislation will only begin to address the amount of assistance Congress needs to give to the vital domestic steel industry. But it is a good start. Again, I would like to thank my colleague from my neighboring state of Indiana, Mr. VISCLOSKY, for his thoughtful amendment. His northwest Indiana district may be the most affected congressional district in the nation as a result of closing steel mills. Some congressional districts like mine will be substantially affected by these problems. But in time, all of America will surely suffer if these troubling trends continue. We must protect and support American steel.

EULOGY FOR HONORABLE JOE MOAKLEY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to make a submission into the RECORD. During the funeral mass for our late colleague Joe Moakley, Monsignor Thomas McDonnell of St. Augustine's Parish in South Boston gave a wonderful and very moving eulogy. I'd like to share his words with the House.

St. Augustine once wrote that if we ever wish to find hope, we must learn to remember. And it is this remembering that leads to the hope that must be the center of our reflection today as we give our brother, friend, colleague and public servant back to God.

My own memories will, I know, color my words. I remember a political novel about a thinly-disguised mayor of Boston. And years later, I can remember the words of the fictitious Monsignor about his hero. With due adaptation, they apply so aptly to Joe. His words were to the effect that ''to die in God's grace, to have loved many and left behind many friends, and to have done a great deal of good—what more needs to be said about any man.'' Indeed, we might leave our thoughts here, except for one thing. The phrase quoted above overlooks what contributed to Joe's goodness and greatness. It overlooks the Congressman's roots as a South Boston Irish-Italian Catholic American.

There was a spiritual depth in Joe which could easily be overlooked. After his public announcement regarding his disease, he asked to meet with me—and had one question: ''What more should I be doing to get ready to meet God?'' He had received the Sacrament of Reconciliation and he was given the sacrament of the sick by his friend Cardinal Law. But being the pragmatist he was, he wanted to know if he should be doing anything else.

This question, coming from the deepest part of himself, was a natural one to those of us who were raised in the Catholic tradition—where we were taught that the purpose of our existence was to lead us to spend an eternity of happiness with God. It was a question which took on the aspect of prayer—spoken in the language of the heart. And ultimately, it pointed to the faith-dimension of Joe's life.

Without breaking any confidentiality, I can say that I could only point Joe to the truth which I believe is so important for all of us to recognize: God's infinite, affectionate love that He has for every one of his children—the love about which Isaiah wrote:

Even if a mother would forget the child of her womb,
I can never forget you—
I have carved you on the palm of my hands.

Somehow I believe that at the moment of our death, God who has been supporting us and holding us will simply grasp us gently by the hand and lead us home.

On another level, one of the great saints of the Catholic tradition, St. John of the Cross, wrote: ''In the evening of our life, we will be judged upon love.'' And in this context, Joe would pass with flying colors. There is no doubt that Joe was loved. The outpouring of affection for him was made known to us through the media. For Joe, however, the letters he received from people whom he knew all his life—or people for whom he did favors were equally if not more important.

But we are loved because we love. True Love, as we know, is ever-expansive. And the lists of Joe's loves are as endless as they are impressive. He loved His God, his church, his special and enduring love for his wife Evelyn, his family, his constituents, South Boston, the Democratic Party and his country. In a way, I am reminded of the poet Dante's description of God, whom he described as having His arms wide-open to embrace all who turn to Him. In an analogous way, Joe's arms were open to all who turned to him, especially the poor and the needy. Because we are all made in God's image, we should learn that lesson.

It would be wrong, however, to look at Joe simply in terms of a local politician. I believe his pursuit of justice for those murdered in El Salvador proved that Joe was a true statesman who did not, however, forget his roots. His was a passionate pursuit of justice. And as the first Scripture reading notes, the just are in the hands of God.

I doubt whether Joe ever read Aristotle on his frequent trips between Boston and Washington, but he instinctively embraced the ideas of this Greek philosopher that the vocation of the politician is to strive to make others happy. This idea, combined with the Christian belief expressed in the Acts of the Apostles that Jesus was one who ''went about doing good'' explains the motivating forces for Joe's political life and successes. As the Gospel points out, there are many ways to our Father's home.

As we have seen in the past few months, Joe exercised a great appeal to so many people. I believe people saw in him 2 virtues for which people are hungry—integrity and authenticity.

But there is something else which also must be mentioned. While Joe was not without fault, his virtues outweighed his faults. It was the visible virtues of his care and compassion which earned him such encomiums as the ''voice of the voiceless.'' I think the key to Joe's personality and his success as a politician is to be found in a few verses written by the poet politician Patrick Pearse. He wrote:

Because I am of the people, I understand the people,
I am sorrowful with their sorrow, I am hungry with their desire:
My heart has been heavy with the grief of mothers,
My eyes have been wet with the tears of children
I have yearned with old wistful men,
And laughed with young men * * *

Because Joe never forgot he was a man of the people, he had an empathy and compassion for them. These virtues likewise are expansive. And Joe's legacy to us was to be a role-model of these virtues. But he also challenges us now—to make these virtues come alive in our hearts. If we do—whatever our vocation is—the world will become a better place. Joe, ''good and faithful servant,'' may you rest in peace. Amen.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of S. Con. Res. 44, in commemoration of Pearl Harbor Remembrance Day and to honor those who served their country at Pearl Harbor on December 7, 1941.

Our nation is now fully engaged in a campaign to eradicate international terrorism. The last two weeks have witnessed a great deal of progress in Afghanistan. Yet, the job is not yet complete; the Taliban remain in control of their spiritual base of Kandahar and Osama bin Laden remains at large. I can find no greater inspiration for seeing through this campaign to complete victory than the men and women of past generations who served heroically in defense of our nation, especially at Pearl Harbor on ''the day of infamy.''

One of those heroes was Dorie Miller, an African American mess attendant aboard the USS *West Virginia* when the Japanese attacked Pearl Harbor. Dorie Miller was responsible for dragging his ship's commander, who had been wounded by shrapnel, out of the line of fire. Once his captain was safe, he manned a machine gun on the ship's deck. He did so despite the fact that blacks generally did not serve in combat positions or other positions of greater responsibility and thus he had not been instructed in gunnery, With serious bombing and strafing all around him as the American battleship fleet was being decimated, Dorie Miller shot down at least two of the 29 Japanese planes that were lost by the attackers that day.

Dorie Miller continued to serve his country in the Navy during World War II. However, in 1943, he and 654 shipmates were killed in the line of duty when the Japanese sank the USS *Liscome Bay* near the Gilbert Islands.

Unfortunately, Dorie Miller's acts of valor have never been fully recognized, and some of the awards that were bestowed upon him were only given grudgingly. Initially, Dorie Miller's actions were not publicized until three months after the Pearl Harbor attack. Then, he was only given a letter of citation by the Secretary of the Navy—the lowest of awards for duty. Dorie Miller was finally awarded the Navy Cross, but only after a public campaign by civil rights organizations brought about critical attention in the press. However, Dorie Miller was not decorated with the nation's highest honor—the Congressional Medal of Honor. In fact, no African American who served in World War II received the Congressional Medal of Honor until seven Army veterans were given the award in 1997.

Mr. Speaker, as we honor the devotion, dedication and sacrifice of all who served at Pearl Harbor, I can think of no better commemoration than to finally recognize the actions of Dorie Miller. I have introduced legislation, H.R. 1994, which would begin to cure this injustice. The bill would waive the time limitation specified in current law for the awarding of military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Dorie Miller for his heroic actions during World War II. I ask my colleagues to cosponsor my bill and the Armed Services Committee to expedite its passage so that a long-awaited honor may finally be bestowed upon this deserving individual.

TRIBUTE TO HEROS OF THE FIRST DISTRICT OF SOUTH CAROLINA

HON. HENRY BROWN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to two heroes of the first district of South Carolina who died in the September 11 attack on our country. Wendy Smalls of Johns Island was working at the International Securities Firm of Canton Fitzgerald on the 104th floor of the north tower of the World Trade Center when the attack took place. She leaves behind a 7 year old son, Tyree who is now living with his grandmother, Ms. Ethel L. Smalls of Johns Island. The community has responded by adding a room to the grandmother's house to expand the living space for little Tyree.

Lyzbeth Glick, daughter of Richard and Joanne Makely of Johns Island, lost her husband Jeremy on United flight 93 that crashed in Pennsylvania. Jeremy was on the phone with his wife moments before taking on the terrorists. He told her that there were three hijackers and ''our best chance is to fight these people.'' He and several others decided to attack the hijackers to keep them from reaching their target. The plane went down and everyone on it died. FBI Special Agent Andy Black said that Jeremy Glick and the others lost their lives but spared countless lives by keeping the plane from reaching its intended target. Jeremy leaves behind his wife and their 12 week old daughter. The heroes of the first district of South Carolina will be missed but certainly not forgotten. We ask God's blessings for these families.

EXPRESSING THE GRATITUDE OF HOUSE OF REPRESENTATIVES TO GENERAL ACCOUNTING OFFICE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mr. RANGEL. Mr. Speaker, I rise today to offer my support to the House Resolution expressing the Congress's appreciation to the General Accounting Office and its employees for enabling the House of Representatives to continue its work during the closing of our buildings as a result of the anthrax attack. The GAO provided office space for and administrative support of the House with little forewarning and its employees stood by, ready to be of assistance providing a warm welcome, that made our transition that much easier. I and my staff were personally pleased to be accommodated in the offices of Mr. McCoy Williams and Ms. Lynda E. Downing for several days providing us the opportunity to continue our work while they were inconvenienced. This sacrifice was and is greatly appreciated.

During these turbulent times, our ability to depend on each other has been essential to an appropriate and expedient response to support and lead the Nation. The GAO is always an important component of our work and its performance during the most recent challenge exceeded all expectations. I thank them for their hard work and dedication.

Daily Digest

HIGHLIGHTS

House committees ordered reported 11 sundry measures.

The House passed H.R. 3338, Department of Defense Appropriations and Emergency Supplemental Act for FY 2002

Senate

Chamber Action

Routine Proceedings, pages S12065–S12112

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 1736–1741, S. Res. 184, and S. Con. Res. 86. **Page S12100**

Measures Reported:

S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections. **Page S12100**

Measures Passed:

Native American Women's Health: Senate passed S. 1741, to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000. **Page S12111**

Comprehensive Retirement Security and Pension Reform Act: Senate continued consideration of the motion to proceed to consideration of H.R. 10, to provide for pension reform. **Pages S12065–67, S12075–96**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:00 a.m., Thursday, November 29, 2001, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 10 a.m. **Pages S12066–67**

Nominations Confirmed: Senate confirmed the following nominations:

James Gilleran, of California, to be Director of the Office of Thrift Supervision for the remainder of the term expiring October 23, 2002.

Randall S. Kroszner, of Illinois, to be a Member of the Council of Economic Advisers.

Eni F.H. Faleomavaega, of American Samoa, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Steven Joseph Chabot, of Ohio, to be a Representative of the United States of America to the Fifty-sixth Session of the General Assembly of the United Nations. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.) **Page S12112**

Nominations Received: Senate received the following nominations:

Francis L. Cramer III, of New Hampshire, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

Kenneth P. Moorefield, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe. **Page S12112**

Messages From the House: **Pages S12099–S12100**

Measures Referred: **Page S12100**

Measures Placed on Calendar: **Page S12100**

Measures Read First Time: **Page S12100**

Additional Cosponsors: Pages S12100–01

Statements on Introduced Bills/Resolutions: Pages S12101–09

Amendments Submitted: Pages S12110–11

Notices of Hearings/Meetings: Page S12111

Authority for Committees to Meet: Page S12111

Adjournment: Senate met at 10:30 a.m., and adjourned at 6:38 p.m., until 9 a.m., on Thursday, November 29, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12112.)

Committee Meetings

(Committees not listed did not meet)

ANTHRAX DECONTAMINATION

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on anthrax decontamination, focusing on efforts of both the Environmental Protection Agency and the Office of Science and Technology Policy to irradiate contaminated sites and facilities, evaluate options for ensuring mail security, and secure premises for mail distribution and maximum workplace safety, after receiving testimony from John H. Marburger III, Director, Office of Science and Technology Policy; and Christine Todd Whitman, Administrator, and Richard Rupert, Federal On Scene Coordinator, both of the Environmental Protection Agency.

DEPARTMENT OF JUSTICE OVERSIGHT

Committee on the Judiciary: Committee held hearings to examine the Department of Justice's response to the September 11 attacks and implementation of the USA Patriot Act (P.L. 107–56), and certain Administration actions and proposals, including chartering military tribunals and permitting attorney-client communications monitoring, receiving testimony from Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice; William P. Barr, former Attorney General of the United States, Griffin B. Bell, King and Spalding, former Attorney General of the United States, Kate Martin, Center for National Security Studies, and Neal Katyal, Yale University Law School/Georgetown University Law Center, all of Washington, D.C.; Philip B. Heymann, Harvard Law School, Cambridge, Massachusetts, former Deputy Attorney General of the United States; and Scott L. Silliman, Duke University School of Law Center on Law, Ethics and National Security, Durham, North Carolina.

Hearings will resume Tuesday, December 4, 2001.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 15 public bills, H.R. 3357–3371 were introduced. Pages H8563–64

Reports Filed: Reports were filed today as follows:

H. Res. 297, providing for consideration of H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism (H. Rept. 107–304). Page H8563

Journal: The House agreed to the Speaker's approval of the Journal of Tuesday, Nov. 27 by a yea and nay vote of 372 yeas to 39 nays with 1 voting "present," Roll No. 451. Pages H8429–30

Suspensions: The House agreed to suspend the rules and pass the following measures:

Supporting Efforts to Reunite Americans with Their Families in North Korea: H. Con. Res. 77, expressing the sense of the Congress regarding the efforts of people of the United States of Korean ancestry to reunite with their family members in North Korea (agreed to by a yea and nay vote of 420 yeas with none voting "nay," Roll No. 452); and Pages H8430–31

Clean Diamond Trade Act: H.R. 2722, amended, to implement effective measures to stop trade in conflict diamonds (agreed to by a yea and nay vote of 408 yeas to 6 nays, Roll No. 453). Agreed to amend the title. Page H8431

Department of Defense Appropriations and Emergency Supplemental: The House passed H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002 by a yea and nay vote of 406 yeas to 20 nays, Roll No. 458. Pages H8431–H8551

Pursuant to the rule the amendment printed in H. Rept. 107–303 and dealing with additional emergency relief and recovery provisions resulting from the September 11, 2001 terrorist attacks on the United States was considered as adopted. **Page H8457**

Agreed To:

Lewis of California en bloc amendment that makes technical changes dealing with the Commission on the Future of the Aerospace Industry, a memorial at the Somerset County, Pennsylvania airplane crash site honoring those who struggled with terrorists aboard United Airlines Flight 93, and prohibitions on equipment, products, materials, made with steel not melted or poured in the United States, and sense of the Congress concerning the maintenance of a domestic manufacturing base for products necessary to national security; **Page H8473**

Inslee amendment that makes available an additional $250 million for aircraft passenger and baggage screening activities by $250 million; **Pages H8516–19**

Manzullo amendment that strikes sections 201 and 202 dealing with small business concerns located in disaster areas declared as a result of the September 11 terrorist attacks and the limitation of total loans to these businesses; **Pages H8523–24**

Sanders amendment that makes available an additional $100 million for Federally Qualified Community Health Centers; **Pages H8524–25**

Hyde amendment that prohibits any funding to provide support or assistance to the United Nations International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court; **Pages H8547–48**

Tom Davis of Virginia amendment that provides for a navigation project on the Occoquan River, Virginia; **Pages H8548–49**

Rejected:

George Miller of California amendment that sought to prohibit the use of Community Development funding for any purpose except wage supplements and health insurance assistance to unemployed workers (rejected by a recorded vote of 201 ayes to 220 noes, Roll No. 457). **Pages H8539–47, H8550**

Withdrawn:

Kucinich amendment No. 6 printed in the Congressional Record of Nov. 27 was offered but subsequently withdrawn that sought to increase funding for counter-terrorism programs by $289 million and decrease funding for the Ballistic Missile Defense facilities by $786 million. **Pages H8477–78**

Spratt amendment was offered but subsequently withdrawn that sought to restore funding of $360 million for the Space Based Infrared System (SBIRS) Low program; **Pages H8478–79**

Gilman amendment was offered but subsequently withdrawn that sought to establish the Afghanistan Freedom Act to promote the removal from power of the Taliban regime, provide authority for military assistance to eligible Afghan resistance organizations, and require periodic reports to Congress on countries who are noncompliant with measures directed against the Taliban by the United Nations Security Council. **Pages H8479–80**

LaTourette amendment was offered but subsequently withdrawn that sought to strike section 801 dealing with the acquisition of buildings and facilities in response to an emergency situation; **Pages H8515–16**

Visclosky amendment was offered but subsequently withdrawn that sought to make available $800 million for American domestic steel industry legacy relief; **Pages H8519–23**

Manzullo amendment was offered but subsequently withdrawn that sought to strike section 201; **Page H8523**

LoBiondo amendment was offered but subsequently withdrawn that sought to make available an additional $60 million for Coast Guard ports and waterway security and counter-terrorism programs; and **Pages H8536–39**

Jackson-Lee amendment was offered but subsequently withdrawn that sought to make available $5 million for enforcement of the section 212(a)(1) of the Immigration and Nationality Act dealing with health conditions and infectious diseases at U.S. borders. **Pages H8549–50**

Points of Order Sustained Against:

Filner amendment that sought to make up the difference between a Federal employee's civilian pay and military pay when the employee is serving on active duty as a Reserve or National Guard member. Sustained the ruling of the Chair as a judgement of the Committee by a recorded vote of 275 ayes to 141 noes, Roll No. 456. (Earlier, Representative Filner demanded the vote pending the absence of a quorum, and, subsequently 409 members recorded their presence, Roll No. 455); **Pages H8475–77**

Obey amendment that sought to substitute next text for Division B—Fiscal year 2002, Supplemental Appropriations, and increase funding for anti-terrorism programs, nuclear non-proliferation, and homeland protection initiatives; **Pages H8480–H8505**

Section 803 dealing with the House of Representative Office of Emergency Planning, Preparedness, and Operations; **Page H8512**

Page 183, line 24 through 25, dealing with the Airport and Airway Trust Fund; **Pages H8512–13**

Page 184, line 7 through 8; dealing with the Airport and Airway Trust Fund; **Pages H8512–13**

Page 184, line 18 through 19; dealing with the Highway Trust Fund; **Pages H8513–14**

Filner amendment No. 3 printed in the Congressional Record of Nov. 1 that sought to make available $20 million for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs; **Page H8514**

Manzullo amendment that sought to allow the use of funding for Small Business Administration 7A and 504 loan programs; **Page H8524**

Lowey amendment that sought to make available additional funding for Temporary Emergency Unemployment Assistance for the State of New York; **Pages H8525–36**

H. Res. 296, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 216 yeas to 211 nays with 1 voting ''present'', Roll No. 454. **Page H8441**

Senate messages: Messages received from the Senate today appear on page H8441.

Referral: S. 1684 was referred to the Committees on Energy and Commerce and Ways and Means. **Page H8563**

Quorum Calls—Votes: One quorum call (Roll No. 455), five yea and nay votes, and two recorded votes developed during the proceedings of the House today and appear on pages H8429–30, H8430–31, H8431, H8441, H8476, H8476–77, H8550, H8550–51.

Adjournment: The House met at 10 p.m. and adjourned at 11:36 p.m.

Committee Meetings

CONSUMER RENTAL PURCHASE AGREEMENT ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit approved for full Committee action, as amended, H.R. 1701, Consumer Rental Purchase Agreement Act.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, the following bills S. 494, Zimbabwe Democracy and Economic Recovery Act of 2001; and H.R. 2739, to amend Public Law 107–10 to require a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 3348, to designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center; and S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 38, amended, Homestead National Monument of America Additions Act; H.R. 1925, amended, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System; H.R. 1963, to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System; H.R. 2234, amended, Tumacacori National Historical Park Boundary Revision Act of 2001; H.R. 2238, amended, Fern Lake Conservation and Recreation Act of 2001; H.R. 2440, amended, to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts;'' H.R. 2742, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; and H.R. 3334, to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

TERRORISM RISK PROTECTION ACT

Committee on Rules: Granted, by a record vote of 8 to 0, with 3 voting present, a modified closed rule providing 1 hour of debate in the House on H.R. 3210, Terrorism Risk Protection Act. The rule provides that, in lieu of the amendments recommended by the Committee on Financial Services and the Committee on Ways and Means, an amendment in the nature of a substitute consisting of the text of H.R. 3357 shall be considered as adopted. The rule waives all points of order against consideration of the bill as amended. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative LaFalce or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against consideration of the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard

from Chairman Oxley and Representatives Baker, LaFalce, Kanjorski, Bentsen, Sandlin, Crowley and Pomeroy.

Joint Meetings

U.S. ECONOMY

Joint Economic Committee: Committee concluded hearings to examine issues related to the economic outlook of the nation, including a national energy policy, the tax code, and the impact of the slowing economy, after receiving testimony from R. Glenn Hubbard, Chairman, Council of Economic Advisers; Allen Sinai, Decision Economics, Inc., Boston, Massachusetts; Margo Thorning, American Council for Capital Formation, Washington, D.C.; Janet L. Yellen, University of California Department of Economics, Berkeley; and Alan S. Blinder, Princeton University Department of Economics, Princeton, New Jersey.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 29, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine funding for bioterrorism preparedness, 9 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine housing and community development needs, focusing on the fiscal year 2003 housing and urban development budget, 10 a.m., SD–538.

Committee on Finance: business meeting to mark up S. 525, to expand trade benefits to certain Andean countries; and S. 1209, to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, 9 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of John V. Hanford III, of Virginia, to be Ambassador at Large for International Religious Freedom; the nomination of Arthur E. Dewey, of Maryland, to be Assistant Secretary of State for Population, Refugees, and Migration; and the nomination of John D. Ong, of Ohio, to be Ambassador to Norway, 10:30 a.m., SD–419.

Full Committee, to hold hearings on the nomination of James David McGee, of Florida, to be Ambassador to the Kingdom of Swaziland; the nomination of Kenneth P. Moorefield, of Florida, to be Ambassador to the Gabonese Republic; and the nomination of John Price, of Utah, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Federal and Islamic Republic of The Comoros and Ambassador to the Republic of Seychelles, 3:30 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services, to resume hearings to examine combating proliferation of weapons of mass destruction with non-proliferation programs and proposed legislation entitled the Non-Proliferation Assistance Coordination Act, 9:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider subcommittee membership; S. 986, to allow media coverage of court proceedings; S. 304, to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs; S. Res. 140, designating the week beginning September 15, 2002, as "National Civic Participation Week"; and H. Con. Res. 88, expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day; and pending nominations, 10 a.m., SD–226.

House

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "Risk Communication: National Security and Public Health," 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Implementation of the Trafficking Victims Protection Act, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on "The Operations and Federal Judicial Misconduct and Recusal Statutes," 10 a.m., 2141 Rayburn.

Subcommittee on Crime, hearing on the following bills: H.R. 556, Unlawful Internet Gambling Funding Prohibition Act; and H.R. 3215, Combatting Illegal Gambling Reform and Modernization Act, 2 p.m., 1137 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, 3 p.m., H–140, Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, November 29

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of H.R. 10, Comprehensive Retirement Security and Pension Reform Act, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 29

House Chamber

Program for Thursday: Consideration of H.R. 3210, Terrorism Risk Protection Act (modified closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Barr, Bob, Ga., E2153, E2155
Bentsen, Ken, Tex., E2156
Bonior, David E., Mich., E2143, E2146
Brown, Henry E., Jr., S.C., E2164
Calvert, Ken, Calif., E2153, E2160
Clement, Bob, Tenn., E2154, E2159
Condit, Gary A., Calif., E2152
Conyers, John, Jr., Mich., E2150
Crane, Philip M., Ill., E2161
Foley, Mark, Fla., E2151
Ford, Harold E., Jr., Tenn., E2155
Goss, Porter J., Fla., E2160
Hinojosa, Rubén, Tex., E2159
Horn, Stephen, Calif., E2160, E2162
Houghton, Amo, N.Y., E2154
Israel, Steve, N.Y., E2151
Jackson-Lee, Sheila, Tex., E2152
Johnson, Eddie Bernice, Tex., E2164
Kucinich, Dennis J., Ohio, E2162
LaFalce, John J., N.Y., E2151
Langevin, James R., R.I., E2146
Leach, James A., Iowa, E2154
Lipinski, William O., Ill., E2161, E2163
McGovern, James P., Mass., E2163
Maloney, Carolyn B., N.Y., E2146, E2156
Matsui, Robert T., Calif., E2157
Menendez, Robert, N.J., E2158, E2159
Moran, James P., Va., E2153
Morella, Constance A., Md., E2149, E2161
Pallone, Frank, Jr., N.J., E2146
Pelosi, Nancy, Calif., E2156, E2162
Pomeroy, Earl, N.D., E2150
Radanovich, George, Calif., E2143, E2146
Rangel, Charles B., N.Y., E2164
Riley, Bob, Ala., E2160
Serrano, José E., N.Y., E2149
Shimkus, John, Ill., E2143, E2145, E2147, E2150
Shows, Ronnie, Miss., E2157
Shuster, Bill, Pa., E2151
Skelton, Ike, Mo., E2156
Smith, Nick, Mich., E2161
Tauscher, Ellen O., Calif., E2163
Thompson, Mike, Calif., E2157
Towns, Edolphus, N.Y., E2144, E2148, E2153, E2155
Udall, Mark, Colo., E2143, E2158
Waxman, Henry A., Calif., E2160
Woolsey, Lynn C., Calif., E2145

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